

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
) NON-DISCIPLINARY
James Shelton Wells, Jr., M.D.,) CONSENT ORDER
)
Respondent)

This matter is before the North Carolina Medical Board ("Board") on information regarding James Shelton Wells, Jr., M.D. ("Dr. Wells"). Dr. Wells admits and the Board finds and concludes that:

Whereas the Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Article 1 of Chapter 90 of the North Carolina General Statutes and the rules and regulations promulgated thereto; and

Whereas Dr. Wells is a physician licensed by the Board on or about October 14, 1978, license number 22990; and

Whereas, at the times relevant hereto, Dr. Wells practiced psychiatry and geriatric psychiatry in Hillsborough, North Carolina; and

Whereas Dr. Wells treated Patient A for a variety of conditions over a long period of time; and

Whereas Patient A first presented to Dr. Wells in 1993 with complaints including disorganization, difficulty controlling her

weight, and periods of mania, depression, dissociation and poor reality testing; and

Whereas Dr. Wells diagnosed Patient A with bipolar I disorder, attention deficit hyperactivity disorder, eating disorder not otherwise specified, and personality disorder not otherwise specified; and

Whereas, during the first eleven years that Patient A was treated by Dr. Wells, Patient A would be seen every few weeks by Dr. Wells for office visits usually lasting one hour; and

Whereas Patient A moved from North Carolina to Arizona in 2004, and subsequently continued to have sessions with Dr. Wells over the telephone every few weeks, lasting between 30 to 60 minutes; and

Whereas Dr. Wells treated Patient A with a number of medications over the years, including Klonopin, Desoxyn, Vicodin, Percocet, Imitrex, Celexa, Lamictal, Verapamil, chloral hydrate, Prevacid, Seroquel and Wellbutrin; and

Whereas Dr. Wells continued to treat Patient A for three years after her move out of state without Patient A being seen by a psychiatrist, although Dr. Wells encouraged the patient to do so; and

Whereas Dr. Wells should have insisted upon the patient's transition to a physician in her locality within six months and

ceased to prescribe for her by the end of that time whether or not she had become established with another physician; and

Whereas Dr. Wells acknowledges and agrees that he should not have undertaken to continue to treat Patient A this long by telephone, and Dr. Wells has agreed not to do so in the future; and

Whereas Dr. Wells acknowledges and agrees that the Board has jurisdiction over him and over the subject matter of this case; and

Whereas Dr. Wells knowingly waives his right to any hearing and to any judicial review or appeal in this case; and

Whereas Dr. Wells acknowledges that he has read and understands this Consent Order and enters into it voluntarily; and

Whereas Dr. Wells desires to resolve this matter without the need for more formal proceedings; and

Whereas the Board has determined that it is in the public interest to resolve this case as set forth below;

Now, therefore, with Dr. Wells' consent, it is ORDERED that:

1. Dr. Wells agrees that when patients move and cannot continue to see him in face-to-face sessions, he will promptly transition such patients to other caregivers.

2. Within six (6) months of the date of this Non-Disciplinary Consent Order, Dr. Wells shall attend a continuing medical education ("CME") course on prescribing medications. The 2009 Neuroscience Education Institute Global Psychopharmacology Congress, for which Dr. Wells is already registered, satisfies this requirement. If Dr. Wells decides to attend some other course instead, he shall request approval by the Board's Medical Director of the CME course prior to attending the CME course. In either event, Dr. Wells shall submit proof of completion of the required CME course within thirty (30) days of completing the CME course to the Compliance Department of the Board.

3. Dr. Wells shall meet with the Board or members of the Board at any times requested by the Board.

4. Dr. Wells shall obey all laws. Likewise, he shall obey all rules or regulations involving the practice of medicine.

5. Dr. Wells shall notify the Board in writing of any change in his residence or practice addresses within ten (10) days of the change.

6. This Non-Disciplinary Consent Order shall take effect immediately upon its execution by both Dr. Wells and the Board

and it shall continue in effect until specifically ordered otherwise by the Board.

7. Dr. Wells hereby waives any requirement under any law or rule that this Non-Disciplinary Consent Order be served on him.

8. Dr. Wells acknowledges and agrees that failure to comply with any of the terms of this Non-Disciplinary Consent Order shall constitute unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) and shall be grounds, after any required notice and hearing, for the Board to annul, suspend, or revoke his license, or to deny any application he might make in the future or then have pending for a license.


9. No provision of this non-disciplinary consent order shall constitute an admission for any purpose other than for this and any other proceeding before the North Carolina Medical Board.

10. Upon execution by Dr. Wells and the Board, this Non-Disciplinary Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. However, this Non-Disciplinary Consent Order will not be reported to any databanks unless the Board is directed to do so by an authorized

agency.

By Order of the North Carolina Medical Board this the
18 day of Sept, 2009.

NORTH CAROLINA MEDICAL BOARD

By: 
~~George L. Saunders, III, M.D.~~
President-Elect
Donald E. Jablonski, DO

Consented to this the 5th day of August, 2009.



James Shelton Wells, Jr., M.D.

State of North Carolina

County of Durham

I, James A. Wilson, a Notary Public for the above named County and State, do hereby certify that James Shelton Wells, Jr., M.D., personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal
This the 5th day of August, 2009.


Notary Public

(SEAL)

My Commission expires: September 3, 2012

