

BEFORE THE  
NORTH CAROLINA MEDICAL BOARD

In re:	)	
	)	NOTICE OF CHARGES
Kurian Chiramel Abraham, 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. On or about July 19, 2001, the Board first issued a license to practice medicine and surgery to Kurian Chiramel Abraham, M.D. (hereafter "Dr. Abraham"), license number 200100821.

3. During the times relevant herein, Dr. Abraham practiced medicine in Morganton, North Carolina.

4. In or about May 2001, Dr. Abraham filled out an application for a North Carolina medical license. As part of that application, Dr. Abraham was asked if he had "ever been convicted of or pled guilty to a violation of a federal, state or local law including traffic violations?" To this question, Dr. Abraham answered "No." This answer was false.

5. In July 2001, Dr. Abraham appeared before a panel of the Board to discuss his application for a license. During that interview, Dr. Abraham was asked whether he had "ever been convicted of any crime other than a minor traffic violation?" To this question, Dr. Abraham answered "No." This answer was false.

6. In October 1997, Dr. Abraham was arrested and charged with driving while under the influence ("DWI") in Wake County, North Carolina and misdemeanor simple possession of marijuana. On April 17, 1998, Dr. Abraham pleaded guilty to a Level 5 DWI.

7. On January 1, 2005, Dr. Abraham was arrested and charged with driving while under the influence in Burke County, North Carolina. On November 2, 2005, Dr. Abraham was convicted of a Level 2 DWI. The Burke County Court found as a grossly aggravating factor that Dr. Abraham had a prior DWI conviction and as an aggravating factor that Dr. Abraham had a blood alcohol content of at least 0.16.

8. In November 2008, the Board received information about Dr. Abraham's 2005 DWI conviction. This same month, Dr. Abraham was interviewed by a Board investigator about the 2005 DWI conviction. During that interview, Dr. Abraham was also asked about the 1997 DWI conviction and marijuana possession charges from Wake County. Dr. Abraham denied the existence of this conviction and these charges and insisted that he had never been charged with these offenses. He stated that other than the 2005 Burke County

DWI charge, he had never been charged or convicted of any criminal offense other than minor traffic violations.

9. In December 2008, Dr. Abraham requested another meeting with the Board investigator. During this meeting, Dr. Ahraham, with his attorney present, admitted to the Board investigator that he had not been truthful to the Board investigator when he denied knowledge of the 1997 Wake County DWI arrest and conviction when he was interviewed by the Board investigator the previous month.

10. In or about January 2006, Dr. Abraham was asked in his Board annual renewal form of his medical license, whether he had been convicted of a crime since he last registered his medical license with the Board. To this question, Dr. Abraham answered "No." This answer was false.

11. Dr. Abraham's conduct, as described above, including his criminal arrests and convictions, his providing false information on his application for a North Carolina medical license, his providing false information to the Board on his annual renewal of his North Carolina medical license, and his providing false information to the Board's investigator, constitutes unprofessional conduct, including, but not limited to, departure from, or the failure to conform to, the standards of acceptable and prevailing medical practice, or the ethics of the medical profession, irrespective of whether or not a patient is injured thereby, within the meaning of N.C. Gen. Stat. § 90-14(a)(6), and grounds exist

under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit Dr. Abraham's license to practice medicine issued by the Board or to deny any future application he might make.

12. By providing a false answer on his application for a North Carolina medical license regarding his criminal record, Dr. Abraham made a false statement or representation to the Board, or willfully concealed from the Board material information in connection with an application for a license within the meaning of N.C. Gen. Stat. § 90-14(a)(3), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit Dr. Abraham's license to practice medicine issued by the Board or to deny any future application he might make.

13. By providing false information to a Board investigator, Dr. Abraham made false statements or representations to the Board, or willfully concealed from the Board material information in connection with an investigation or inquiry by the Board within the meaning of N.C. Gen. Stat. § 90-14(a)(3), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit Dr. Abraham's license to practice medicine issued by the Board or to deny any future application he might make.



