

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	
John Milton Billinsky, M.D.,	)	NOTICE OF CHARGES
	)	AND ALLEGATIONS;
Respondent.	)	NOTICE OF HEARING

The North Carolina Medical Board (hereinafter 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. Dr. Billinsky is a physician licensed by the Board to practice medicine and surgery on or about November 3, 2004; license number 27893.

3. During the times relevant herein, Dr. Billinsky practiced psychiatry in Shelby, North Carolina.

4. Dr. Billinsky treated Patients A through E between 2005 and 2009 for a variety of psychiatric conditions.

5. In addition to providing psychiatric treatment, Dr. Billinsky prescribed controlled substances to Patient A, B, D, and E for the treatment of pain.

6. The patient medical records of Patients A - E were provided to a physician reviewer board certified in psychiatry to determine if the care rendered by Dr. Billinsky was within the accepted and prevailing standard of care of the medical community in North Carolina

7. The physician found instances where Dr. Billinsky's diagnosis, treatment and documentation of care provided to Patient A through E were below standards of acceptable and prevailing medical practice.

8. Dr. Billinsky's care and treatment of Patient A through E and failure to maintain accurate, current and complete medical records constitutes unprofessional conduct, in that it was a 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), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit his license to practice medicine and surgery issued by the Board or deny any application he might make in the future; and

NOTICE TO DR. BILLINSKY

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., Thursday, April 21, 2011, 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 identities of Patient A through E are being withheld from public disclosure pursuant to N.C. Gen. Stat. § 90-8. However, this information will be provided to you or your attorney upon request.

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

§ 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 8th day of December, 2010.

NORTH CAROLINA MEDICAL BOARD


By: Janice E. Huff MD
Janice Huff, MD
President

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	
John Milton Billinsky, M.D.	)	ACCEPTANCE OF SERVICE
)	
Respondent.)	

I, James A. Wilson, hereby state that I am the Attorney for Respondent in the Notice of Charges and Allegations; Notice of Hearing dated December 8, 2010, and that I accept service and acknowledge receipt of same.

This the 17th day of December, 2010.



James A. Wilson
Attorney at Law
5322 Highgate Drive, Suite 243
Durham, NC 27713
(919) 361-4300

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	
John Milton Billinsky, M.D.,	)	AMENDED
	)	NOTICE OF HEARING
Respondent.)	

The North Carolina Medical Board (hereinafter "Board") has rescheduled the Hearing on the Notice of Charges and Allegations dated December 8, 2010, in the above-captioned matter for Thursday, April 14, 2011, at 8:00 a.m., 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.

This the 23rd day of February, 2011.

NORTH CAROLINA MEDICAL BOARD

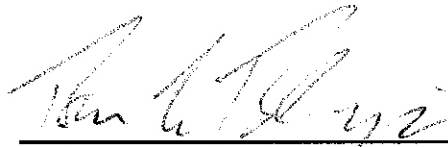
By: Janice E. Huff MD
Janice Huff, MD
President

CERTIFICATE OF SERVICE

I, the undersigned counsel for the North Carolina Medical Board, hereby certify that I have served a copy of the foregoing Amended Notice of Hearing to Respondent by electronic mail and 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:

James A. Wilson
Attorney at Law
5322 Highgate Drive, Suite 243
Durham, NC 27713
jim@jamesawilson.com

This the 23rd day of February, 2010.



Brian L. Blankenship
Board Attorney
North Carolina Medical Board
P.O. Box 20007
Raleigh, NC 27619-0007
(919) 326-1109, ext. 239

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

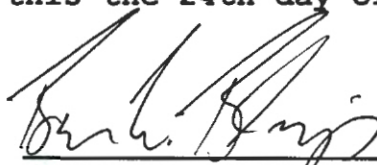
In Re:)	
)	
John Milton Billinsky, M.D.,	)	MOTION TO CONTINUE
)	
Respondent.)	

The undersigned attorney for the North Carolina Medical Board ("Board") respectfully requests a continuance of the hearing scheduled for April 14, 2011, on the Notice of Charges and Allegations dated December 8, 2010, on the grounds that in light of other matters scheduled for Hearing, this case cannot be reached.

The undersigned has spoken with the Respondent's attorney and the Respondent's attorney does not object to a continuance and joins in this motion.

For the foregoing reason, the undersigned requests a continuance of the hearing in this matter to June 16, 2011, if necessary.

Respectfully submitted, this the 24th day of March, 2011.



