

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
John Carl Pittman, M.D.,) CONSENT ORDER
)
Respondent.)

This matter is before the North Carolina Medical Board (hereafter Board) regarding the Notice of Charges and Allegations dated May 15, 2002, against John Carl Pittman, M.D. (hereinafter Dr. Pittman). Dr. Pittman admits and the Board finds and concludes that:

Whereas the Board issued Dr. Pittman a license to practice medicine and surgery on August 8, 1987, license number 31614, pursuant to which he has been practicing general and complementary medicine in Raleigh, North Carolina, and

Whereas Dr. Pittman began treating Patient A in December 1998, for, among other things, immune dysfunction as a result of recurrent urinary tract infections, chronic Candida (yeast) infections, and chronic fatigue, and

Whereas after attempting other forms of treatment, Dr. Pittman decided to treat the above conditions with ozone and a diluted form of hydrogen peroxide, administered intravenously (IV), and

Whereas a well-known though uncommon potential risk of this treatment is hemolysis, the destruction of red blood cells that can lead to potentially life-threatening anemia, and

Whereas because of the risk of hemolysis, it is important to be aware of a patient's hemoglobin and hematocrit lab values before instituting and during IV hydrogen peroxide treatment, and

Whereas, although Dr. Pittman tested Patient A's hemoglobin and hematocrit (hereafter H&H test) 20 months prior and 7 months prior to this treatment and found her values normal both times, he did not order this test immediately prior to beginning this treatment to make sure Patient A had a sufficient red blood cell count and, if so, to record her baseline levels against which to compare future levels. In addition, Dr. Pittman waited until Patient A's fifth treatment, eight days after her first treatment, before ordering an H&H test, and

Whereas although Dr. Pittman and his nurse explained to Patient A that a possible risk of this therapy was anemia, Dr. Pittman and Patient A disagree on whether he advised her that if she became severely anemic a blood transfusion would be the treatment of first choice to save her life; in any event, Dr. Pittman's informed consent form and his record of Patient A's

care make no mention whatsoever that he advised her that this therapy could lead to the need for a blood transfusion, and

Whereas Patient A had indicated on her intake sheet that she was a Jehovah's Witness and, therefore, Dr. Pittman should have known that there was a good chance she would not accept a transfusion, making the need for a discussion of this issue, and documentation thereof, and for close monitoring of her hemoglobin and hematocrit, important, and

Whereas, the day of her fifth treatment, Patient A's hemoglobin had dropped to 5.8, less than half the normal value. The following day, Patient A became very weak and incoherent and her husband took her to the hospital. Her hemoglobin at that point had dropped to 4.5, and during the course of her hospitalization, after the administration of over 1300 cc of IV fluids, fell further to as low as 3.8. Patient A remained in the hospital for six days until her hemoglobin had returned to a safe level, and

Whereas by instituting IV ozone and hydrogen peroxide treatment on a patient who indicated on her initial intake form she was a member of Jehovah's Witnesses without being more attentive to her hemoglobin and hematocrit, the possibility that she might require a blood transfusion but might refuse it, and documentation of these matters, Dr. Pittman departed from, or

failed to conform to, the standards of acceptable and prevailing medical practice, within the meaning of 90-14(a)(6), which is grounds under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit Dr. Pittman's license to practice medicine and surgery issued by the Board, and

Whereas Dr. Pittman would like to resolve this case without the need for a hearing, and

Whereas Dr. Pittman acknowledges and agrees that the Board is a body duly organized under the laws of North Carolina and is the proper party to have brought this proceeding under the authority granted it in Article 1 of Chapter 90 of the North Carolina General Statutes, and the rules promulgated pursuant thereto, and that the Board has jurisdiction over him and over the subject matter of this case, and

Whereas the Board is authorized by N.C. Gen. Stat. § 150B-41(c) to resolve this matter by Consent Order, and

Whereas Dr. Pittman knowingly waives his right to any hearing on the charges brought in the Notice of Charges and Allegations dated May 15, 2002, and to any judicial review or appeal in this case, and

Whereas Dr. Pittman acknowledges he has read and understands this Consent Order and enters into it voluntarily, and

Whereas Dr. Pittman acknowledges that he is aware of his right to employ counsel in this matter and has retained Jean Boyles and James A. Wilson to represent him in this matter, and

Whereas Dr. Pittman understands that this Consent Order is subject to the approval of the Board and Dr. Pittman agrees that he will not raise any objection or advance any argument that the Board or any of its members are disqualified from further participation in this case by reason of the review and consideration of this Consent Order, and

Whereas the Board determined it to be in the public interest to resolve this matter as set forth below;

Now, therefore, in full resolution of the Notice of Charges and Allegations, and with Dr. Pittman's consent, it is ORDERED that:

1. Dr. Pittman's license to practice medicine and surgery is hereby INDEFINITELY SUSPENDED. All but sixty (60) days of that suspension is immediately STAYED on the condition that Dr. Pittman comply with the terms of this consent order.

2. Dr. Pittman will not use IV ozone or hydrogen peroxide therapy in his practice until the Board explicitly orders otherwise.

3. Dr. Pittman will use procedures in his practice to prominently identify patients who refuse blood transfusions or blood products.

4. Dr. Pittman may not, either as a primary or back-up supervising physician, supervise physician assistants, nurse practitioners, or clinical pharmacist practitioners.

5. Dr. Pittman shall obey all laws. Likewise, he shall obey all rules or regulations involving the practice of medicine.

6. Dr. Pittman shall notify the Board in writing of any change in his residence or practice addresses within ten (10) days of the change.

7. If Dr. Pittman 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 surgery and to deny any application he might make in the future or then have pending for a license.

8. This Consent Order shall take effect three weeks from the date of execution by both Dr. Pittman and the Board and it shall continue in effect until specifically ordered otherwise by the Board.

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

10. Upon execution by Dr. Pittman 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 by and permitted by law including, but not limited to, the Federation of State Medical Boards, the National Practitioner's Data Bank, and the Healthcare Integrity and Protection Data Bank.

This the 7th day of ~~August~~ ^{September}, 2002.

NORTH CAROLINA MEDICAL BOARD

By: Walter J. Pories
Walter J. Pories, M.D.
President

ATTEST:

Andrew Watry

Andrew Watry
Executive Director

Consented to this the 4 ^{Sept} day of ~~August~~, 2002.

John Carl Pittman
John Carl Pittman, M.D.

State of North Carolina

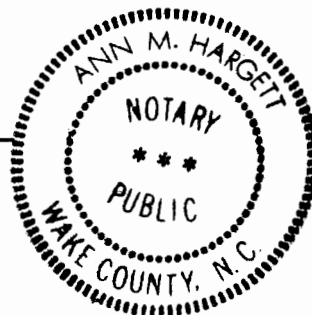
County of Wake

I, Ann M. Hargett, a Notary Public for the above named County and State, do hereby certify that John Carl Pittman, 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 4 day of ~~August~~ ^{Sept}, 2002.

Ann M. Hargett
Notary Public

(SEAL)



My Commission expires: 1/24/2004