

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

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

This matter was heard by the North Carolina Medical Board (hereafter, "Board") on October 20, 2004. The Board was represented by Board Attorney, Marcus Jimison, and Respondent, Everett Raphael Echols, II, M.D. (hereafter, "Dr. Echols"), was represented by William H. Breeze.

Based upon the evidence presented and the arguments of counsel, the Board enters the following:

FINDINGS OF FACT

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

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. On May 20, 1995, the Board issued a license to practice medicine and surgery to Dr. Echols, license number 95-00562.

3. During the times relevant herein, Dr. Echols practiced medicine in Rockingham, North Carolina.

4. During the years 2003 and 2004, Dr. Echols was employed by RX Medical, an Internet prescribing company.

5. As part of his employment with RX Medical, Dr. Echols reviewed online questionnaires submitted by individuals to RX Medical. The individuals, who were seeking to obtain a specific prescription drug, accessed a website maintained and operated by RX Medical and completed an online questionnaire. Dr. Echols reviewed the questionnaires, and based upon his review, authorized a prescription for the individual for the drug he/she sought.

6. The prescription that Dr. Echols authorized was then transmitted electronically to an online pharmacy associated with RX Medical, which then filled the prescription and sent the prescription drugs, usually by an overnight shipping company, to the address provided by the individual who requested the drug through the online questionnaire.

7. Dr. Echols did not personally examine any of the individuals who accessed RX Medical's website. No prior physician-patient relationship existed between Dr. Echols and any of the individuals who accessed the website that might have permitted, depending on good medical practice, issuing a new

prescription without a physical examination.

8. Patient A is the mother of a 17 year old minor male child. On or about January 21, 2004, either Patient A, in her own name, or her son, using his mother's name, accessed RX Medical's website and requested 90 - 150 mg tablets of Elavil® (amitriptyline). In the questionnaire used to request the Elavil®, it was asked "What is the medical condition that you are request [sic] this medication for?" The answer given by either Patient A or her son was "severe depression."

9. Dr. Echols reviewed the questionnaire submitted by either Patient A or her son and authorized a prescription for 90 - 150 mg tablets of Elavil®. The Elavil® prescription was then filled by EZ RX and shipped to Patient A's home address.

10. Patient A and her son used the Elavil® to commit suicide. When the California authorities discovered the bodies of Patient A and her son, they also found an empty bottle of Elavil® which had affixed to it a label indicating that the bottle once contained 90 - 150 mg tablets of Elavil® and that the prescription had been authorized by Dr. Echols.

11. Autopsy reports indicated that Patient A and her son had both died from "amitriptyline poisoning."

12. Dr. Echols did not personally examine Patient A prior to authorizing a prescription for amitriptyline for her. No prior physician-patient relationship existed between Dr. Echols and Patient A that might have permitted, depending on good medical practice, issuing a new prescription without a physical examination.

13. As a result of his Internet prescribing, the United States Drug Enforcement Administration (hereafter, "DEA") opened an investigation into Dr. Echols' Internet prescribing practice which included the DEA suspending, on an emergent basis, Dr. Echols' DEA privileges. The investigation also included a DEA investigator conducting an interview of Dr. Echols.

14. During his interview with the DEA investigator and during a subsequent interview with a Board investigator, and at the hearing on this matter, Dr. Echols admitted to prescribing drugs over the Internet to individuals without first meeting and/or conducting an examination of the individual. Dr. Echols also indicated that he, at the height of his on-line prescribing, authorized as many as 1,000 prescriptions per day.

CONCLUSIONS OF LAW

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

2. By prescribing drugs to individuals over the Internet in the manner described above, Dr. Echols engaged in unprofessional conduct, including, but not limited to, departure from, or the failure to conform to, the standards of acceptable and prevailing medical practice, or the ethics of the medical profession, irrespective of whether or not a patient is injured thereby, within the meaning of N.C. Gen. Stat. § 90-14(a)(6), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit Dr. Echols' license to practice medicine and surgery issued by the Board, or deny any application he might make in the future.

3. By prescribing drugs to Patient A, as described above, Dr. Echols engaged in unprofessional conduct, including, but not limited to, departure from, or the failure to conform to, the standards of acceptable and prevailing medical practice, or the ethics of the medical profession, irrespective of whether or not a patient is injured thereby, within the meaning of N.C. Gen. Stat. § 90-14(a)(6), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend,

revoke, or limit Dr. Echols' license to practice medicine and surgery issued by the Board, or deny any application he might make in the future.

ORDER


1. The North Carolina medical license of Everett Raphael Echols, II, M.D. be and hereby is REVOKED.

2. Dr. Echols may make application for reinstatement of his medical license no sooner than two years from the date of October 20, 2004.

3. Prior to any application for reinstatement that he may make, Dr. Echols must participate with the North Carolina Physician Health Program ("NCPHP") and comply with any recommendations it may make. It is understood that the Board is under no obligation to approve any application for reinstatement that Dr. Echols may make regardless of his status with NCPHP.

This the 10th day of November, 2004.

NORTH CAROLINA MEDICAL BOARD

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