



November 14, 2023

Via Attorney of Record

David Brian Schmitz, D.O.
Oceanside Family Medicine
584 Hospital Drive, NE, Suite C
Bolivia, NC 28423

Dear Dr. Schmitz:

The North Carolina Medical Board (“Board”) has concluded its investigation related to your care of Patient A. It is the Board’s decision not to commence formal proceedings against your license at this time. However, the Board voted to issue you this public letter of concern and require that you complete continuing medical education (“CME”) on the evaluation and management of anemia in adult male patients and early recognition of gastrointestinal cancers. The Board does not consider a public letter of concern to be a disciplinary action or a limitation or restriction on your license.

In 2019, you began treating Patient A, a 42-year-old-male, as his primary care physician. In December 2021, Patient A was referred to an arthritis clinic for evaluation of joint pain. On December 15, 2021, a laboratory workup was performed on Patient A that, in relevant part, revealed a low hemoglobin of 8.7. On December 27, 2021, a physician at the arthritis clinic reviewed the laboratory results, provided them to your office and recommended starting oral iron therapy. The physician at the arthritis clinic also began a plan of treatment for the anemia by starting Patient A on iron supplementation.

The Board notes that you were away on vacation when these laboratory results were sent to your office on December 27, 2021. The Board also notes that a medical assistant mistakenly placed these laboratory results in an incorrect place that resulted in you not reviewing them until on or about January 11, 2022. At that time, you recommended continuing with the oral iron therapy and following up with Patient A in 3 to 4 weeks, with treatment that would include repeat laboratory testing to see if the hemoglobin of 8.7 had gone up in value. Patient A did not follow up as requested and thereafter switched to a different primary care physician on March 15, 2022, who recommended an urgent endoscopy due to the low hemoglobin level. That resulted in a colonoscopy being performed on Patient A on March 18, 2022, that identified colon cancer that had metastasized to the liver and peritoneum. The Board acknowledges that the lack of an in-person evaluation limited your ability to discuss any symptoms Patient A might have been having or allow for a proficient physical exam.

David Brian Schmitz, D.O.
November 14, 2023
Page 2

The Board had your care of Patient A reviewed by an independent medical expert. The reviewing expert opined that your medical records were within the standards of acceptable and prevailing medical practice in North Carolina. However, this expert expressed concern and thought that you should have considered working Patient A up in January 2021 and ordered a colonoscopy, repeat laboratory work and possible liver ultrasound.

The Board has no evidence to suggest that, if you had done these things, Patient A's treatment and prognosis would have been any different.

By executing the consent and waiver portion of this public letter of concern, you agree to obtain four (4) hours of Category I CME on the evaluation and management of anemia in adult male patients and four (4) hours of Category I CME in early recognition of gastrointestinal cancers for a total of eight (8) hours of CME. All CME courses must be approved in advance by the Board's Office of the Medical Director and must be completed within six (6) months from the date of this public letter of concern.

The Board urges you to take steps to ensure that the conduct giving rise to the Board's concerns does not happen again. Otherwise, the Board may take additional action against your license to practice medicine. If that happens, this letter may be reviewed in determining the appropriate action.

This letter is a public record within the meaning of Chapter 132 of the North Carolina General Statutes and is subject to public inspection and dissemination as required by that law. It will be reported to the Federation of State Medical Boards.

Sincerely,



Christine M. Khandelwal, D.O., MHPE
President

CMK/PFB/las

Consent and Waiver

I, David Brian Schmitz, D.O., would like to resolve this matter without the need for more formal proceedings and consent to the Board's issuance of this public letter of concern in resolution of the above matter. I hereby waive any requirement under any law or rule that this public letter of concern be served on me.

I, David Brian Schmitz, D.O., agree that, within six (6) months from the date of this public letter of concern, I shall complete four (4) hours of a Category I CME on the evaluation and management of anemia in adult male patients and four (4) hours of a Category I CME in early recognition of gastrointestinal cancers ("CME Courses") for a total of eight (8) hours of CME. I will ensure that these eight (8) hours of CME Courses are approved in advance by the Board's Office of the Medical Director by contacting the Board's Compliance Coordinator at boardmonitoring@ncmedboard.org to facilitate course approval. I further agree to contact the Board's Compliance Coordinator once the CME Courses are completed and provide proof of completion.

Consented to this the 06 day of November, 2023.

David Brian Schmitz, D.O.
David Brian Schmitz, D.O.

State of North Carolina

County of Brunswick

I, Debra A. Hutchins, do hereby certify that David Brian Schmitz, D.O. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 6th day of November 2023.

Debra A. Hutchins
Notary Public

(Official Seal)

My Commission Expires: 01-19-2028

