

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Bryan Dorsey Smith, M.D.) CONSENT ORDER
)
Respondent.)

This matter is before the North Carolina Medical Board ("Board") on information regarding Bryan Dorsey Smith, M.D. ("Dr. Smith"). Dr. Smith admits and the Board finds and concludes that:

STATUTORY AUTHORITY

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.

FINDINGS OF FACT

The Board first issued Dr. Smith a license to practice medicine on November 21, 2002, license number 200201531.

At all times relevant herein, Dr. Smith practiced psychiatry in Durham, North Carolina. Dr. Smith has a diagnosis of alcohol use disorder.

On January 8, 2010, Dr. Smith surrendered his medical license after alcohol was smelled on his breath at work. On May

21, 2010, Dr. Smith entered into a Consent Order with the Board that indefinitely suspended his North Carolina medical license.

Dr. Smith thereafter met with the North Carolina Physicians Health Program ("NCPHP"), signed a monitoring contract with NCPHP and successfully completed in-patient treatment for alcohol use disorder.

On January 26, 2011, Dr. Smith's North Carolina medical license was reinstated via a Consent Order and requirements that included maintaining his NCPHP contract.

In March 2011, Dr. Smith violated his January 26, 2011, Consent Order by consuming dextromethorphan, a substance found in over the counter cold medicines. On June 2, 2011, Dr. Smith requested that his North Carolina medical license be placed on inactive status. On September 7, 2011, Dr. Smith entered into a Consent Order with the Board that indefinitely suspended his North Carolina medical license a second time.

On June 20, 2012, Dr. Smith's North Carolina medical license was reinstated a second time via a Consent Order with a reentry plan and requirements that included maintaining his NCPHP contract and abstaining from alcohol and, unless lawfully prescribed for him, stimulants and sedatives.

On March 10, 2015, Dr. Smith successfully completed his NCPHP contract.

On March 14, 2015, Dr. Smith was found wandering on a road in Cary, North Carolina with a controlled substance stimulant prescription bottle in his pocket that belonged to one of his patients. Emergency medical services were called to evaluate Dr. Smith and he was transported to a hospital where he told the emergency room doctor that he had consumed two beers. Laboratory tests revealed that Dr. Smith had a blood alcohol content level of 0.16 and that he had ingested amphetamines and benzodiazepines. This was considered a relapse of his alcohol use disorder.

Dr. Smith was thereafter hospitalized in June 2015 and July 2015 as a result of alcohol use disorder relapse behavior.

On August 4, 2015, Dr. Smith inactivated his North Carolina medical license.

CONCLUSIONS OF LAW

Dr. Smith's inappropriate use of alcohol and other substances as described herein constitutes Dr. Smith being unable to practice medicine with reasonable skill and safety to patients by reason of excessive use of alcohol, drugs or chemicals within the meaning of N.C. Gen. Stat. § 90-14(a)(5) and grounds exist under this section of the North Carolina General Statutes for the Board to annul, suspend, revoke or limit Dr. Smith's license to practice medicine and surgery

issued by the Board or to deny any application he might make in the future.

Dr. Smith committed unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) by inappropriately using alcohol and other substances as described and, as such, grounds exist under this section of the North Carolina General Statutes for the Board to annul, suspend, revoke or limit Dr. Smith's license to practice medicine and surgery issued by the Board or to deny any application he might make in the future.

PROCEDURAL STIPULATIONS

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

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

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

Dr. Smith would like to resolve this matter without the need for more formal proceedings.

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

ORDER

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

1. Dr. Smith's license to practice medicine in North Carolina is hereby INDEFINITELY SUSPENDED.

2. Dr. Smith shall obey all laws and he shall obey all regulations related to the practice of medicine.

3. Dr. Smith shall notify the Board in writing of any change in his address within ten (10) days of the change.

4. Dr. Smith shall meet with the Board or members of the Board for an investigative interview at such times as requested by the Board.

5. If Dr. Smith 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 or 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. Smith and the Board and it shall continue in effect until specifically ordered otherwise by the Board.

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


8. Upon execution by Dr. Smith 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 and permitted by law including, but not limited to, the National Practitioner Data Bank.

By Order of the North Carolina Medical Board this the 3rd day of March, 2016.

NORTH CAROLINA MEDICAL BOARD

By: Pascal O. Udekwu
Pascal O. Udekwu, M.D.
President

Consented to this the 2 day of March, 2016.


Bryan Dorsey Smith, M.D.


State of NC

County of Wake

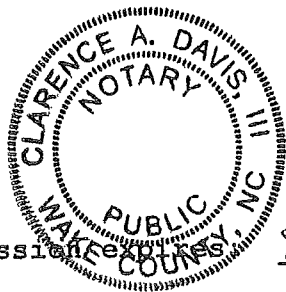
I, Clarence A Davis III, a Notary Public for the above named County and State, do hereby certify that Bryan Dorsey Smith, M.D. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal

this the 2 day of March, 2016.


Notary Public

(SEAL)



My Commission Expires

8-26-2020