

BEFORE THE  
NORTH CAROLINA MEDICAL BOARD

In re: )  
 )  
Olin Mackay Fox, M.D., ) CONSENT ORDER  
 )  
Respondent )

This matter is before the North Carolina Medical Board ("Board") regarding Olin Mackay Fox, M.D. ("Dr. Fox"). Dr. Fox 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

Dr. Fox is a physician licensed by the Board on July 17, 2009, license number 2009-01367. At all times relevant hereto, Dr. Fox practiced psychiatry in Pinehurst, North Carolina.

As a result of information coming to the Board's attention, the Board initiated an investigation related to Dr. Fox in November 2014. The investigation revealed that Dr. Fox was prescribing controlled substances to himself and an immediate family member.

A North Carolina Controlled Substances Reporting System ("NCCSRS") survey of prescriptions written by Dr. Fox from October 2012, to October 2014, revealed that Dr. Fox wrote numerous prescriptions to an immediate family member for Zolpidem Tartrate (Ambien®) 10 mg and Lorazepam (Ativan®) 0.5 mg and failed to maintain any medical records related to this. The NCCSRS survey also revealed that Dr. Fox wrote numerous prescriptions for Zolpidem Tartrate (Ambien®) 10 mg for himself and failed to maintain any medical records related to this.

That Board notes that, once notified by Board staff that this was an inappropriate practice, Dr. Fox immediately ceased prescribing for himself and his immediate family member and has transferred all care and prescribing to other medical providers.

#### CONCLUSIONS OF LAW

Dr. Fox's treatment and prescribing to himself and an immediate family member constitutes unprofessional conduct including, but not limited to, departure from or the failure to conform to the standards of acceptable and prevailing medical practice within the meaning of N.C. Gen. Stat. § 90-14(a)(6), which is grounds for the Board to annul, suspend, revoke, condition or limit Dr. Fox's medical license or to deny any application he might make in the future.

Dr. Fox's conduct also violates Rule 32 NCAC 32B .1001 which prohibits a physician from prescribing controlled substances to himself and immediate family members.

PROCEDURAL STIPULATIONS

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

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

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

Dr. Fox desires 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. Fox's consent, it is ORDERED that:

1. Dr. Fox is hereby REPRIMANDED for the above-described conduct.
2. Dr. Fox shall obey all laws. Likewise, he shall obey all rules and regulations involving the practice of medicine.
3. Dr. Fox shall notify the Board in writing of any change in his residence and practice addresses within ten (10) days of the change.

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

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

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

7. If Dr. Fox 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).

8. Upon execution by Dr. Fox 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 Practitioners Data Bank.

By Order of the North Carolina Medical Board this the 18<sup>th</sup>  
day of June, 2015.

NORTH CAROLINA MEDICAL BOARD

By: Cheryl L. Walker-McGill, M.D.  
Cheryl L. Walker-McGill, M.D.  
President

Consented to this the 10<sup>th</sup> day of June, 2015.

Olin Mackay Fox M.D.  
Olin Mackay Fox, M.D.

State of North Carolina

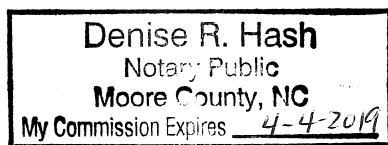
County of Moore

I, Denise R. Hash, a Notary Public for the above named County and State, do hereby certify that Olin Mackay Fox, 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 10<sup>th</sup> day of June, 2015.

Denise R. Hash  
Notary Public

(SEAL)



My Commission expires: 4-4-2019