

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	FINDINGS OF FACT,
Everett Raphael Echols, II, M.D.,)	CONCLUSIONS OF LAW,
)	AND ORDER
Respondent.)	

This matter was heard by the North Carolina Medical Board (hereinafter Board) on November 19, 1998, on the Notice dated August 4, 1997. Dr. Echols made a timely request for a hearing, was present and represented himself. The Board was represented at the hearing by James A. Wilson. Having received and considered the evidence and the stipulations, and heard the arguments of Dr. Echols and of its counsel, the Board makes 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. Echols is a physician licensed by the Board on or about May 20, 1995, to practice medicine and surgery, license number 95-00562.

3. The United States brought a criminal prosecution against Dr. Echols in the United States District Court for the Middle District of North Carolina in United States of America V. Everett

Raphael Echols, II, case number 2:96CR252-1, for prescribing controlled substances while not registered with the Drug Enforcement Administration (hereinafter DEA) as required by federal law. The indictment contained twenty-nine counts, and Dr. Echols pled guilty to and was convicted of two counts of violations of 21 U.S.C. § 841. A copy of relevant documents was admitted into evidence as Board Exhibit 2.

4. Dr. Echols has previously been disciplined by a medical board. On or about May 20, 1992, by Final Order, a copy of which was admitted into evidence as a part of Board Exhibit 1, the State of Tennessee, Department of Health, Before the Board of Medical Examiners (hereinafter Tennessee board), in Docket Number 17, 18-0730J, In the Matter of Everett R. Echols, II, M.D., suspended Dr. Echols license for six months and placed him on probation for two years. The Board was aware of this action of the Tennessee board when it issued Dr. Echols a license in May 1995, but issued the license expecting that the existence of the action of the Tennessee Board would make Dr. Echols more circumspect regarding his legal responsibilities in the practice of medicine. Because of this previous discipline by a medical board and because of the conviction, a period of suspension is required.

5. Dr. Echols offered in defense or mitigation that these prescriptions were for legitimate medical use by the intended patients, and in its Judgment the Federal Court found "that [Dr. Echols] did not use his special skill to facilitate the offense[,] but such does not excuse Dr. Echols' lack of registration with the DEA.

Based on the foregoing Findings of Facts, the Board makes the following

CONCLUSIONS OF LAW:

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

2. Dr. Echols' conviction in the United States District Court for the Middle District of North Carolina in United States of America V. Everett Raphael Echols, II, case number 2:96CR252-1, is a felony conviction within the meaning of N.C. Gen. Stat. § 90-14(a)(7) and is grounds under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit his license to practice medicine and surgery issued to him by the Board.

Based on the foregoing Findings of Fact and Conclusions of Law, the Board hereby

ORDERS

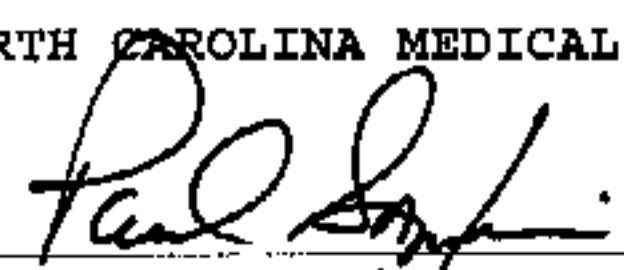
1. That Dr. Echols' license be and hereby is SUSPENDED FOR NINETY (90) DAYS FROM THE DATE HEREOF. Dr. Echols shall return his license and registration certificates to the Board for it to hold during the period of suspension.

2. Dr. Echols shall appear before the Board for an informal interview at the Board's January 1999 meeting.

This 7th day of Dec., 1998.


NORTH CAROLINA MEDICAL BOARD

By:



Paul Saperstein
President

ATTEST:

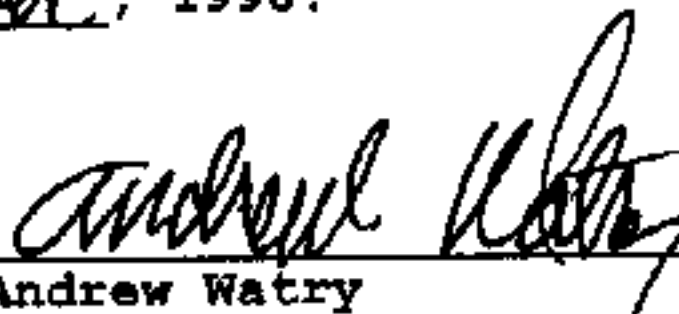


Andrew Watry
Executive Director

A copy of the foregoing was mailed by certified mail, return receipt requested, to:

Everett Raphael Echols, II, M.D.
12 Hutchinson Road
Southern Pines, North Carolina 28387

This the 1st day of December, 1998.



Andrew Watry
Executive Director
North Carolina Medical Board
Post Office Box 20007
Raleigh, North Carolina 29619
919-828-1212