BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re: 

Angela Sharnell Morrison, M.D., CONSENT ORDER
Respondent.

This matter is before the North Carolina Medical Board ("Board") on information that Angela Sharnell Morrison, M.D. ("Dr. Morrison") committed unprofessional conduct. Dr. Morrison admits and the Board finds and concludes that:

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 it in Article 1 of Chapter 90 of the North Carolina General Statutes and the rules and regulations promulgated thereto.

FINDINGS OF FACT

Dr. Morrison is a physician first licensed by the Board on or about July 30, 2010, license number 2010-01402.

At the times relevant herein, Dr. Morrison practiced medicine in Mecklenburg County, North Carolina.

InShape is a weight loss practice with franchises in Huntersville and Charlotte, North Carolina. The Huntersville InShape was owned and operated by a non-physician. The
Charlotte InShape was owned and operated by a Tennessee physician, Salman Saeed, M.D. ("Dr. Saeed"). At no time has Dr. Saeed ever had a North Carolina medical license.

As a general rule, with few exceptions, none of which are applicable here, a business entity that provides physician services that constitute the practice of medicine must be owned by physicians licensed by this Board. This is known as the Corporate Practice of Medicine doctrine.

The Huntersville InShape and the Charlotte InShape both engaged in the Corporate Practice of Medicine. The two InShape franchises typically treated patients for weight loss by prescribing human chorionic gonadotropin ("HCG") and providing patients vitamin B12 injections. On occasion, patients would be prescribed the controlled substance phentermine for weight loss. The Charlotte InShape more frequently treated patients with phentermine than the Huntersville franchise.

Dr. Morrison was the medical director for both InShape franchises, though neither practice was her primary practice. Dr. Morrison primarily practices as an obstetrician and gynecologist.

Dr. Morrison became the medical director at the Charlotte InShape in September, 2013. Initially, Dr. Morrison would see patients twice a week in Charlotte, assess the patient and
determine whether the patient should be started on a weight loss program. If phentermine was to be part of the treatment plan, an electrocardiogram ("ECG") would typically be administered. However, Dr. Morrison was uncomfortable interpreting the ECGs and most ECGs were reviewed and interpreted by Dr. Saeed.

Dr. Saeed would interpret the ECGs, and based on his interpretation, he would either approve or disapprove a patient for a prescription for phentermine. The phentermine prescriptions would be authorized under Dr. Morrison's name. Interpretation of ECGs is considered the practice of medicine. By interpreting ECGs and informing his staff that the patient could be started on a weight loss program and given a prescription, Dr. Saeed engaged in the unlicensed practice of medicine in North Carolina.

In July, 2014, Dr. Morrison gave birth to a child and ceased coming to the Charlotte InShape twice a week. From July, 2014 to mid-August, 2014, patients at the Charlotte InShape were seen exclusively by medical assistants. New patients would have prescriptions called in for them based on reviews of their ECGs by Dr. Saeed. Established patients would obtain refills of prescriptions without being seen or reassessed by Dr. Morrison. Dr. Morrison was unaware of this and was specifically informed that there were no patients that needed to be seen by her during
this period of time. After becoming aware of the Board’s investigation, the two medical assistants resigned their positions at the Charlotte InShape.

As to the Huntersville InShape, patients were seen initially by a registered nurse who did an assessment and had blood drawn for laboratory testing. After a patient was assessed by the registered nurse, the patient chart would purportedly be scanned and emailed to Dr. Morrison for review. If Dr. Morrison approved the patient for a prescription, then staff would sometimes cut and paste her signature on a prescription blank that could be used to prescribe the patient HCG. Dr. Morrison reports that the practice of cutting and pasting her signature on a prescription blank was not approved or authorized by her.

