

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Richard Douglas Ulstad, PA-C,) CONSENT ORDER
)
Respondent.)

This matter is before the North Carolina Medical Board ("Board") regarding information provided to the Board concerning Richard Douglas Ulstad, PA-C ("Mr. Ulstad"). Mr. Ulstad 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

Mr. Ulstad was first issued a license to practice as a physician assistant by the Board on or about December 20, 2001, license number 103434.

At all times relevant hereto, Mr. Ulstad practiced as a physician assistant in Southport, North Carolina.

On February 22, 2021, the Board received a complaint from Patient A regarding Mr. Ulstad. Patient A alleged that, while examining her abdomen and administering a steroid injection to address pain in her right hip and knee, Mr. Ulstad unnecessarily lifted and later lowered her shorts and underwear. During the encounter a chaperone was not present in the examination room. Mr. Ulstad admits he was previously cautioned about the risks of unchaperoned examinations. Mr. Ulstad denies the allegations made against him by Patient A; however, he acknowledges that by not having a chaperone present, he placed himself at risk of such allegations.

Mr. Ulstad complied with all requests from the Board and has voluntarily ensured to have a chaperone present for all patients and procedures, including injections, since this complaint was filed to ensure protection of himself and the public. On March 24, 2021, Mr. Ulstad submitted to a comprehensive examination at the North Carolina Professionals Health Program ("NCPHP"). NCPHP recommended that Mr. Ulstad obtain a comprehensive in-person evaluation at a NCPHP-approved assessment facility specializing in assessing providers accused of inappropriate behavior in the workplace.

At his employer's suggestion, Mr. Ulstad completed the Vanderbilt University Medical Center's course on Maintaining Proper Boundaries from May 5 - 7, 2021.

Mr. Ulstad was evaluated by the Pine Grove Behavioral Health & Addiction Services ("Pine Grove") from July 12 - 14, 2021. Based on the evaluation, Pine Grove recommended Mr. Ulstad complete an in-person program for professionals designed to address professional and boundary issues.

Mr. Ulstad completed eight (8) weeks of an outpatient professional enhancement program at Pine Grove on November 4, 2021. Substance abuse and alcohol disorders were ruled out, and Mr. Ulstad passed all polygraph examinations administered to him. At the time of his discharge, Pine Grove made several recommendations including, but not limited to: (1) monitoring by NCPHP; (2) workplace limitations, including chaperones during all female patient encounters; (3) biannual polygraphs; (4) individual therapy.

On November 8, 2021, Mr. Ulstad entered into a five-year monitoring agreement with NCPHP. Mr. Ulstad is in compliance with his NCPHP agreement and Pine Grove and NCPHP opine that he is safe to practice.

CONCLUSIONS OF LAW

Mr. Ulstad acknowledges that his conduct, as described above, constitutes unprofessional conduct, including, but not limited to, departure from or 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 this section of the

North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit Mr. Ulstad's license to practice as a physician assistant or to deny any application he might make in the future.

PROCEDURAL STIPULATIONS

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

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

Mr. Ulstad acknowledges that he has read and understands this Consent Order and enters into it voluntarily.

Mr. Ulstad 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 Mr. Ulstad's consent, it is ORDERED that:

1. Mr. Ulstad's North Carolina license to practice as a physician assistant is hereby INDEFINTELY SUSPENDED. However, the suspension is immediately STAYED on the following terms and conditions:

- a. Mr. Ulstad is required to have a trained chaperone present during the entirety all of patient encounters. "Trained chaperone" means someone who has undergone a training course approved by the Board. Approval of the course may be obtained by contacting the Board's Compliance Coordinator at North Carolina Medical Board, P.O. Box 20007, Raleigh, NC 27619 0007 or compliance@ncmedboard.org. The chaperone's identity and presence shall be documented in the medical record for each encounter.
- b. Mr. Ulstad shall furnish to the Board the name and contact information for all trained chaperones. The trained chaperones will certify to the Board that they have reviewed this Consent Order. The name and contact information and certifications shall be directed to the Board's Compliance Coordinator.
- c. No person may act as a trained chaperone until they have certified to the Board that they have read this Consent Order.
- d. Mr. Ulstad shall maintain his current agreement with NCPHP and abide by its terms, including the timely payment of any fees required by NCPHP.

2. After no less than one (1) year from the date the Consent Order is executed, Mr. Ulstad may petition the Board for relief from the conditions of this Consent Order upon showing good cause.

3. Upon an *ex parte* determination of probable cause by the Board that Mr. Ulstad has failed to comply with any of the terms and conditions contained in paragraph 1 of this Consent Order, that determination, without further showing, shall constitute grounds for the Board to summarily suspend Mr. Ulstad's North Carolina license to practice as a physician assistant pursuant to N.C. Gen. Stat. § 150B-3(c).

4. Mr. Ulstad shall obey all laws. Likewise, he shall obey all rules and regulations involved in performing medical acts, tasks, and functions as a physician assistant.

5. Mr. Ulstad shall meet with the Board or members of the Board for an investigative interview at such times as requested by the Board.

6. Upon request, Mr. Ulstad shall provide the Board with any information the Board deems necessary to verify compliance with the terms and conditions of this Consent Order.

7. If Mr. Ulstad 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 to deny any application he might make in the future or then have pending for a license to practice medicine.

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

9. Mr. Ulstad hereby waives any requirement under any law or rule that this Consent Order be served on him.

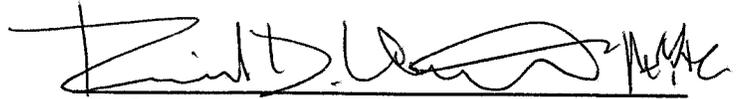
10. Upon execution by Mr. Ulstad and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to 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 13th day of May, 2022.

NORTH CAROLINA MEDICAL BOARD

By: 
John W. Rusher, M.D., J.D.
President

Consented to this the 13 day of may, 2022.

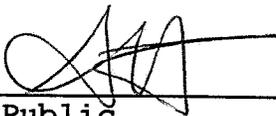

Richard Douglas Ulstad, PA-C

State of North Carolina

County of Carteret

I, SARAH A MITCHELL, do hereby certify that Richard Douglas Ulstad, PA-C personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 13 day of may, 2022.



Notary Public

(Official Seal)

My Commission Expires: 10-5-23