NOTICE TO DR. ABRAHAM

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, on June 17, 2009, at 8:00 a.m. or as soon thereafter, 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.

Pursuant to N.C. Gen. Stat. § 150B-40(c)(5), it is further ordered that the parties shall arrange a prehearing conference at which they shall prepare and sign a stipulation on prehearing conference. The prehearing 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 26<sup>th</sup> day of March, 2009.

NORTH CAROLINA MEDICAL BOARD

By:   
George L. Saunders, III, M.D.  
President

BEFORE THE  
NORTH CAROLINA MEDICAL BOARD

In re:	)	
	)	
Kurian Chiramel Abraham, M.D.,	)	AFFIDAVIT OF SERVICE
	)	
Respondent.	)	

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

1. That a copy of the 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 16<sup>th</sup> day of April, 2009.

Diana L. Edwards  
\_\_\_\_\_  
Notary Public

(Seal)

My Commission expires: 11-14-09

- 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:

Kurian Chiramel Abraham, M.D.  
Memory Clinic  
207 Queen Street  
Morganton, NC 28655

Legal - NOC, NOH  
MJ-CH

A. Signature

X *Andy Cole*

☐ Agent  
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

3/30/09

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 service label)

7008 1300 0001 1536 0971

PS Form 3811, February 2004

Domestic Return Receipt

102585-02-44-1540

BEFORE THE  
NORTH CAROLINA MEDICAL BOARD

In Re

Kurian C. Abraham, M.D.

Respondent

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)

**MOTION TO CONTINUE**

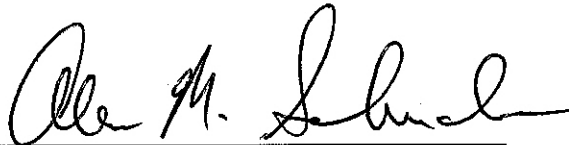
COMES NOW the Respondent, and with no objection from the Attorney for the Medical Board, moves for a continuance of the hearing in this case. In support of this motion, Respondent shows the following:

1. The hearing in this matter is currently scheduled on June 17, 2009.
2. Additional time is requested so that undersigned counsel and counsel for the Board can explore a possible resolution of the charges.
3. Counsel for the Medical Board, Marcus Jimison, has been notified regarding the above referenced motion and does not object to this request for a continuance.

WHEREFORE, the Respondent, by and through undersigned counsel, respectfully requests that this matter be continued from June 17, 2009 and rescheduled for a later date.

RESPECTFULLY SUBMITTED this the 4<sup>th</sup> day of June 2009.

CHESHIRE, PARKER, SCHNEIDER  
BRYAN & VITALE




Alan M. Schneider.  
P.O. Box 1029  
Raleigh, North Carolina 27602  
Telephone: (919) 833-3114  
Attorney for Respondent

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing Motion To Continue was duly served upon all parties of record to this cause by sending a copy to the party's attorney of record by facsimile in accordance with the provisions of Rule 5, North Carolina Rules of Civil Procedure:

This the 4<sup>th</sup> day of June 2009.

  
Alan M. Schneider

SERVED

Marcus Jimison  
North Carolina Medical Board  
Post Office Box 20007  
Raleigh, North Carolina 27619  
Facsimile: (919) 326-0036

BEFORE THE  
NORTH CAROLINA MEDICAL BOARD

In re:	)	
	)	
Kurian C. Abraham, M.D.,	)	ORDER
	)	
Respondent.	)	

This matter is before the undersigned President of the North Carolina Medical Board regarding the hearing scheduled for June 17, 2009 in the above-captioned case. Upon consideration of Respondent's Motion to Continue, I hereby enter the following ORDER:

The hearing scheduled for June 17, 2009 is continued and shall be heard at 8:00 a.m. on August 19, 2009 or as soon thereafter as the Board or a panel thereof may hear it.

This the 10<sup>th</sup> day of June, 2009.