Patients A through D were patients of the Charlotte InShape. Each of these patients received phentermine prescriptions with Dr. Morrison’s name on the prescriptions. Dr. Morrison reports that these prescriptions were provided to the patients without her approval and without her knowledge. These patients also received HCG and vitamin B12 injections. A review of the available records of Patients A-D reflected substandard care and record-keeping by InShape staff for whom Dr. Morrison was responsible. Examples of substandard care
include: prescribing phentermine without a documented physical examination; failure to address abnormal lab findings, including low vitamin D, high blood sugar and high liver enzymes; failure to take into account patients' other co-morbidities, including hypertension; and failure to reconcile inconsistencies in documentation such as a patient with a recorded normal body mass index (BMI) of 25.8 yet the patient is prescribed phentermine for weight loss.

Dr. Morrison reports that she relied on representations made to her by InShape regarding the permissibility of InShape's operations in North Carolina.

Dr. Morrison reports that she relied on the fact that InShape was a national multi-state company with facilities operating throughout the country in several states.

Dr. Morrison reports that she relied on representations by InShape that the protocols, policies and guidelines developed by InShape were consistent with standards of acceptable medical practice.

InShape had been offering its services in North Carolina for over one year before Dr. Morrison was hired as Medical Director.
As soon as Dr. Morrison became aware of the Board's concerns regarding InShape’s operation, she gave the appropriate notice and resigned her position as Medical Director.

Dr. Morrison has fully cooperated with the Board throughout its investigation.

CONCLUSIONS OF LAW

Dr. Morrison’s conduct, as described above, constitutes unprofessional conduct within the meaning of N.C. Gen. Stat. § 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. Morrison’s license to practice medicine or to deny any application she may make in the future.

Dr. Morrison’s conduct, specifically her aiding and abetting the unlicensed corporate practice of medicine, albeit unknowingly and unintentional, as described above, constitutes a violation of a law involving the practice of medicine within the meaning of N.C. Gen. Stat. § 90-14(a)(7), which is grounds under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit Dr. Morrison’s license to practice medicine or to deny any application she may make in the future.
PROCEDURAL STIPULATIONS

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

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

Dr. Morrison acknowledges that she has read and understands this Consent Order and enters into it voluntarily.

Dr. Morrison would like to resolve this matter without the need for more formal proceedings.

The Board has determined that the facts and circumstances of this case do not warrant or require a restriction or limitation to be placed on Dr. Morrison’s license to practice medicine and that it is in the public interest to resolve this case as set forth below.

ORDER

Now, therefore, with Dr. Morrison’s consent, it is ORDERED that:

1. Dr. Morrison’s license to practice medicine and surgery is SUSPENDED for TWELVE (12) MONTHS; however, such suspension is STAYED upon the following terms and conditions.

2. Within six (6) months of the date of this Consent Order, Dr. Morrison shall complete ten hours of Category I
Continuing Medical Education ("CME") on the subject of medical record-keeping. The CME course(s) must be pre-approved by the Board’s Medical Director. Dr. Morrison shall submit evidence of the completion of CME course(s) to the Board’s Compliance Department within thirty (30) days of completing the courses.

3. Dr. Morrison shall pay a FINE of $5,000 dollars within six (6) months of the date of this Consent Order.

4. Dr. Morrison shall obey all laws. Likewise, she shall obey all rules and regulations involving the practice of medicine.

5. Dr. Morrison shall notify the Board in writing of any change in her residence and practice addresses within ten (10) days of the change.

6. Dr. Morrison shall meet with the Board or members of the Board for an investigative interview at such times as requested by the Board.

7. If Dr. Morrison 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, revoke, condition, or limit Dr. Morrison’s license to practice medicine and surgery.
and to deny any application she might make in the future or then have pending for a license.

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

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

10. Upon execution by Dr. Morrison 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 National Practitioner Data Bank.

By Order of the North Carolina Medical Board this the 22\text{nd} day of October, 2015.

NORTH CAROLINA MEDICAL BOARD

By: \underline{Cheryl Walker-McGill, M.D.}
Cheryl Walker-McGill, M.D.
President
Consented to this the 21st day of October, 2015.

Angela S. Morrison, M.D.

State of South Carolina

County of York

I, Carrie P. Newman, a Notary Public for the above named County and State, do hereby certify that Angela Sharnell Morrison, 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 21st day of October, 2015.

Carrie P. Newman
Notary Public

(SEAL)

My Commission Expires: 2/4/2025