

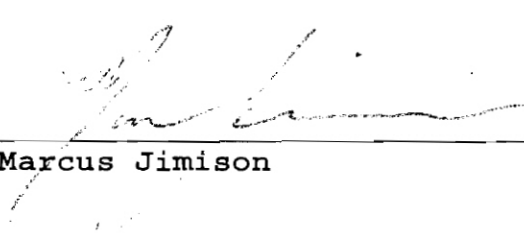
BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Ernest Romesh Chander, M.D.,) AFFIDAVIT OF SERVICE
)
Respondent.)

Marcus Jimison first being duly sworn, deposes and says as follows:

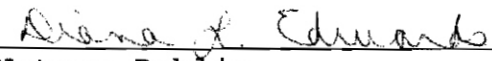
1. That a copy of the Amended Notice of Hearing in the above-captioned contested case was deposited in the post office for mailing to Respondent by certified mail.

2. That it was in fact received as evidenced by the attached copy of the Delivery Notice/Reminder/Receipt (PS Form 3811).



Marcus Jimison

Sworn to and subscribed before me,
this the 28th day of January, 2008.



Notary Public

(Seal)

My Commission expires: 11-14-09

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: **US JAIL Legal H. Smith**
2007-0638
MS-LE

ERNEST R. CHANDER MD
CAROLINAS PSYCHIATRIC SSOCIATES
CHRISTIAN COUNSELING CLINIC PA
1552 UNION RD STE C
GASTONIA NC 28054-5523

2. Article Number

7007 0710 0004 7172 8825

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Carol Moore

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	AMENDED
)	NOTICE OF CHARGES
Ernest Romesh Chander, M.D.,)	AND ALLEGATIONS;
)	NOTICE OF HEARING
Respondent.)	

The North Carolina Medical Board (hereafter "Board") has preferred and does hereby prefer the following charges and allegations:

1. 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.

2. Ernest Romesh Chander, M.D. (hereafter "Dr. Chander"), is a physician licensed by the Board on or about November 19, 1994, to practice medicine, license number 94-01389.

3. During the times relevant herein, Dr. Chander practiced medicine in Gastonia, North Carolina.

4. Dr. Chander is the primary supervising physician for Teri Carol Rodgers, NP. Ms. Rodgers is a nurse practitioner for SYMED Behavioral Medicine (hereafter "SYMED"). She is also a "State Director" in charge of other nurse practitioners working for SYMED in North Carolina. SYMED is a medical practice owned in its

entirety by Radwan Rafik Khuri, M.D. (hereafter "Dr. Khuri"). Dr. Khuri practices psychiatry in Memphis, Tennessee.

5. SYMED provides medical services, primarily psychiatric medication management, to patients residing in nursing homes across North Carolina. SYMED provides these services exclusively through the use of mid-level practitioners (nurse practitioners and physician assistants). SYMED conducts business in Burke County, Union County, Hickory, Charlotte, Gastonia, Winston-Salem, Chapel Hill and Raleigh, North Carolina.

6. Dr. Chander was hired by SYMED in 2002 to supervise Ms. Rodgers. According to Dr. Chander, his supervision of Ms. Rodgers consists primarily of the following: Ms. Rodgers comes to his practice and he discusses those patient charts that she brings with her. They discuss the types of treatments she is using and alternate treatments. Dr. Chander then sends SYMED a bill for \$200.00 every six months for his meetings with Ms. Rodgers. Ms. Rodgers brings all the "paperwork" with her to the meetings.

7. Dr. Chander did not interview or talk to Ms. Rodgers before agreeing to be her supervisor and does not consider her to be working for him. Dr. Chander has never visited Ms. Rodgers at any of her practice locations and has never observed her practicing medicine. He states that he reviews her work and signs some of her

charts, but only those charts Ms. Rodgers brings to him. Ms. Rodgers can call Dr. Chander any time to discuss a patient but it is rare for her to do so. Ms. Rodgers, at times, will call Dr. Chander once a month but not any more than that. There are times when months go by and Dr. Chander will not have had any contact with Ms. Rodgers.

8. As "State Director" for SYMED, Ms. Rodgers told Dr. Chander that he was the back-up supervising physician for two other nurse practitioners for SYMED, however, Dr. Chander admitted that he has never seen nor talked to these two other nurse practitioners. Dr. Chander agreed to be the back-up supervisor for these other nurse practitioners without interviewing them or becoming familiar with how they practice medicine.

