

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re: _____)
)
) FINDINGS OF FACT,
) CONCLUSIONS OF LAW,
) AND ORDER OF LICENSURE
Applicant.)

This matter was heard by the North Carolina Medical Board ("Board") on _____. Brian Blankenship represented the Board and James A. Wilson represented _____

Based upon the evidence presented and arguments of Mr. Blankenship and Mr. Wilson, the Board enters the following:

FINDINGS OF FACT

1. 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.

2. Dr. _____ is a physician seeking to become licensed by the Board.

3. On April 3, 2013, the Board denied Dr. _____ application to practice medicine in North Carolina because of her having been convicted of a felony within the meaning of N.C. Gen. Stat. § 90-14(a)(7). Dr. _____ timely requested a hearing.

4. On [] was found guilty, after a plea of guilty, in the United States District Court of one felony count of Conspiracy to File False Claims, Steal Property, and Make or Use False Statements Relating to Health Care Matters.

5. Dr. [] was sentenced to three (3) years of supervised probation including six (6) months of home confinement. Pursuant to court order, she paid \$48,296.37 in restitution. On December 14, 2012, the court discharged Dr. Shimkus from supervised release and terminated the proceedings.

6. Dr. [] has been a member of the United States Navy for approximately thirty-three (33) years and currently holds the rank of Commander. The federal conviction concerned her involvement in a fraudulent marriage, which took place in []. After becoming married, the Navy granted Dr. [] enhanced housing benefits, and her husband obtained health care benefits as the spouse of a member of the military, for a total loss to the government of \$48,296.37.

7. Dr. [] testified that she did not enter into the fraudulent marriage in order to obtain financial benefits for herself but rather to conceal her sexual orientation from the Navy. Dr. [] sexual orientation had previously been investigated by the Navy.

8. Before being criminally investigated, Dr. [] came to the conclusion that the marriage was wrong and she began steps to obtain a divorce. Dr. [] was divorced from her husband in November 2010.

9. Dr. [] expressed remorse for her conduct leading to the conviction and accepted personal and professional responsibility for her conduct.

10. Several witnesses testified that Dr. [] has good moral character and is a good physician. Dr. [] is held in high esteem by her peers and patients. Other than the conviction, Dr. [] record of service to her country and profession is unblemished. Dr. [] current assignment in the Navy is practicing medicine.

Based upon the foregoing Findings of Fact, the Board enters the following:

CONCLUSIONS OF LAW

1. The Board has jurisdiction over Dr. [] and the subject matter.

2. The Board had sufficient basis to deny Dr. [] application to practice medicine in North Carolina.

3. Dr. [] has satisfied the Board of her qualifications for a license to practice medicine in North Carolina.

NOW, THEREFORE, it is Ordered as follows:

ORDER

1. The Board shall issue Dr. _____ a FULL AND UNRESTRICTED LICENSE to practice medicine.

2. Dr. _____ is hereby REPRIMANDED and assessed a \$5,000.00 FINE for her conduct leading to her felony conviction.

3. This Order is a public record within the meaning of Chapter 132 of the North Carolina General Statutes and is 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.

This the 9th day of July, 2013.

NORTH CAROLINA MEDICAL BOARD

By:


William A. Walker, M.D.
President