Brian L. Blankenship
Board Attorney
North Carolina Medical Board
P.O. Box 20007
Raleigh, NC 27619-0007
919.326.1109, ext. 239

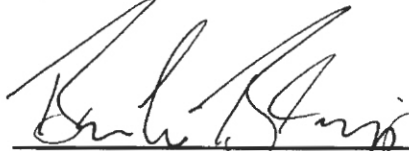
CERTIFICATE OF SERVICE

I, the undersigned attorney for the North Carolina Medical Board, hereby certify that I have served a copy of the foregoing Motion to Continue to Respondent's attorney by depositing a copy with the United States Postal Service, postage paid, and via electronic mail pursuant to N.C. Gen. Stat. § 90-14.3, to the following:

James A Wilson, Esq.
Attorney at Law
5322 Highgate Drive, Suite 243
Durham, NC 27713

jim@jamesawilson.com

This the 24th day of March, 2011.



Brian L. Blankenship
Board Attorney
North Carolina Medical Board
P.O. Box 20007
Raleigh, NC 27619-0007
919.326.1109, ext. 239

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	
John Milton Billinsky, MD,	)	MOTION TO CONTINUE
)	
Respondent.)	

Respondent John Milton Billinsky, MD, (hereinafter Dr. Billinsky) hereby moves the North Carolina Medical Board (hereinafter Board) for a continuance of the hearing presently scheduled for June 16, 2011 on the Notice of Charges and Allegations dated December 8, 2010.

The undersigned and the Board's lawyer have diligently prepared to present this case as scheduled. However, the Board's lawyer has let the undersigned know that the chance this case will be reached at all in June is small and that the chance it will be reached before Saturday, June 18, is remote. This case involves a number of physician witnesses, all of whom reside and practice at least an hour's drive away from the Board's office and many of whom would have to drive about three-and-a-half hours to the Board's office. These witnesses are finding it quite difficult to arrange their schedules with sufficient flexibility to ensure their presence at a hearing in June, given the uncertainty in the Board's hearing schedule that month.

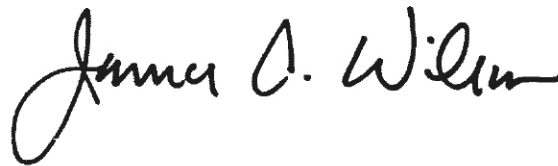
Given this situation, the relatively large number of physician witnesses in this case, and the distances many would have to travel, it would be a great convenience to the witnesses if this hearing were set at a definite date and time, perhaps by setting it as the first case at the meeting at which it is to be heard.

This matter has been continued once previously in to allow additional time to explore the possibility of a negotiated resolution which now, unfortunately, appears unlikely.

The undersigned has spoken with the Board's attorney, and the Board's attorney does not object to a continuance.

Wherefore, Dr. Billinsky requests a continuance to the Board's August 2011 meeting, and that this case be set as the first case for hearing.

This the 1st day of June, 2010.

A handwritten signature in black ink, reading "James A. Wilson". The signature is fluid and cursive, with the first name "James" and last name "Wilson" clearly legible.

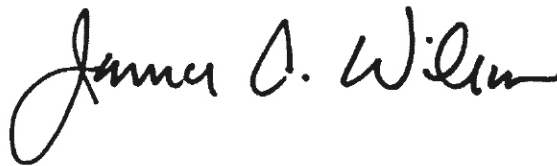
James A. Wilson
Attorney for Respondent
5322 Highgate Drive, Suite 243
Durham, North Carolina 27713
919-361-4300
919-361-4305 (facsimile)

CERTIFICATE OF SERVICE

I hereby certify I served a copy of the foregoing Motion to Continue on the Board's attorney by e-mail and by mailing a copy thereof by first-class mail, postage prepaid, addressed as follows:

Brian Blankenship
Board Attorney
North Carolina Medical Board
Post Office Box 20007
Raleigh, North Carolina 27619

This the 1st day of June, 2011.

A handwritten signature in black ink, reading "James A. Wilson". The signature is written in a cursive style with a large, looping initial "J".

James A. Wilson

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
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John Milton Billinsky, MD,)	MOTION TO CONTINUE
)	
Respondent.)	

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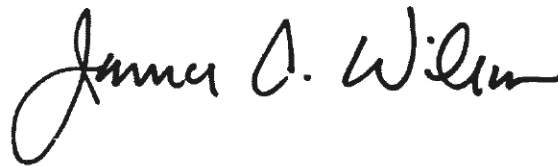
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This matter has been continued once previously in to allow additional time to explore the possibility of a negotiated resolution which now, unfortunately, appears unlikely.

The undersigned has spoken with the Board's attorney, and the Board's attorney does not object to a continuance.

Wherefore, Dr. Billinsky requests a continuance to the Board's August 2011 meeting, and that this case be set as the first case for hearing.

This the 1st day of June, 2010.

