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February 3, 2011

Via Certified Mail -- Return Receipt Requested

Charles Marshall Webb, M.D.
Crist Clinic for Women
250 Memorial Drive
Jacksonville, NC 28546

Dear Dr. Webb:

The North Carolina Medical Board ("Board") has reviewed information regarding a complaint made against you by Patient A. It is the Board's decision not to commence formal proceedings against your license to practice medicine at this time. However, the Board did vote to issue you this public letter of concern and advise you to complete continuing medical education.

On August 11, 2009, Patient A presented to Changes MedSpa, where you are one of the owners and was acting as Medical Director, for a consultation with a nurse for non-ablative Intense Pulsed Light hair removal. At this time, a "patch test" was performed as a method of detecting an adverse reaction. Patient A had no adverse reaction and later scheduled this hair removal procedure which was performed by a nurse on September 8, 2009. Just before the procedure, Patient A informed the nurse performing the procedure that she had not timely applied a topical anesthetic to the hair removal site. The nurse then applied a non-prescription Benzocaine, Lidocaine and Tetracaine cream to anesthetize the hair removal site and the hair removal procedure was performed.

Patient A thereafter developed an adverse reaction at one of the hair removal sites and met with you to discuss it on September 14, 2009. At this time, you diagnosed a rash with contact dermatitis and recommended continuing Patient A's prednisone and coming back for follow-up with you. You thereafter continued to treat Patient A and eventually the adverse reaction resolved.

The Board is concerned that Patient A was not seen and evaluated by a physician prior to medications being administered or the hair removal procedure being performed. While it is unclear whether the adverse reaction would have been avoided if an appropriate physician evaluation of Patient A had been performed prior to medications being administered and the hair removal procedure being performed, physician evaluation of patients prior to medication administration and performance of procedures such as this is an appropriate practice that may avoid situations like this in the future. Therefore, the Board expects that you will always ensure in the future that you evaluate patients prior to having medications like those used in this case administered and procedures such as this performed by non-physicians.

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The Board is pleased that you have agreed to contact the Board's Office of Medical Director within thirty (30) days of this letter to arrange a plan where you complete Continuing Medical Education ("CME") on the subject of local topical anesthetics. The CME course must be approved by the Board's Office of Medical Director and completed within twelve (12) months. You have also submitted an appropriate action plan which has been approved by the Board's Office of Medical Director regarding appropriate physician evaluation and documentation prior to medication administration and invasive procedures being performed by non-physicians. Failure to timely complete the required CME will result in the Board initiating public disciplinary proceedings against you pursuant to N.C. Gen. Stat. § 90-14(a)(6) based on your care of Patient A.

By this letter, the Board hereby encourages you to take steps to ensure that such failures are not repeated. The Board further cautions you that repetition of such practice may lead to the commencement of formal disciplinary proceedings against your license to practice medicine, wherein this public letter of concern may be entered into evidence as aggravation. The Board does not consider a public letter of concern to constitute disciplinary action, nor does it constitute a restriction or limitation on your license to practice medicine.

This public letter of concern 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 the Federation of State Medical Boards. It will not be reported to the National Practitioner Data Bank or the Healthcare Integrity and Practitioner Data Bank.

Sincerely,

Janice E. Huff, M.D.
Board President

JEH/PFB/bjs