

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Soni Anil, N.P.,) CONSENT ORDER
)
Respondent.)

This matter is before the North Carolina Medical Board ("Board") regarding information provided to the Board concerning Soni Anil, N.P. ("Ms. Anil"). Ms. Anil makes the following admissions and the Board makes the following findings and conclusions:

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

FINDINGS OF FACT

Ms. Anil has been practicing as a nurse practitioner in North Carolina from on or about April 20, 2017, approval number 5009462.

At all times relevant hereto, Ms. Anil, located in Michigan, provided care to North Carolina patients by means of telemedicine.

Ms. Anil provided telemedicine to North Carolina patients through her work with a practice called Capeside Psychiatry, PLLC, ("Capeside") located in Wilmington, North Carolina.

Capeside employed several physicians and advanced practice practitioners, one of whom was Scott McClelland, M.D. ("Dr. McClelland").

On April 25, 2017, Dr. McClelland and the Board entered into a Consent Order in which Dr. McClelland surrendered his United States Drug Enforcement Administration ("DEA") privileges to prescribe controlled substances.

On February 15, 2019, Dr. McClelland and the Board entered into an Amended Consent Order in which Dr. McClelland agreed not to supervise advanced practice practitioners.

In March 2020, the Board learned that soon after Dr. McClelland entered into the 2017 Consent Order, he began a process by which he had other providers prescribe controlled substances for patients he personally examined. The process worked as follows. Patients were given appointments to see Dr. McClelland. At the appointment, Dr. McClelland would conduct a medical visit which would include conducting an examination. If after the visit, Dr. McClelland believed a patient would benefit from a controlled substance he would communicate that belief to another provider who had DEA privileges but who had not examined the patient to authorize the controlled substance prescription. Ms. Anil was one

of those other providers. Ms. Anil, who had not personally examined the patient, would purportedly review Dr. McClelland's note from the visit and then authorize the controlled substance prescription under her DEA number.

It is inappropriate, absent limited exceptions none of which are applicable here, for Ms. Anil to authorize a controlled substance for a patient she had not personally examined. Furthermore, it is inappropriate for a prescriber, who has had his DEA privileges removed by the Board, to ask another prescriber to prescribe controlled substance prescriptions for patients they had not personally seen. This process, employed by Dr. McClelland and aided by Ms. Anil, constituted an "end run" around DEA regulations and the loss of Dr. McClelland's DEA privileges.

CONCLUSIONS OF LAW

Ms. Anil's conduct, as described above, constitutes unprofessional conduct, within the meaning of 21 NCAC 32M .0112(a)(5) and N.C. Gen. Stat. § 90-14(a)(6), including, but not limited to, a departure from, or the failure to conform to the ethics of the medical profession, or the committing of any act contrary to honesty, justice, or good morals, which is grounds under those sections of the North Carolina Administrative Code and the North Carolina General Statutes for the Board to annul, suspend, revoke, condition, or limit Ms. Anil's approval to

practice as a nurse practitioner or to deny any application she may make in the future.

PROCEDURAL STIPULATIONS

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

Ms. Anil knowingly waives her right to any hearing and to any judicial review or appeal in this case.

Ms. Anil acknowledges that she has read and understands this Consent Order and enters into it voluntarily.

Ms. Anil desires to resolve this matter without the need for more formal proceedings.

The Board has determined that it is in the public interest to resolve this case as set forth below.

ORDER

NOW, THEREFORE, with Ms. Anil's consent, it is ORDERED that:

1. Ms. Anil is hereby REPRIMANDED.
2. Ms. Anil shall obey all laws. Likewise, she shall obey all rules and regulations involving the practice of medicine.
3. Ms. Anil shall meet with the Board or members of the Board for an investigative interview at such times as requested by the Board.

4. Upon request, Ms. Anil shall provide the Board with any information the Board deems necessary to verify compliance with the terms and conditions of this Consent Order.

5. If Ms. Anil fails to comply with any of the terms of this Consent Order, that failure shall constitute unprofessional conduct within the meaning of 21 NCAC .0112(a)(2) and (5) and N.C. Gen. Stat. § 90-14(a)(3) and (6) and shall be grounds, after any required notice and hearing, for the Board to annul, suspend or revoke her approval to practice as a nurse practitioner and to deny any application for approval to practice as a nurse practitioner she might make in the future or then have pending for approval.

6. This Consent Order shall take effect immediately upon its execution by both Ms. Anil and the Board, and it shall continue in effect until specifically ordered otherwise by the Board.

7. Ms. Anil hereby waives any requirement under any law or rule that this Consent Order be served on her.


8. Upon execution by Ms. Anil 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 Federation of State Medical Boards and the National Practitioner Data Bank.

By Order of the North Carolina Medical Board this the 4th day of November, 2020.

NORTH CAROLINA MEDICAL BOARD

By:



Venkata Jonnalagadda, M.D.
President

Consented to this the 4th day of November, 2020.

Soni Anil

Soni Anil, N.P.

State of Michigan

County of Oakland

I, Marco Pasquali, do hereby certify that Soni Anil, N.P. 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 November, 2020.

Marco Pasquali

Notary Public

MARCO PASQUALI
Notary Public - State of Michigan
County of Macomb
My Commission Expires Jul 13, 2024
Acting in the County of Oakland

(Official Seal)

My Commission Expires: _____