NORTH CAROLINA MEDICAL BOARD


By: *George L. Saunders III*  
George L. Saunders, III, M.D.  
President

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a copy of the foregoing Order has been duly served upon the Respondent's attorney by electronic mail and by mailing them by placing a copy in the U.S. Mail, postage-paid to the following address:

Alan Schneider, Esq.  
Cheshire Parker Schneider Bryan & Vitale  
Post Office Box 1029  
Raleigh, NC 27602  
Alan.Schneider@cheshirepark.com

This the 10<sup>th</sup> day of June, 2009.



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Marcus Jimison  
Board Attorney  
North Carolina Medical Board  
P.O. Box 20007  
Raleigh, NC 27619-0007  
(919) 326-1109, ext. 226



BEFORE THE  
NORTH CAROLINA MEDICAL BOARD

In Re

Kurian C. Abraham, M.D.

Respondent

)  
)  
)  
)  
)  
)

**MOTION TO CONTINUE**

COMES NOW the Respondent, and with no objection from the Attorney for the Medical Board, moves for a continuance of the hearing in this case. In support of this motion, Respondent shows the following:

1. The hearing in this matter is currently scheduled on August 19, 2009.
2. Undersigned counsel and counsel for the Board have reached a settlement which has been approved by the Board.
3. Counsel for the Medical Board, Marcus Jimison, has been notified regarding the above referenced motion and does not object to this request for a continuance.

WHEREFORE, the Respondent, by and through undersigned counsel, respectfully requests that this matter be continued from August 19, 2009.

RESPECTFULLY SUBMITTED this the 17<sup>th</sup> day of August 2009.

CHESHIRE, PARKER, SCHNEIDER  
BRYAN & VITALE




Alan M. Schneider.  
P.O. Box 1029  
Raleigh, North Carolina 27602  
Telephone: (919) 833-3114  
Attorney for Respondent

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing Motion To Continue was duly served upon all parties of record to this cause by sending a copy to the party's attorney of record by facsimile in accordance with the provisions of Rule 5, North Carolina Rules of Civil Procedure:

This the <sup>th</sup>17 day of August 2009.

  
Alan M. Schneider

SERVED

Marcus Jimison  
North Carolina Medical Board  
Post Office Box 20007  
Raleigh, North Carolina 27619  
Facsimile: (919) 326-0036

BEFORE THE  
NORTH CAROLINA MEDICAL BOARD

In re:	)	
	)	
Kurian Chiramel Abraham, M.D.	)	CONSENT ORDER
	)	
Respondent.	)	

This matter is before the North Carolina Medical Board (hereafter "Board") regarding the Notice of Charges and Allegations dated March 26, 2009 against Kurian Chiramel Abraham, M.D. (hereafter "Dr. Abraham"). Dr. Abraham 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, on or about July 19, 2001, the Board first issued a license to practice medicine and surgery to Dr. Abraham, license number 200100821, and

Whereas, during the times relevant herein, Dr. Abraham practiced medicine in Morganton, North Carolina, and

Whereas, on October 1997, prior to his licensure, Dr. Abraham was arrested and charged with driving while under the influence ("DWI") in Wake County, and

Whereas on April 17, 1998 Dr. Abraham, by and through his counsel, pleaded guilty to a Level 5 DWI, and

Whereas, on or about May 2001, Dr. Abraham filled out an application for a North Carolina medical license, and

Whereas, as part of that application, Dr. Abraham was asked if he had "ever been convicted of or pled guilty to a violation of a federal, state or local law including traffic violations?", and

Whereas, to this question, Dr. Abraham answered "No.", and

Whereas this answer was false, and

Whereas, in July 2001, Dr. Abraham appeared before a panel of the Board to discuss his application for a license, and

Whereas, during that interview, Dr. Abraham was asked whether he had "ever been convicted of any crime other than a minor traffic violation?", and

Whereas, to this question, Dr. Abraham answered "No.", and

Whereas, this answer was false, and

Whereas Dr. Abraham contends that he mistakenly believed that the DWI charge had been dismissed, and