9. Dr. Chander has never been to SYMED's offices in Memphis, Tennessee and has never been to a SYMED meeting, conference or training session.

10. 21 NCAC 32M .0101(10) reads: "Primary Supervising Physician" means the licensed physician who, by signing the nurse practitioner application, shall provide on-going supervision, collaboration, consultation and evaluation of the medical acts performed by the nurse practitioner as defined in the collaborative practice agreement. Supervision shall be in compliance with the following: (a) The primary supervising physician shall assure both Boards that the nurse practitioner is qualified to perform

those medical acts described in the collaborative practice agreement.

11. Dr. Chander does not meet the requirements of a supervising physician under 21 NCAC 32M .0101(10) because he does not provide on-going supervision, collaboration, consultation or evaluation of Ms. Rodgers. Moreover, because he does not observe Ms. Rodgers practicing medicine and only reviews those charts that she hand-picks for review during quality improvement meetings, Dr. Chander cannot assure the Board that Ms. Rodgers is qualified to perform those medical acts delegated to her in the collaborative practice agreement.

12. Three charts of SYMED patients seen by NP Rodgers were ordered to be produced for review by the Medical Board. The charts that were ordered to be produced were for those patients who had at least three encounters with Ms Rodgers. In two of those charts, the documentation was so incomplete that a meaningful review could not be done. In one chart, it was revealed that Ms. Rodgers prescribed a medication to a patient, Patient A, to which the patient had a stated allergy.

13. 21 NCAC 32M .0101(8) defines supervision as the physician's function of overseeing medical acts performed by the nurse practitioner. Dr. Chander's supervision of Ms. Rodgers, and his back-up supervision of the other nurse practitioners, is a hands-off, paper only relationship that was created not to oversee

the medical acts performed by Ms. Rodgers and others in any meaningful manner. Instead, Dr. Chander serves as Ms. Rodgers primary supervising physician simply to satisfy -- on paper -- the bare minimum requirements of the rules and regulations governing the practice of nurse practitioners in North Carolina.

14. Dr. Chander failed to supervise his mid-level practitioner properly and in accord with applicable rules and regulations, and thus committed unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6), which is grounds under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit his license to practice medicine and surgery issued by the Board.

15. Dr. Chander failed to supervise his mid-level practitioner properly and consistent with applicable rules and regulations, and this failure constitutes a violation of the laws involving the practice of medicine within the meaning of N.C. Gen. Stat. § 90-14(a)(7), which is grounds under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit his license to practice medicine and surgery issued by the Board.

NOTICE TO DR. CHANDER

Pursuant to N.C. Gen. Stat. § 90-14.2, it is hereby ordered that a hearing on the foregoing Notice of Charges and Allegations

will be held before the Board, or a panel thereof, at 8:00 a.m., Wednesday, April 16, 2008, or as soon thereafter as the Board may hear it, at the offices of the Board at 1203 Front Street, Raleigh, North Carolina, to continue until completed. The hearing will be held pursuant to N.C. Gen. Stat. § 150B-40, 41, and 42, and N.C. Gen. Stat. § 90-14.2, 14.4, 14.5, and 14.6. You may appear personally and through counsel, may cross-examine witnesses and present evidence in your own behalf.

You may, if you desire, file written answers to the charges and complaints preferred against you within 30 days after the service of this notice.

The identity of Patient A is being withheld from public disclosure pursuant to N.C. Gen. Stat. § 90-8. However, this information will be provided to you upon your request.

Pursuant to N.C. Gen. Stat. § 150B-40(c)(5), it is further ordered that the parties shall arrange a pre-hearing conference at which they shall prepare and sign a stipulation on pre-hearing conference. The pre-hearing stipulation shall be submitted to the undersigned no later than seven days prior to the hearing date.

The right to be present during the hearing of this case, including any such right conferred or implied by N.C. Gen. Stat. § 150B-40(d), shall be deemed waived by a party or his counsel by voluntary absence from the Board's office at a time when it is known that proceedings, including deliberations, are being

conducted, or are about to be conducted. In such event, the proceedings, including additional proceedings after the Board has retired to deliberate, may go forward without waiting for the arrival or return of counsel or a party.

This the 7th day of December, 2007.

