

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Ernest Terrill Smith, PA-C,) CONSENT ORDER
)
Respondent.)

This matter is before the North Carolina Medical Board ("Board") regarding information provided to the Board concerning Ernest Terrill Smith, PA-C ("Mr. Smith"). Mr. Smith 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. Smith was first issued a license to practice as a physician assistant by the Board on or about February 26, 2008, license number 0010-01278.

At all times relevant hereto, Mr. Smith practiced as a physician assistant in Greensboro, North Carolina. In early 2023, Mr. Smith was primarily employed doing in-home Medicare assessments

for adult patients. He also, however, worked occasionally at a student health center where he provided medical care to a college-student-age population. In his primary practice, Mr. Smith's patients do not disrobe and are not subject to a complete physical examination by him. He does not provide medical care to those patients for whom he performs a Medicare assessment. Family members are encouraged to be present for the assessments he performs so as to engage them in the patient's overall health and care.

On January 18, 2023, Patient A, an 18-year-old female, presented to the student health center where Mr. Smith occasionally practiced complaining of prolonged cold symptoms. Patient A was accompanied by a female friend, Witness A.

During the patient encounter with Patient A, Mr. Smith made inappropriate and unprofessional comments about her appearance and relationship status, at times referring to her as "mama." Additionally, on several occasions, Mr. Smith made inappropriate offers of condoms, including implying Patient A needed condoms because of her attractiveness. Patient A also complained that Mr. Smith used profanity throughout her appointment with Mr. Smith.

In a video recording made by Witness A and provided to the Board, Mr. Smith was heard to have a graphic exchange with Witness A regarding the type of condom she needed.

Since this incident, Mr. Smith has not worked at the student health center and does not intend to work there again in the future. Rather, Mr. Smith has returned to his full-time position performing Medicare assessments for older adult patients.

CONCLUSIONS OF LAW

Mr. Smith's conduct, as described above, constitutes unprofessional conduct, within the meaning of N.C. Gen. Stat. § 90-14(a)(6), including, but not limited to, a departure from, or the failure to conform to the ethics of the medical profession, or the committing of any act contrary to honesty, justice, or good morals, which is grounds under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit Mr. Smith's physician assistant license or to deny any application he may make in the future.

PROCEDURAL STIPULATIONS

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

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

Mr. Smith, with the advice of legal counsel, acknowledges that he has read and understands this Consent Order and enters into it voluntarily.

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

1. Mr. Smith is hereby REPRIMANDED.
2. Mr. Smith shall comply with following terms and conditions:

- a. Mr. Smith shall take and successfully complete the Professional/Problem-Based Ethics ("ProBE") course, an education course offered by the Center for Personalized Education for Professionals ("CPEP"), within six (6) months of the date of this Consent Order. Mr. Smith shall submit evidence of the successful completion of the ProBE course to the Board's Monitoring Coordinator, North Carolina Medical Board, P.O. Box 20007, Raleigh, NC 27619-0007 or boardmonitoring@ncmedboard.org within five (5) days of receiving his grade. To register for the ProBE course, Mr. Smith should contact CPEP at 303.577.3232 or visit their website, www.cpepdoc.org.

- b. Mr. Smith is required to have a trained female chaperone present for the entirety of the time he is providing medical care to female patients under the age of 30. "Trained female 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 Monitoring Coordinator. The chaperone's identity and presence shall be documented in the medical record for each encounter where Mr. Smith is providing medical care to female patients under the age of 30.
- c. Mr. Smith shall furnish to the Board the name and contact information for all trained female chaperones. The trained female 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 Monitoring Coordinator.
- d. No person may act as a trained chaperone until they have certified to the Board that they have read this Consent Order.

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

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

5. Mr. Smith shall notify the Board if the scope of his practice should change and/or expand to where he is regularly performing complete physical examinations of female patients.

6. Upon request, Mr. Smith 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. Smith 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 as a physician assistant and to deny any application he might make in the future or then have pending for a license to practice as a physician assistant.

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

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

10. Upon execution by Mr. Smith 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 September, 2023.

NORTH CAROLINA MEDICAL BOARD

By: 

Michaux R. Kilpatrick, M.D., Ph.D.
President

Consented to this the 13th day of Sept., 2023.

Ernest Terrill Smith, PA-C
Ernest Terrill Smith, PA-C

State of NC

County of Guilford

I, Dylan Stone, do hereby certify that Ernest Terrill Smith, 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 13th day of Sept., 2023.

[Signature]
Notary Public

My Commission Expires: 2/22/2028