Whereas, on January 1, 2005, Dr. Abraham was arrested and charged with driving while under the influence in Burke County, North Carolina, and

Whereas, on November 2, 2005, Dr. Abraham was convicted of a Level 2 DWI, and

Whereas, the Burke County Court found as a grossly aggravating factor that Dr. Abraham had a prior DWI conviction and as an aggravating factor that Dr. Abraham had a blood alcohol content of at least 0.16, and

Whereas, on November 2008, the Board received information about Dr. Abraham's 2005 DWI conviction, and

Whereas, this same month, Dr. Abraham was interviewed by a Board investigator about the 2005 DWI conviction, and

Whereas during that interview, Dr. Abraham was asked about the 1997 DWI conviction from Wake County, and

Whereas Dr. Abraham denied the existence of this conviction and insisted that he had never been charged with a DWI prior to the Burke County DWI, and

Whereas Dr. Abraham contends that he initially relied on the advice of local counsel in responding to this inquiry, and

Whereas, in December 2008, Dr. Abraham requested another meeting with the Board investigator, and

Whereas during this meeting, Dr. Abraham, with his attorney present, admitted to the Board investigator the existence of the 1997 Wake County DWI arrest and conviction, and

Whereas, Dr. Abraham failed to disclose his Burke County DWI conviction in his license renewal application with the Board, and

Whereas Dr. Abraham's conduct, as described above, constitutes unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-

14(a)(6), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit Dr. Abraham's license to practice medicine issued by the Board or to deny any future application he might make, and

Whereas, by failing to ensure the accuracy of his responses to any Board inquiry regarding his criminal record, Dr. Abraham made a false statement or representation to the Board in connection with an application for a license within the meaning of N.C. Gen. Stat. § 90-14(a)(3), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit Dr. Abraham's license to practice medicine issued by the Board or to deny any future application he might make, and

Whereas Dr. Abraham would like to resolve this matter without the need for more formal proceedings, and

Whereas the Board notes that Dr. Abraham has no history of any discipline with the Board, and

Whereas Dr. Abraham understands that the ultimate responsibility to ensure accurate reporting rests with him as the licensee, 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. Abraham's consent, it is ORDERED that:

1. Dr. Abraham' North Carolina medical license is hereby SUSPENDED for a period of SIX (6) MONTHS. This Suspension is hereby IMMEDIATELY STAYED, except for a period of THIRTY (30) DAYS, beginning on December 1, 2009 and ending on December 31, 2009 wherein Dr. Abraham shall serve an ACTIVE SUSPENSION. Furthermore, Dr. Abraham is placed on PROBATION for SIX (6) MONTHS from the date of this Consent Order.

2. Dr. Abraham shall obey all laws. Likewise, he shall obey all rules and regulations involving the practice of medicine.

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

4. Dr. Abraham 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. Abraham 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. Abraham and the Board, and it shall continue in effect until specifically ordered otherwise by the Board.

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

8. Upon execution by Dr. Abraham 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.

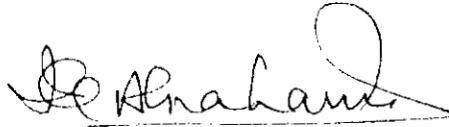
This the 8th day of October, 2009.

NORTH CAROLINA MEDICAL BOARD

By:   
George L. Saunders, III, MD  
President



Consented to this the 5<sup>th</sup> day of October, 2009.



Kurian Chiramel Abraham, M.D.

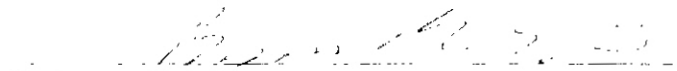
State of North Carolina

County of Wake

I, Benjamin M. Spiker, a Notary Public for the above named County and State, do hereby certify that Kurian Chiramel Abraham, 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 5<sup>th</sup> day of October, 2009.

  
Notary Public Benjamin M. Spiker

(SEAL)

My Commission expires: 2/24/12