NORTH CAROLINA MEDICAL BOARD

By: Janelle A. Rhyne, MD, FACP
Janelle A. Rhyne, M.D.
President

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	AMENDED
)	NOTICE OF CHARGES
Ernest Romesh Chander, M.D.,)	AND ALLEGATIONS;
)	NOTICE OF HEARING
Respondent.)	

The North Carolina Medical Board (hereafter "Board") has preferred and does hereby prefer the following charges and allegations:

1. 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.

2. Ernest Romesh Chander, M.D. (hereafter "Dr. Chander"), is a physician licensed by the Board on or about November 19, 1994, to practice medicine, license number 94-01389.

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6. Dr. Chander was hired by SYMED in 2002 to supervise Ms. Rodgers. According to Dr. Chander, his supervision of Ms. Rodgers consists primarily of the following: Ms. Rodgers comes to his practice and he discusses those patient charts that she brings with her. They discuss the types of treatments she is using and alternate treatments. Dr. Chander then sends SYMED a bill for \$200.00 every six months for his meetings with Ms. Rodgers. Ms. Rodgers brings all the "paperwork" with her to the meetings.

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charts, but only those charts Ms. Rodgers brings to him. Ms. Rodgers can call Dr. Chander any time to discuss a patient but it is rare for her to do so. Ms. Rodgers, at times, will call Dr. Chander once a month but not any more than that. There are times when months go by and Dr. Chander will not have had any contact with Ms. Rodgers.

8. As "State Director" for SYMED, Ms. Rodgers told Dr. Chander that he was the back-up supervising physician for two other nurse practitioners for SYMED, however, Dr. Chander admitted that he has never seen nor talked to these two other nurse practitioners. Dr. Chander agreed to be the back-up supervisor for these other nurse practitioners without interviewing them or becoming familiar with how they practice medicine.

9. Dr. Chander has never been to SYMED's offices in Memphis, Tennessee and has never been to a SYMED meeting, conference or training session.

10. 21 NCAC 32M .0101(10) reads: "Primary Supervising Physician" means the licensed physician who, by signing the nurse practitioner application, shall provide on-going supervision, collaboration, consultation and evaluation of the medical acts performed by the nurse practitioner as defined in the collaborative practice agreement. Supervision shall be in compliance with the following: (a) The primary supervising physician shall assure both Boards that the nurse practitioner is qualified to perform

those medical acts described in the collaborative practice agreement.

11. Dr. Chander does not meet the requirements of a supervising physician under 21 NCAC 32M .0101(10) because he does not provide on-going supervision, collaboration, consultation or evaluation of Ms. Rodgers. Moreover, because he does not observe Ms. Rodgers practicing medicine and only reviews those charts that she hand-picks for review during quality improvement meetings, Dr. Chander cannot assure the Board that Ms. Rodgers is qualified to perform those medical acts delegated to her in the collaborative practice agreement.

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the medical acts performed by Ms. Rodgers and others in any meaningful manner. Instead, Dr. Chander serves as Ms. Rodgers primary supervising physician simply to satisfy -- on paper -- the bare minimum requirements of the rules and regulations governing the practice of nurse practitioners in North Carolina.

14. Dr. Chander failed to supervise his mid-level practitioner properly and in accord with applicable rules and regulations, and thus committed unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6), which is grounds under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit his license to practice medicine and surgery issued by the Board.

15. Dr. Chander failed to supervise his mid-level practitioner properly and consistent with applicable rules and regulations, and this failure constitutes a violation of the laws involving the practice of medicine within the meaning of N.C. Gen. Stat. § 90-14(a)(7), which is grounds under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit his license to practice medicine and surgery issued by the Board.

NOTICE TO DR. CHANDER

Pursuant to N.C. Gen. Stat. § 90-14.2, it is hereby ordered that a hearing on the foregoing Notice of Charges and Allegations

will be held before the Board, or a panel thereof, at 8:00 a.m., Wednesday, April 16, 2008, or as soon thereafter as the Board may hear it, at the offices of the Board at 1203 Front Street, Raleigh, North Carolina, to continue until completed. The hearing will be held pursuant to N.C. Gen. Stat. § 150B-40, 41, and 42, and N.C. Gen. Stat. § 90-14.2, 14.4, 14.5, and 14.6. You may appear personally and through counsel, may cross-examine witnesses and present evidence in your own behalf.

You may, if you desire, file written answers to the charges and complaints preferred against you within 30 days after the service of this notice.