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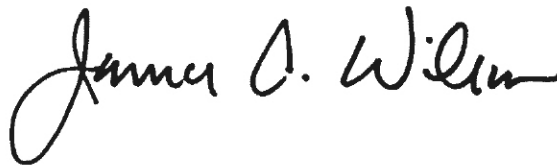
James A. Wilson
Attorney for Respondent
5322 Highgate Drive, Suite 243
Durham, North Carolina 27713
919-361-4300
919-361-4305 (facsimile)

CERTIFICATE OF SERVICE

I hereby certify I served a copy of the foregoing Motion to Continue on the Board's attorney by e-mail and by mailing a copy thereof by first-class mail, postage prepaid, addressed as follows:

Brian Blankenship
Board Attorney
North Carolina Medical Board
Post Office Box 20007
Raleigh, North Carolina 27619

This the 1st day of June, 2011.

A handwritten signature in black ink, reading "James A. Wilson". The signature is written in a cursive style with a large, looping initial "J".

James A. Wilson

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In Re:)	
)	
John Milton Billinsky, MD	)	ORDER TO CONTINUE
)	
Respondent.)	

This matter is before the undersigned President of the North Carolina Medical Board regarding the hearing scheduled for June 16, 2011 in the above-captioned case. Upon good cause shown, I hereby enter the following ORDER:

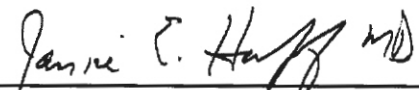
The hearing scheduled for June 16, 2011 is continued and shall be heard at 8:00 a.m. on August 18, 2011 or as soon thereafter as the Board or a panel thereof may hear it.

All preliminary motions, including motions for continuances, shall be filed no later than 14 days prior to the date of the hearing. Pursuant to N.C. Gen. Stat. § 150B-40(c)(5), it is further ordered that the parties shall arrange a pre-hearing conference, no later than 14 days prior to the hearing, at which they shall endeavor to prepare in good faith a prehearing stipulation. The pre-hearing stipulation shall be submitted to the undersigned no later than 10 days prior to the hearing date.

This the 6th day of June, 2011.

NORTH CAROLINA MEDICAL BOARD

By:



Janice E. Huff, M.D.
President

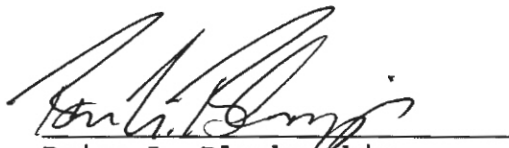
CERTIFICATE OF SERVICE

I, the undersigned attorney for the North Carolina Medical Board, hereby certify that I have served a copy of the foregoing Motion to Continue to Respondent's attorney by depositing a copy with the United States Postal Service, postage paid, and via electronic mail pursuant to N.C. Gen. Stat. § 90-14.3, to the following:

James A Wilson, Esq.
Attorney at Law
5322 Highgate Drive, Suite 243
Durham, NC 27713

jim@jamesawilson.com

This the 6th day of June, 2011.



Brian L. Blankenship
Board Attorney

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	
John Milton Billinsky, Jr. M.D.,	)	CONSENT ORDER
)	
Respondent.)	

This matter is before the North Carolina Medical Board ("Board") on information regarding John Milton Billinsky, Jr. M.D. ("Dr. Billinsky"). Dr. Billinsky 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. Billinsky is a physician licensed by the Board to practice medicine and surgery on or about November 3, 2004, license number 27893; and

Whereas, during the times relevant herein, Dr. Billinsky practiced psychiatry in Shelby, North Carolina; and

Whereas Dr. Billinsky treated Patients A through E between 2005 and 2009 for a variety of psychiatric conditions; and

Whereas, in addition to providing psychiatric treatment, Dr. Billinsky prescribed controlled substances to Patient A, B, D, and E for the treatment of pain; and

Whereas, the Board had Dr. Billinsky's patient charts for Patients A through E reviewed, and the reviewers found instances of patient care and record keeping that were below standards of acceptable and prevailing medical practice; and

Whereas, Dr. Billinsky's care and treatment of Patient A through E and failure to maintain complete and sufficiently detailed medical records constitute unprofessional conduct, in that it was a 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), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit his license to practice medicine and surgery issued by the Board or deny any application he might make in the future; and

Whereas, if the case were to proceed to a hearing, Dr. Billinsky would present evidence from a board-certified psychiatrist who had reviewed the patient charts for Patients A through E that Dr. Billinsky's care of these patients was within acceptable and prevailing medical practice, and

Whereas, if the case were to proceed to a hearing, local

physicians with whom he shares patients would attest to his professional competence and reputation, and a retired SBI agent and former county sheriff would testify as to his diligence and professional and personal reputation, and

Whereas, Dr. Billinsky was treating these patients' pain as comorbid conditions to their psychiatric conditions for which he was treating them, and

Whereas, at a hearing, Dr. Billinsky would present evidence that he was managing their pain, rather than having some other physician do so, in order to better manage the potential for adverse drug interactions and because pain perception and mood are interrelated and the management of one affects the management of the other, and

Whereas, prior to seeing Dr. Billinsky, all five of these patients had previously been prescribed controlled substances for their chronic pain, and four of them were on controlled substances for pain when Dr. Billinsky started caring for them, and

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

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

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

Whereas, Dr. Billinsky desires to resolve this matter without the need for more formal proceedings.

