

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
James Wesley Heroman, M.D.,) CONSENT ORDER
)
Respondent.)

This matter is before the North Carolina Medical Board ("Board") regarding information provided to the Board concerning James Wesley Heroman, M.D. ("Dr. Heroman"). Dr. Heroman 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. Heroman was first issued a license to practice medicine by the Board on or about July 12, 2013, license number 2013-01462. At all times relevant, Dr. Heroman practiced Ophthalmology in Charlotte, North Carolina.

In 2013, Dr. Heroman bought Carolina Retina and Vitreous Consultants ("CRVC") from another physician. Dr. Heroman

continued a medication ordering practice at CRVC that had been established by the prior owner of CRVC. Dr. Heroman thought this practice was appropriate and lawful. Dr. Heroman ordered and received prescription medications that were not approved by the Food and Drug Administration ("FDA") for use within the United States. This practice was, in fact, illegal.

Dr. Heroman and CRVC were investigated by the Food and Drug Administration and the United States Department of Justice. These investigations have recently resolved as detailed below.

On September 8, 2021, the following criminal case documents were filed in United States District Court for the Western District of North Carolina, Charlotte Division:

Factual Basis: This is a document that explains the basis for a Class A Misdemeanor charge against Dr. Heroman and guilty plea related to ordering the non-FDA approved medications.

Plea Agreement: Dr. Heroman pled guilty to a Class A Misdemeanor in violation of Title 21, USC Sections 331(c) and 333(a)(1) prohibiting, in relevant part, receipt in interstate commerce of misbranded drugs, and the delivery or proffered delivery thereof for pay or otherwise. This document indicates that sentencing will take place at a later date and explains that CRVC shall pay \$450,000 in restitution in a separate civil case settlement and that

settlement shall satisfy all of Dr. Heroman's involvement in that matter. Finally, this document references a forfeiture money judgment to be paid by Dr. Heroman in the amount of \$125,000.

Bill of Information: This document is a waiver of indictment and agreement to prosecution in Court. These types of documents are done in cases such as these where plea agreements have been reached.

On October 5, 2021, a Consent Order and Judgment of Forfeiture was filed in United States District Court for the Western District of North Carolina, Charlotte Division indicating that Dr. Heroman shall pay \$125,000. This is a separate penalty that Dr. Heroman is paying.

In October 2021, the Board became aware of these matters and opened an investigation of Dr. Heroman. On November 12, 2021, Dr. Heroman's North Carolina medical license was made inactive by request.

CONCLUSIONS OF LAW

Dr. Heroman agrees that the above noted actions constitute 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. Heroman's license to practice medicine or to deny any application he might make in the future.

PROCEDURAL STIPULATIONS

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

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

Dr. Heroman acknowledges that he has read and understands this Consent Order and enters into it voluntarily.

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

1. Dr. Heroman is hereby REPRIMANDED. The Board also accepts and notes that Dr. Heroman's North Carolina medical license was made inactive by request during the Board investigation.

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

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

4. Upon execution by Dr. Heroman 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 17th day of June, 2022.

NORTH CAROLINA MEDICAL BOARD

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

Consented to this the 1 day of June, 2022.

[Signature]
James Wesley Heroman, M.D.

State of South Carolina
County of Richmond

I, Tim Deacy, do hereby certify that James Wesley Heroman, 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 1st day of June, 2022.

[Signature]
Notary Public

(Official Seal)

My Commission Expires: 1 February 2026