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The right to be present during the hearing of this case, including any such right conferred or implied by N.C. Gen. Stat. § 150B-40(d), shall be deemed waived by a party or his counsel by voluntary absence from the Board's office at a time when it is known that proceedings, including deliberations, are being

conducted, or are about to be conducted. In such event, the proceedings, including additional proceedings after the Board has retired to deliberate, may go forward without waiting for the arrival or return of counsel or a party.

This the 7th day of December, 2007.

NORTH CAROLINA MEDICAL BOARD

By: Janelle A. Rhyne, MD, FACP
Janelle A. Rhyne, M.D.
President

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Ernest Romesh Chander, M.D.,) AFFIDAVIT OF SERVICE
)
Respondent.)

Marcus Jimison first being duly sworn, deposes and says as follows:

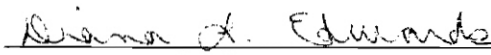
1. That a copy of the Amended Notice of Charges and Allegations; Notice of Hearing in the above-captioned contested case was deposited in the post office for mailing to Respondent by certified mail.

2. That it was in fact received as evidenced by the attached copy of the Delivery Notice/Reminder/Receipt (PS Form 3811).



Marcus Jimison

Sworn to and subscribed before me,
this the 13th day of December, 2007.



Notary Public

(Seal)

My Commission expires: 11.14.09

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: *LE-MJ Amended*
2007-0638 NAC

ERNEST R CHANDER MD
CAROLINAS PSYCHIATRIC ASSOC
CHRISTIAN COUNSELING CLINIC PA
1552 UNION RD STE C
GASTONIA NC 28054-5523

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Cancel More

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number
(Transfer from se)

7007 0710 0004 7172 7606

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	
Ernest Romesh Chander, M.D.,)	AMENDED
)	NOTICE OF HEARING
Respondent.)	

The North Carolina Medical Board has rescheduled the hearing on the Amended Notice of Charges and Allegations dated December 7, 2007, in the above-captioned matter for Wednesday, April 23, 2008, at 8:00 a.m., or as soon thereafter as possible.

This the 22nd day of January, 2008.

NORTH CAROLINA MEDICAL BOARD

By: Janelle A Rhyne MD, FACP
Janelle A. Rhyne, M.D.
President

CERTIFICATE OF SERVICE

I, the undersigned counsel for the North Carolina Medical Board, hereby certify that I have served a copy of the foregoing Notice of Hearing to Respondent by depositing a copy with the United States Postal Service, CERTIFIED MAIL/RETURN RECEIPT REQUESTED, pursuant to N.C. Gen. Stat. § 90-14.3, to the following address:

Ernest Romesh Chander, M.D.
Carolinas Psychiatric Associates
Christian Counseling Clinic, P.A.
1552 Union Road, Suite C
Gastonia, NC 28054-5523

This the 22nd day of January, 2008.



Marcus Jimison
Board Attorney
North Carolina Medical Board
1203 Front Street
Raleigh, NC 27609
(919) 326-1109, ext. 226

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	
Ernest Romesh Chander, MD,)	CONSENT ORDER
)	
Respondent.)	

This matter is before the North Carolina Medical Board (hereafter "Board") regarding the Notice of Charges and Allegations dated December 7, 2007, against Ernest Romesh Chander, M.D. (hereafter "Dr. Chander"). Dr. Chander 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

Whereas, Dr. Chander is a physician licensed by the Board on or about November 19, 1994, to practice medicine, license number 94-01389, and

Whereas, during the times relevant herein, Dr. Chander practiced medicine in Gastonia, North Carolina, and

Whereas, Dr. Chander is the primary supervising physician for Teri Carol Rodgers, NP, and

Whereas, Ms. Rodgers is a nurse practitioner for SYMED Behavioral Medicine (hereafter "SYMED"). She is also a

"State Director" in charge of other nurse practitioners working for SYMED in North Carolina, and

Whereas, SYMED is a medical practice owned in its entirety by Radwan Rafik Khuri, M.D. (hereafter "Dr. Khuri"). Dr. Khuri practices psychiatry in Memphis, Tennessee, and

Whereas, SYMED provides medical services, primarily psychiatric medication management, to patients residing in nursing homes across North Carolina. SYMED provides these services exclusively through the use of mid-level practitioners (nurse practitioners and physician assistants). SYMED conducts business in Burke County, Union County, Hickory, Charlotte, Gastonia, Winston-Salem, Chapel Hill and Raleigh, North Carolina, and

