



March 13, 2019

Case number: 19-CRF-0032

Hazel Fishel, M.D.
90 High Lake Drive
Nebo, North Carolina 28761-5528

Dear Doctor Fishel:

In accordance with Chapter 119, Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to grant or register or renew or reinstate your license or certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about December 11, 2018, you entered into a Consent Order with the North Carolina Medical Board [North Carolina Consent Order] that suspended your license, in which you admitted that in or about May 2018, you engaged in a romantic relationship with a former patient. You admitted to consuming alcoholic beverages with the patient while dining at a restaurant even though you were responsible for this patient's care while he attended inpatient detoxification for alcohol use disorder from September 2017 through October 2017.

A copy of the North Carolina Consent Order is attached hereto and incorporated herein.

The North Carolina Consent Order, as alleged in paragraph (1) above, constitutes "[a]ny of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

Furthermore, for any violations that occurred on or after September 29, 2015, the board may impose a civil penalty in an amount that shall not exceed twenty thousand dollars, pursuant to Section 4731.225, Ohio Revised Code. The civil penalty may be in addition to any other action the board may take under section 4731.22, Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

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You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to grant or register or renew or reinstate your certificate or license to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or certificate to practice and the board shall not accept an application for reinstatement of the license or certificate or for issuance of a new license or certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Kim G. Rothermel, M.D.
Secretary

KGR/LAM/jmb

Enclosures

CERTIFIED MAIL #91 7199 9991 7038 7136 7387
RETURN RECEIPT REQUESTED

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Hazel Thornton Fishel, M.D.,) CONSENT ORDER
)
Respondent.)

This matter is before the North Carolina Medical Board ("Board") regarding information provided to the Board concerning Hazel Thornton Fishel, M.D. ("Dr. Fishel"). Dr. Fishel makes the following admissions and the Board makes the following findings and conclusions:

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 to it in Article 1 of Chapter 90 of the North Carolina General Statutes and the rules and regulations promulgated thereto.

FINDINGS OF FACT

Dr. Fishel was first issued a license to practice medicine by the Board on or about May 25, 2016, license number 2016-01151.

At all times relevant hereto, Dr. Fishel practiced psychiatry in Black Mountain, North Carolina.

In September 2017, Patient A presented to a western North Carolina healthcare facility for voluntary alcohol detoxification. Patient A was diagnosed with alcohol use disorder (severe) and generalized anxiety disorder. Dr. Fishel was part of a team involved in Patient A's care. Patient A's medical record indicates that Dr. Fishel co-signed Patient A's psychiatric evaluation and lists Dr. Fishel as being responsible for psychiatric management two to seven times a week as well as being responsible for supervising the implementation and monitoring of Patient A's detoxification protocol. Patient A was discharged from the facility in October 2017 with Dr. Fishel co-signing Patient A's discharge summary.

In May 2018, Dr. Fishel and Patient A communicated on social media. At the time, Patient A was married but claimed to be estranged from his wife. This claim was false.

After establishing contact on social media, Dr. Fishel and Patient A planned to meet at a coffee shop. The coffee shop had closed and they went to a local restaurant. At the restaurant, Dr. Fishel and Patient A consumed alcoholic beverages. She had wine and he drank beers. Afterwards, the two kissed romantically.

Over the following days, Dr. Fishel and Patient A maintained a limited relationship. She visited with him twice during his lunch breaks. Patient A and Dr. Fishel exchanged

personal messages on social media, with those messages becoming more personal over that time. The relationship between Dr. Fishel and Patient A ended when Patient A's wife learned of it and contacted Dr. Fishel.

Dr. Fishel's relationship with a former patient violated the ethics of her profession. Dr. Fishel consuming alcohol with a patient who she had treated for alcohol use disorder (severe) was medically inappropriate and unprofessional.

In May 2018, Dr. Fishel self-reported her conduct to the Board.

CONCLUSIONS OF LAW

Dr. Fishel acknowledges that her conduct, as described above, constitutes unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) and grounds exist under this section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit Dr. Fishel's license to practice medicine or to deny any application she might make in the future.

PROCEDURAL STIPULATIONS

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

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

Dr. Fishel, with advice of legal counsel, acknowledges that she has read and understands this Consent Order and enters into it voluntarily.

Dr. Fishel 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. Fishel's consent, it is ORDERED that:

1. Dr. Fishel's North Carolina license to practice medicine is hereby SUSPENDED for one (1) year. However, this one-year suspension is hereby stayed, except for a period of THIRTY (30) DAYS for which Dr. Fishel shall serve an active suspension, beginning on December 14, 2018, and ending on January 12, 2019.

2. Within six (6) months of the date of this Consent Order, Dr. Fishel shall take and successfully obtain a passing score from the Professional/Problem-Based Ethics ("ProBE") course, an education course offered by the Center for Personalized Education for Physicians ("CPEP"). Dr. Fishel shall submit evidence of the successful completion of the ProBE course to the Board's Compliance Coordinator, North Carolina Medical Board, P.O. Box 20007, Raleigh, NC 27619-0007 or

compliance@ncmedboard.org within five (5) days of receiving her grade.

3. Dr. Fishel shall obey all laws. Likewise, she shall obey all rules and regulations involving the practice of medicine.

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

5. Upon request, Dr. Fishel shall provide the Board with any information the Board deems necessary to verify compliance with the terms and conditions of this Consent Order.

6. If Dr. Fishel 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 her license to practice medicine and to deny any application she might make in the future or then have pending for a license to practice medicine.

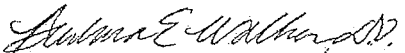
7. This Consent Order shall take effect immediately upon its execution by both Dr. Fishel and the Board, and it shall continue in effect until specifically ordered otherwise by the Board.

8. Dr. Fishel hereby waives any requirement under any law or rule that this Consent Order be served on her.

9. Upon execution by Dr. Fishel 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 Federation of State Medical Boards and the National Practitioner Data Bank.

By Order of the North Carolina Medical Board this the 11th day of December, 2018.

NORTH CAROLINA MEDICAL BOARD

By: 
Barbara E. Walker, D.O.
President

Consented to this the 07 day of December, 2018.

Hazel Thornton Fishel
Hazel Thornton Fishel, M.D.

State of North Carolina

County of Buncombe

I, Jessica Styles, do hereby certify that
Hazel Thornton Fishel, 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 7th day of
December, 2019.

Jessica Dawn Styles
Notary Public

JESSICA DAWN STYLES
NOTARY PUBLIC
McDowell County
North Carolina
My Commission Expires Aug. 6, 2020

(Official Seal)

My Commission Expires: August 6, 2020