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

1. Dr. Billinsky's license to practice medicine and surgery is hereby suspended for six (6) months effective on the date of this Consent Order; however, such suspension is immediately STAYED upon the following PROBATIONARY TERMS AND CONDITIONS:

a. Beginning thirty days from the date of his Consent Order, Dr. Billinsky shall not prescribe controlled substances for the treatment of pain or pain management. During the next thirty days from the date of this Consent Order, Dr. Billinsky shall arrange appropriate referrals for all his patients to whom he is prescribing controlled substances for the treatment of pain or pain management. Notwithstanding this Consent Order, Dr. Billinsky may continue to treat patients, even patients with chronic pain, with buprenorphine compounds if those patients had not been previously prescribed buprenorphine compounds by Dr. Billinsky for chronic pain, but only if his reason for

prescribing a buprenorphine compound, clearly stated and described in his medical records, is to treat the patient for opioid dependence.

b. Within six (6) months of the date of this Consent Order, Dr. Billinsky shall submit himself for a professional assessment by an assessment center approved in advance by the Board's Medical Director. Dr. Billinsky shall comply with all recommendations made by the approved assessment center. Dr. Billinsky shall authorize the approved assessment center to release copies of any future assessments or evaluations to representatives of the Board and to discuss Dr. Billinsky's compliance with the education intervention program with representatives of the Board.

2. If Dr. Billinsky 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.

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

Board.

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

5. No provision of this Consent Order shall constitute an admission for any purpose other than for this and any other proceeding before the North Carolina Medical Board.

6. Upon execution by Dr. Billinsky 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 Data Bank, and the Healthcare Integrity and Protection Data Bank.

This the 15th day of August, 2011.

NORTH CAROLINA MEDICAL BOARD

By:

Janice E. Huff, MD

Janice E. Huff, MD
President

Consented to this the 15TH day of August, 2011.

John Milton Billinsky, Jr.
John Milton Billinsky, Jr., M.D.

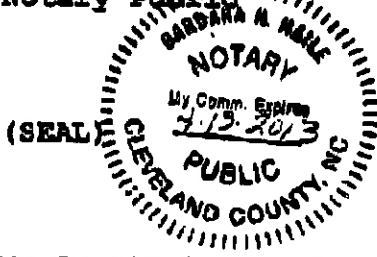
State of North Carolina

County of Cleveland

I, Barbara Haile, a Notary Public for the above named County and State, do hereby certify that John Milton Billinsky, 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 15th day of August, 2011.

Barbara D. Haile
Notary Public



My Commission expires: April 13, 2013

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania,
Bureau of Professional and
Occupational Affairs

vs.

John M. Billinsky, M.D.,
Respondent

:
:
:
:
:
:
:
:
:
:

Docket No. 1589-49-11
File No. 11-49-08790

PROTHONOTARY
2011 OCT 28 PM 2:47
Department of State

CONSENT AGREEMENT AND ORDER

The Commonwealth and Respondent stipulate as follows in settlement of the above-captioned case.

1. This matter is before the State Board of Medicine ("Board") pursuant to the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, as amended ("Act"), 63 P.S. §422.1 et seq.
2. At all relevant and material times, John M. Billinsky ("Respondent") held a license to practice medicine in the Commonwealth of Pennsylvania, license no. MD-049895-L.
3. Respondent admits that the following facts are true:
 - a. Respondent's license was current through December 31, 1998, but may be renewed upon the filing of the appropriate documentation and payment of the necessary fees.
 - b. Respondent's last known address on file with the Board is Cleveland Regional Medical Center, 201 Grover Street, Shelby, NC 28150.

c. On or about August 15, 2011, the North Carolina Medical Board approved a Consent Order In re: John Milton Billinsky, Jr., M.D., Respondent.

d. A true and correct copy of the Consent Order referenced in paragraph 3c is attached and incorporated as **Exhibit A**.

e. The North Carolina Medical Board placed Respondent's license to practice medicine in the State of North Carolina on probation for a period of six (6) months, subject to specific terms and conditions.

4. The actions of Respondent, described above, violated the Act at 63 P.S. §422.41(4) in that Respondent had disciplinary action taken by a proper licensing authority of another state.