Whereas, Dr. Chander was hired by SYMED in 2002 to supervise Ms. Rodgers, and

Whereas, Dr. Chander never spoke to Ms. Rodgers before agreeing to be her supervisor and does not consider her to be working for him. Dr. Chander never visited Ms. Rodgers at any of her practice locations and never observed her practicing medicine, and

Whereas, Dr. Chander stated that he reviewed and signed only those patient charts Ms. Rodgers brought to him, and that although Ms. Rodgers could call Dr. Chander

any time to discuss a patient it was rare for her to do so, and

Whereas, as "State Director" for SYMED, Ms. Rodgers told Dr. Chander that he was the back-up supervising physician for two other nurse practitioners for SYMED, however, Dr. Chander admitted that he has never seen nor talked to these two other nurse practitioners. Dr. Chander agreed to be the back-up supervisor for these other nurse practitioners without interviewing them or becoming familiar with how they practice medicine, and

Whereas 21 NCAC 32M .0101(10) reads: "Primary Supervising Physician" means the licensed physician who, by signing the nurse practitioner application, shall provide on-going supervision, collaboration, consultation and evaluation of the medical acts performed by the nurse practitioner as defined in the collaborative practice agreement. Supervision shall be in compliance with the following: (a) The primary supervising physician shall assure both Boards that the nurse practitioner is qualified to perform those medical acts described in the collaborative practice agreement, and

Whereas, Dr. Chander did not meet the requirements of a supervising physician under 21 NCAC 32M .0101(10) because he does not provide on-going supervision, collaboration,

consultation or evaluation of Ms. Rodgers. Moreover, because he did not observe Ms. Rodgers practicing medicine and only reviewed those charts that she hand-picked for review during quality improvement meetings, Dr. Chander cannot assure the Board that Ms. Rodgers was qualified to perform those medical acts delegated to her in the collaborative practice agreement, and

Whereas Dr. Chander failed to supervise his mid-level practitioner properly and in accord with applicable rules and regulations, and thus committed unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6), which is grounds under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit his license to practice medicine and surgery issued by the Board, and

Whereas Dr. Chander failed to supervise his mid-level practitioner properly and consistent with applicable rules and regulations, and this failure constitutes a violation of the laws involving the practice of medicine within the meaning of N.C. Gen. Stat. § 90-14(a)(7), which is grounds under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit his license to practice medicine and surgery issued by the Board, and

Whereas Dr. Chander would like 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. Chander's consent, it is ORDERED that:

1. Dr. Chander is hereby REPRIMANDED.
2. Dr. Chander shall obey all laws. Likewise, he shall obey all rules and regulations involving the practice of medicine.
3. Dr. Chander shall notify the Board in writing of any change in his residence or practice addresses within ten (10) days of the change.
4. Dr. Chander shall meet with the Board or members of the Board for an informal interview at such times as requested by the Board.
5. If Dr. Chander fails to comply with any of the terms of this Consent Order, that failure 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 to practice medicine and surgery and to deny any application he might make in the future or then have pending for a license.


6. This Consent Order shall take effect immediately upon its execution by both Dr. Chander and the Board, and it shall continue in effect until specifically ordered otherwise by the Board.

7. Dr. Chander hereby waives any requirement under law or rule that this Consent Order be served on him.

8. Upon execution by Dr. Chander and the Board, this 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. Additionally, it will be reported to persons, entities, agencies, and clearinghouses as required by and permitted by law including, but not limited to, the Federation of State Medical Boards, the National Practitioner's Data Bank, and the Healthcare Integrity and Protection Data Bank.

This the 23rd day of APRIL, 2008.

NORTH CAROLINA MEDICAL BOARD

By: 
~~James A. Rhyme, MD~~ GEORGE L. SAUNDERS, MD
President-ELECT

Consented to this the 17 day of April,
2008.

ERChander, MD
Ernest Romesh Chander, M.D.

State of N.C.
County of Gaston

I, Phyllis H. Campbell, a Notary Public for
the above named County and State, do hereby certify that
Ernest Romesh Chander, M.D., ^{of Cleveland} personally appeared before me
this day and acknowledged the due execution of the
foregoing instrument.

Witness my hand and official seal

This the 17th day of April, 2008.

Phyllis H. Campbell
Notary Public

(SEAL)

My Commission expires: 3-27-2011