

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	
Forrest Owen Smith, M.D.,)	NOTICE OF CHARGES
)	AND ALLEGATIONS;
)	NOTICE OF HEARING
Respondent.)	

The North Carolina Medical Board (hereafter, "Board") has preferred and does hereby prefer the following charges and allegations:

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. Forrest Owen Smith, M.D. (hereafter, "Dr. Smith") is a physician first licensed to practice medicine and surgery on December 6, 1973, license number 19035.

3. During the times relevant herein, Dr. Smith resided and practiced medicine in California.

4. For the reporting period of years 2002, 2003 and 2004, Dr. Smith reported a total of twenty-nine (29) Category I Continuing Medical Education ("CME") hours and thirty-one (31) Category II CME hours, for a total of sixty (60) CME hours during this three year period.

5. N.C. Gen. Stat. 90-14(a)(15) authorizes the Board to revoke, suspend, deny or annul a physician's medical license for "failure to complete an amount not to exceed 150 hours of continuing medical education during any three consecutive calendar years pursuant to rules adopted by the Board."

6. 21 NCAC 32R .0101 reads as follows:

21 NCAC 32R .0101 CONTINUING MEDICAL EDUCATION (CME) REQUIRED

(a) Continuing Medical Education (CME) is defined as knowledge and skills generally recognized and accepted by the profession as within the basic medical sciences, the discipline of clinical medicine, and the provision of healthcare to the public. CME should maintain, develop, or improve the physician's knowledge, skills, professional performance and relationships which physicians use to provide services for their patients, their practice, the public, or the profession.

(b) Each person licensed to practice medicine in the State of North Carolina shall complete no less than 150 hours of practice relevant CME every three years in order to enhance current medical competence, performance or patient care outcome. At least 60 hours shall be in the educational provider-initiated category as defined in Rule .0102 of this Section. The remaining hours, if any, shall be in the physician-initiated category as defined in Rule .0102 of this Section.

(c) The three year period described in Paragraph (b) of this Rule shall run from the physician's birthday beginning in the year 2001 or the first birthday following initial licensure, which ever occurs later.

10. By not obtaining the requisite required CME hours for the reporting years 2002, 2003 and 2004, Dr. Smith failed to complete an amount not to exceed 150 hours of continuing medical education during any three consecutive

calendar years pursuant to rules adopted by the Board, within the meaning of N.C. Gen. Stat. § 90-14(a)(15), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit Dr. Smith' license to practice medicine issued by the Board or to deny any application he might make in the future.

NOTICE TO DR. SMITH

Pursuant to N.C. Gen. Stat. § 90-14.2, it is hereby ordered that a hearing on the foregoing Notice of Charges and Allegations will be held before the Board at 8:00 a.m., Wednesday, February 15, 2006, or as soon thereafter as the Board may hear it, at the offices of the Board at 1203 Front Street, Raleigh, North Carolina, to continue until completed. The hearing will be held pursuant to N.C. Gen. Stat. § 150B-40, 41, and 42, and N.C. Gen. Stat. § 90-14.2, 14.4, 14.5, and 14.6. You may appear personally and through counsel, may cross-examine witnesses and present evidence in your own behalf.

You may, if you desire, file written answers to the charges and complaints preferred against you within 30 days after the service of this notice.

Pursuant to N.C. Gen. Stat. § 150B-40(c)(5), it is further ordered that the parties shall arrange a prehearing

conference at which they shall prepare and sign a stipulation on prehearing conference. The prehearing stipulation shall be submitted to the undersigned no later than seven days prior to the hearing date.

The right to be present during the hearing of this case, including any such right conferred or implied by N.C. Gen. Stat. § 150B-40(d), shall be deemed waived by a party or his counsel by voluntary absence from the Board's office at a time when it is known that proceedings, including deliberations, are being conducted, or are about to be conducted. In such event, the proceedings, including additional proceedings after the Board has retired to deliberate, may go forward without waiting for the arrival or return of counsel or a party.

This the 6th day of September, 2005.

NORTH CAROLINA MEDICAL BOARD



By: _____

Charles L. Garrett, Jr., M.D.
President