BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re: ) NOTICE OF CHARGES
John David Hamel, M.D., ) AND ALLEGATIONS;
Respondent. ) NOTICE OF HEARING

The North Carolina Medical Board ("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 and the rules and regulations promulgated thereto.

2. John David Hamel, M.D. ("Dr. Hamel") is a physician licensed by the Board on or about July 31, 1993, license number 9300141.

3. Dr. Hamel completed a residency and is Board certified in emergency medicine.

4. At all times relevant hereto, Dr. Hamel owned and operated the Complete Laser Clinic in Asheville, North Carolina where he practices cosmetic medicine and surgery.

5. On May 24, 2011, the Board received a complaint from Patient A regarding the outcome of a procedure she received from Dr. Hamel.
6. On May 25, 2011, the Board received another complaint from a practitioner with concerns regarding procedures performed on patients, including a procedure Dr. Hamel performed on Patient B.

7. As a result of these complaints, the Board opened an investigation addressing Dr. Hamel’s care of Patients A and B. The Board requested the medical records of Patients A and B and those of two additional patients ("Patients C and D").

8. The medical records for Patients A through D were submitted for review by a qualified medical expert to evaluate the quality of Dr. Hamel’s medical care. The reviewing expert found that the overall care provided by Dr. Hamel to Patients A through D was clearly below the accepted and prevailing standards of medical practice in North Carolina. The reviewing expert made the following observations:

   a. Patient A was treated with a CO₂ laser treatment for scars on her arms and received permanent makeup in the form of tattooed eyeliner. The reviewing expert was critical of the fact that Dr. Hamel had no record of performing a physical examination, diagnosis, or expected outcomes regarding the laser treatment and permanent makeup. It was also unclear whether Dr. Hamel was ever consulted prior to the decision to perform the permanent makeup procedure;
b. Patient B was treated for weight loss with human chorionic gonadotropin ("hCG") and underwent brachioplasty. The reviewing expert was critical of the fact that Patient B was evaluated and treated for weight loss by a nurse without any evidence that Patient B had been evaluated by a physician. The reviewing expert felt that Patient B was not a suitable candidate for brachioplasty and could find no records describing the procedure performed or subsequent follow-ups;

c. Patient C was treated by Dr. Hamel for weight loss and breast ptosis for which she was prescribed hCG and underwent mastopexy. The reviewing expert was critical of the lack of documentation of the patient's goals and wishes and the fact that Dr. Hamel did not meet with the patient before or after the day of the mastopexy procedure;

d. Patient D was treated by Dr. Hamel for weight loss for which she was prescribed glucophage, phentermine, and injections of hCG, vitamin B12 and vitamin D. Dr. Hamel also performed breast augmentation with silicone implants and bilateral mastopexy on Patient D. The reviewing expert was critical of the lack of documentation of the patient's goals and wishes for breast augmentation and the fact that Dr. Hamel did not document consent for placement of silicone breast implants;
e. Dr. Hamel's diagnosis, treatment and medical documentation for Patients A and B was below the accepted and prevailing standards of medical practice in North Carolina;

f. Dr. Hamel's diagnosis and treatment of Patient C was below the accepted and prevailing standards of medical practice in North Carolina;

g. Dr. Hamel's treatment and medical documentation of Patient D was below the accepted and prevailing standards of medical practice in North Carolina; and

h. Patients B through D were first seen at the Complete Laser Clinic for weight loss issues. Patient B through D were not seen by Dr. Hamel for weight loss but usually seen by a non-physician staff person who instructed them on injecting themselves with hCG as a weight loss method. The United States Food and Drug Administration has not approved the use of hCG for weight loss. The reviewing expert concluded that the use of hCG for weight loss is below the standard of accepted and prevailing medical practice in North Carolina.

9. The conduct as described above, constitutes unprofessional conduct, including, but not limited to, departure from, or the failure to conform to, the standards of acceptable and prevailing medical practice within the meaning of N.C. Gen.
Stat. § 90-14(a)(6), which is grounds under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, condition or limit Dr. Hamel's license to practice medicine issued by the Board or to deny any application he may make in the future.

NOTICE TO DR. HAMEL

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, or a panel thereof, on Thursday, February 20, 2014, at 8:00 a.m. or as soon thereafter, 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, 14.3, 14.5, 14.6 and 14.7 as well as 21 NCAC 32N .0110 and 21 NCAC 32N .0111. 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 thirty (30) days after the service of this notice.

The identities of Patients A through D are being withheld from public disclosure pursuant to N.C. Gen. Stat. §90-8. However, this information will be provided upon request.
Unless otherwise permitted by the presiding officer, all exhibits shall be provided to the Board electronically.

All preliminary motions, including motions for continuances, shall be received at the office of the Board no later than fourteen (14) days prior to the date of the hearing.

Pursuant to N.C. Gen. Stat. § 150B-40(c)(5) and 21 NCAC 32N.0110(c), 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 proposed prehearing stipulation shall be submitted to the undersigned no later than ten (10) days prior to the hearing date. The prehearing conference shall occur no later than seven (7) 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) or N.C. Gen. Stat. § 90-14.2(b), shall be deemed waived by a party or their 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 3rd day of October, 2013.

NORTH CAROLINA MEDICAL BOARD

By: _____________________________

William A. Walker, M.D.
President