5. Intending to be legally bound, the participants consent to issuance of the following Order in settlement of this matter:

a. Respondent violated the Act at 63 P.S. §422.41(4) in that Respondent had disciplinary action taken by a proper licensing authority of another state.

b. Respondent's license to practice medicine in the Commonwealth of Pennsylvania, license no. MD-049895-L, shall be placed on **PROBATION** during such time as Respondent's license to practice medicine in the State of North Carolina is on probation pursuant to the terms and conditions contained in Consent Order In re: John Milton Billinsky, Jr., M.D., Respondent approved by the North Carolina Medical Board on or about August 15, 2011.

c. Upon reinstatement of Respondent's license to practice medicine in the State of North Carolina to unrestricted status, Respondent may request reinstatement of his license to practice medicine in the Commonwealth of Pennsylvania to unrestricted status upon an affirmative showing that Respondent

has complied with all terms and conditions of the Consent Order In re: John Milton Billinsky, Jr., M.D., Respondent approved by the North Carolina Medical Board. The Board may in turn administratively reinstate Respondent's license upon full compliance with this Order.

6. Respondent acknowledges receipt of an Order to Show Cause in this matter.

Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and to the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

7. This Consent Agreement is between the Commonwealth and Respondent only.

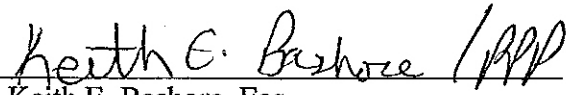
Except as otherwise noted, this Agreement is to have no legal effect unless and until the Office of General Counsel approves the contents as to form and legality and the Board issues the stipulated Order.

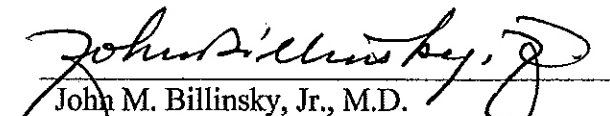
8. Should the Board not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

9. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.

10. This Agreement contains the whole agreement between the participants. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever, concerning this Agreement.

11. Respondent verifies that the facts and statements set forth in this Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Agreement are made subject to the criminal penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.


Keith E. Bashore, Esq.
Prosecuting Attorney
Department of State


John M. Billinsky, Jr., M.D.
Respondent

DATED:

DATED: 9-26-11

ORDER

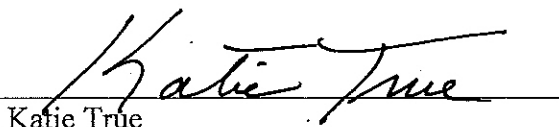
AND NOW, this *25th* day of *October*, 2011, the State Board of Medicine adopts and approves the foregoing Consent Agreement and incorporates the terms of paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this matter.

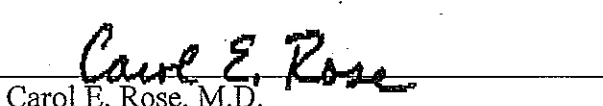
This Order shall take effect immediately.

BY ORDER:

BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS

STATE BOARD OF MEDICINE


Katie True
Commissioner


Carol E. Rose, M.D.
Chairperson

File No. 11-49-08790

Date of mailing: *31, Oct, 2011*

For the Commonwealth:

Keith E. Bashore, Prosecuting Attorney
P. O. Box 2649
Harrisburg, PA 17105-2649

For Respondent:

James A. Wilson, Esquire
5322 Highgate Drive
Suite 243
Durham, NC 27713

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
John Milton Billinsky, Jr. M.D.,) CONSENT ORDER
)
Respondent.)

This matter is before the North Carolina Medical Board ("Board") on information regarding John Milton Billinsky, Jr. M.D. ("Dr. Billinsky"). Dr. Billinsky 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. Billinsky is a physician licensed by the Board to practice medicine and surgery on or about November 3, 2004, license number 27893; and

Whereas, during the times relevant herein, Dr. Billinsky practiced psychiatry in Shelby, North Carolina; and

Whereas Dr. Billinsky treated Patients A through E between 2005 and 2009 for a variety of psychiatric conditions; and

Whereas, in addition to providing psychiatric treatment, Dr. Billinsky prescribed controlled substances to Patient A, B, D, and E for the treatment of pain; and

Whereas, the Board had Dr. Billinsky's patient charts for Patients A through E reviewed, and the reviewers found instances of patient care and record keeping that were below standards of acceptable and prevailing medical practice; and

Whereas, Dr. Billinsky's care and treatment of Patient A through E and failure to maintain complete and sufficiently detailed medical records constitute unprofessional conduct, in that it was a 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), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit his license to practice medicine and surgery issued by the Board or deny any application he might make in the future; and

Whereas, if the case were to proceed to a hearing, Dr. Billinsky would present evidence from a board-certified psychiatrist who had reviewed the patient charts for Patients A through E that Dr. Billinsky's care of these patients was within acceptable and prevailing medical practice, and

Whereas, if the case were to proceed to a hearing, local

physicians with whom he shares patients would attest to his professional competence and reputation, and a retired SBI agent and former county sheriff would testify as to his diligence and professional and personal reputation, and

Whereas, Dr. Billinsky was treating these patients' pain as comorbid conditions to their psychiatric conditions for which he was treating them, and

Whereas, at a hearing, Dr. Billinsky would present evidence that he was managing their pain, rather than having some other physician do so, in order to better manage the potential for adverse drug interactions and because pain perception and mood are interrelated and the management of one affects the management of the other, and

Whereas, prior to seeing Dr. Billinsky, all five of these patients had previously been prescribed controlled substances for their chronic pain, and four of them were on controlled substances for pain when Dr. Billinsky started caring for them, and

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

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

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

Whereas, Dr. Billinsky desires to resolve this matter without the need for more formal proceedings.

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

1. Dr. Billinsky's license to practice medicine and surgery is hereby suspended for six (6) months effective on the date of this Consent Order; however, such suspension is immediately STAYED upon the following PROBATIONARY TERMS AND CONDITIONS:

- a. Beginning thirty days from the date of his Consent Order, Dr. Billinsky shall not prescribe controlled substances for the treatment of pain or pain management. During the next thirty days from the date of this Consent Order, Dr. Billinsky shall arrange appropriate referrals for all his patients to whom he is prescribing controlled substances for the treatment of pain or pain management. Notwithstanding this Consent Order, Dr. Billinsky may continue to treat patients, even patients with chronic pain, with buprenorphine compounds if those patients had not been previously prescribed buprenorphine compounds by Dr. Billinsky for chronic pain, but only if his reason for Consent Order - John Milton Billinsky, Jr. M.D.

prescribing a buprenorphine compound, clearly stated and described in his medical records, is to treat the patient for opioid dependence.

b. Within six (6) months of the date of this Consent Order, Dr. Billinsky shall submit himself for a professional assessment by an assessment center approved in advance by the Board's Medical Director. Dr. Billinsky shall comply with all recommendations made by the approved assessment center. Dr. Billinsky shall authorize the approved assessment center to release copies of any future assessments or evaluations to representatives of the Board and to discuss Dr. Billinsky's compliance with the education intervention program with representatives of the Board.

2. If Dr. Billinsky 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.

3. This Consent Order shall take effect immediately upon its execution by both Dr. Billinsky and the Board and it shall continue in effect until specifically ordered otherwise by the Consent Order - John Milton Billinsky, Jr. M.D.

Board.

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

5. No provision of this Consent Order shall constitute an admission for any purpose other than for this and any other proceeding before the North Carolina Medical Board.

6. Upon execution by Dr. Billinsky 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 Data Bank, and the Healthcare Integrity and Protection Data Bank.

This the 15th day of August, 2011.

NORTH CAROLINA MEDICAL BOARD

By:

Janice E. Huff, MD

Janice E. Huff, MD
President

Consented to this the 15TH day of August, 2011.

John Milton Billinsky, Jr.
John Milton Billinsky, Jr., M.D.

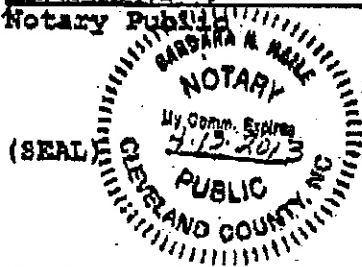
State of North Carolina

County of Cleveland

I, Barbara D. Haile, a Notary Public for the above named County and State, do hereby certify that John Milton Billinsky, 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 15TH day of August, 2011.

Barbara D. Haile
Notary Public



My Commission expires: April 13, 2013

UNITED STATES DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION

In the Matter of
John M. Billinsky, Jr., MD

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement ("MOA") by and between the United States Department of Justice, Drug Enforcement Administration, hereinafter DEA and John M. Billinsky, Jr., MD, hereinafter Dr. Billinsky reflects the full and final settlement between DEA and Dr. Billinsky regarding DEA Registration # AB9566588.

Allegations

Dr. Billinsky admits, and DEA finds and concludes, that Dr. Billinsky treated Patients A through E between 2005 and 2009 for a variety of psychiatric conditions. In addition to providing psychiatric treatment, Dr. Billinsky prescribed controlled substances to Patient A, B, D and E for the treatment of pain.

Whereas, both an internal reviewer for the N.C. Medical Board and an outside reviewer reviewed the patient medical records for Patients A through E, and noted instances of patient care and recordkeeping that were below standards of acceptable and prevailing medical practice. Specifically, both reviewers noted concerns regarding Dr. Billinsky's prescribing of opiates for pain management, and his lack of appropriate documentation with regard to the prescribing of opiates.

Whereas, in August 2011, Dr. Billinsky's North Carolina license to practice medicine was suspended for a period of six (6) months with the suspension immediately stayed upon certain conditions. Specifically, the N.C. Medical Board mandated that Dr. Billinsky "shall not

prescribe controlled substances for the treatment of pain or pain management. During the next thirty days from the date of this Consent Order, Dr. Billinsky shall arrange for appropriate referrals for all his patients to whom he is prescribing controlled substances for the treatment of pain or pain management. Notwithstanding this Consent Order, Dr. Billinsky may continue to treat patients, even patients with chronic pain, with buprenorphine compounds if those patients had not been previously prescribed buprenorphine compounds by Dr. Billinsky for chronic pain, but only if his reason for prescribing a buprenorphine compound, clearly stated and described in his medical records, is to treat the patient for opioid dependence.”

Whereas, the N.C. Medical Board Consent Order notes that, if this case had proceeded to a hearing with the N.C. Medical Board, Dr. Billinsky would have presented evidence from a board-certified psychiatrist who had reviewed the patient charts for Patients A through E that Dr. Billinsky’s care of these patients was within acceptable and prevailing medical practice.

Whereas, the Consent Order also notes that local physicians would attest to Dr. Billinsky’s professional competence and reputation, and a retired SBI agent and former county sheriff would testify as to his diligence and professional and personal reputation.

Whereas, the Consent Order notes that, if this case had proceeded to a hearing, Dr. Billinsky would have presented evidence that he was managing their pain in order to better manage the potential for adverse drug interactions and because pain perception and mood are interrelated.

Whereas, the Consent Order also notes that Patients A through E had previously been prescribed controlled substances for their chronic pain, and four of them were on controlled substances for pain when Dr. Billinsky started caring for them.

As a result of the allegations, DEA alleges the failure of Dr. Billinsky to comply with DEA regulations constitutes grounds to deny registration pursuant to 21 U.S.C. Section 824. Dr. Billinsky having been fully advised of the facts as set forth concurs and agrees with DEA to the following:

Terms and Conditions

1. Dr. Billinsky will abide by all federal, state and local laws and regulations pertaining to controlled substances, including the maintenance of all records required by both state and federal regulations.

2. Dr. Billinsky will voluntarily surrender his Schedule 2 privileges, and be granted a DEA Registration in Schedules 2N, 3, 3N, 4 and 5 under the stipulations and/or restrictions contained within this Memorandum of Agreement, and as permitted by the North Carolina Medical Board. However, in keeping with the N.C. Medical Board's Consent Order, the ONLY Schedule 3 that Dr. Billinsky will be allowed to prescribe during the duration of this MOA is buprenorphine for his treatment of narcotic / opioid dependent patients. Dr. Billinsky's prescribing of buprenorphine for narcotic / opioid dependent patients is contingent upon Dr. Billinsky's approval pursuant to requirements outlined by the Drug Addiction Treatment Act (DATA) of 2000 and 21 USC 823(g) to prescribe buprenorphine for the treatment of narcotic / opioid dependent patients.

3. Dr. Billinsky agrees to immediately notify the DEA of any change in status of his state license.

4. Dr. Billinsky agrees to promptly notify the DEA of any intent to transfer his DEA Certificate of Registration to another address within North Carolina, or to any other jurisdiction. Notifications shall be made by certified mail, return receipt requested, to Diversion Investigator Jason H. Ward or Group Supervisor Brian H. Reise at 1801 Stanley Road, Suite 204, Greensboro, North Carolina 27407.

5. Dr. Billinsky agrees to immediately surrender his DEA registration in the event that his North Carolina medical license is suspended, revoked, not renewed, or not reinstated.

6. Failure to comply with any of the terms of this Agreement will result in Dr. Billinsky immediately surrendering his DEA controlled substances privileges and waiving his right to an administrative hearing and any associated appeals.

7. This agreement shall remain in effect until such time as the N.C. Medical Board lifts their prescribing restrictions and/or endorses the return of prescribing privileges for Dr. Billinsky. The time period of this agreement will begin when the last party to this Agreement has signed this instrument.

The DEA enters into this agreement with the understanding that Dr. Billinsky will abide by its contents in good faith.

FOR: John M. Billinsky, Jr., MD

John M. Billinsky, Jr., MD
201 E Grover Street
Shelby, NC 28150

Date: _____

FOR THE DRUG ENFORCEMENT ADMINISTRATION:

Brian H. Reise
Diversion Group Supervisor
Greensboro Resident Office

Date: _____

Barbara A. Heath
Diversion Program Manager
Atlanta Field Division

Date: _____

U. S. Department of Justice - Drug Enforcement Administration

**VOLUNTARY SURRENDER OF CONTROLLED
SUBSTANCES PRIVILEGES**

DEA USE ONLY

File No.

After being fully advised of my rights, and understanding that I am not required to surrender my controlled substances privileges, I freely execute this document and choose to take the actions described herein.

☒ In view of my alleged failure to comply with the Federal requirements pertaining to controlled substances, and as an indication of my good faith in desiring to remedy any incorrect or unlawful practices on my part;

☐ In view of my desire to terminate handling of controlled substances listed in schedule(s) _____;

I hereby voluntarily surrender my Drug Enforcement Administration Certificate of Registration, unused order forms, and all my controlled substances listed in schedule(s) 2 as evidence of my agreement to relinquish my privilege to handle controlled substances listed in schedule(s) 2. Further, I agree and consent that this document shall be authority for the Administrator of the Drug Enforcement Administration to terminate and revoke my registration without an order to show cause, a hearing, or any other proceedings, (and if not all controlled substances privileges are surrendered, be issued a new registration certificate limited to schedule(s) 2N, 3, 3N, 4 and 5).

I waive refund of any payments made by me in connection with my registration.

I understand that I will not be permitted to order, manufacture, distribute, possess, dispense, administer, prescribe, or engage in any other controlled substance activities whatever, until such time as I am again properly registered.

NAME OF REGISTRANT (Print)

JOHN M. BILLINSKY, JR., M.D.

ADDRESS OF REGISTRANT

201 E. GROVER STREET
SHELBY, NC 28150

DEA REGISTRATION NO.

AB9566588

SIGNATURE OF REGISTRANT OR AUTHORIZED INDIVIDUAL

DATE

WITNESSES:

NAME AND DATE

TITLE

NAME AND DATE

TITLE

PRIVACY ACT**AUTHORITY:** Section 301 of the Controlled Substances Act of 1970 (PL 91-513).**PURPOSE:** Permit voluntary surrender of controlled substances.**ROUTINE USES:** The Controlled Substances Act Registration Records produces special reports as required for statistical analytical purposes. Disclosures of information from this system are made to the following categories of users for the purposes stated:

A. Other Federal law enforcement and regulatory agencies for law enforcement and regulatory purposes.

B. State and local law enforcement and regulatory agencies for law enforcement and regulatory purposes.

C. Persons registered under the Controlled Substances Act (Public Law 91-513) for the purpose of verifying the registration of customers and practitioners.

EFFECT: Failure to provide the information will have no effect on the individual.

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	
John Milton Billinsky, Jr., M.D.,	)	ORDER
)	
Respondent.)	

This matter is before the North Carolina Medical Board ("Board") regarding John Milton Billinsky, Jr., M.D. ("Dr. Billinsky"), license number 27893.

FACTUAL FINDINGS

On August 15, 2011, the Board entered into a Consent Order ("August 2011 Consent Order") with Dr. Billinsky in which his medical license was suspended for six (6) months, with said suspension immediately stayed subject to a number of probationary terms and conditions.

On May 29, 2012, Dr. Billinsky, through his counsel, requested that the Board relieve him of the remaining probationary terms and conditions of his August 2011 Consent Order.

The Board recognizes that Dr. Billinsky has complied in all respects with his August 2011 Consent Order.

ORDER

The Board hereby Orders that Dr. Billinsky be relieved of all obligations contained in the numbered paragraphs of his

August 2011 Consent Order. Nothing herein shall affect the public nature of his August 2011 Consent Order and it shall remain a public document on the Board's web site.

This the 21st day of August, 2013.

NORTH CAROLINA MEDICAL BOARD

By: William A. Walker, M.D.
William A. Walker, M.D.
President

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

In the Matter of the Petition
For Reinstatement of the License
To Practice Medicine and Surgery
Of John M. Billinsky, Jr., M.D.
Petitioner

:
:
:
:
:

Docket No. 1471 -49-13
File No. 13-49-09891

Department of State

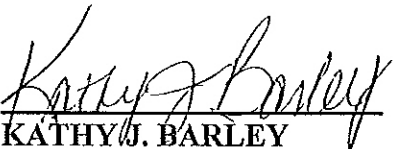
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PROTHONOTARY

FINAL ORDER REINSTATING LICENSE

AND NOW, this 9th day of October, 2013, upon consideration of the Petition of John M. Billinsky, Jr., M.D., for the reinstatement of his license to practice medicine and surgery to unrestricted status; verification that Petitioner has complied with the terms and conditions of the Consent Agreement and Order entered October 28, 2011, to file number 11-49-08790 and docket number 1589-49-11; evidence that Respondent's license to practice medicine in the State of North Carolina has been reinstated to unrestricted status; and without objection from the prosecuting attorney, the State Board of Medicine **REINSTATES** Petitioner's license, license number MD049895L, to unrestricted, non-probationary status. This order shall take effect immediately.

BY ORDER:
STATE BOARD OF MEDICINE


KATHY J. BARLEY
ACTING COMMISSIONER


ANDREW J. BEHNKE, M.D.
CHAIRPERSON

Respondent's Address:

John M. Billinsky, Jr., M.D.
404 Johnsfield Road
Shelby, NC 28150

Prosecuting Attorney:

Keith E. Bashore, Esquire
P.O. Box 2649
Harrisburg, PA 17105-2649

Board Counsel:

Wesley J. Rish, Esquire

Date of Mailing:

October 9, 2013