

BEFORE THE  
NORTH CAROLINA MEDICAL BOARD

In re:	)	
	)	AMENDED NOTICE OF CHARGES
Joseph Gregory Jemsek, M.D.,	)	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. Joseph Gregory Jemsek, M.D. (hereafter Dr. Jemsek), is a physician licensed by the Board on or about June 15, 1979, to practice medicine and surgery, license number 23386.

3. During the times relevant herein, Dr. Jemsek practiced medicine in Charlotte, North Carolina.

4. Patients A through J presented to Dr. Jemsek with non-specific symptoms such as fatigue, achiness, and decreased concentration. For each of these patients Dr. Jemsek made a diagnosis of Lyme disease, a bacterial infection usually transmitted by a tick bite.

5. For each of the patients, there was no historical, physical, serological or other laboratory evidence to support a diagnosis of Lyme disease, yet Dr. Jemsek diagnosed each person with the disease nonetheless. Furthermore, for each of these patients, in the absence of any research or clinical evidence of efficacy, and in the face of increased risk of infection from indwelling venous access, Dr. Jemsek prescribed a course of intravenous antibiotics to be administered to the patients for several months.

6. Dr. Jemsek does not adequately educate and inform his patients, including Patients A through J, that his method of diagnosing Lyme disease is not based on objective historical, physical, serological or other laboratory evidence and is a departure from recognized standards of diagnosing Lyme disease. Furthermore, Dr. Jemsek does not adequately educate and inform his patients, including Patient A through J, that his method of treating Lyme Disease (long term administration of intravenous antibiotics) is a departure from recognized standards of treating Lyme disease.

7. In the case of Patient I, in addition to the use of long term administration of intravenous antibiotics, Dr. Jemsek also prescribed and administered multiple medications with significant toxicity, including Remicade<sup>®</sup> (infliximab), to Patient I in a

manner that was substandard, and as to the use of Remicade<sup>®</sup>, not indicated for Lyme Disease.

8. Dr. Jemsek's diagnosis and treatment of Patients A through J, and his treatment of Patient I as described above, and perhaps others which have yet to come to the Board's attention, constitute 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 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 his license to practice medicine and surgery issued by the Board or deny any application he might make in the future.

9. By not properly explaining his methods of diagnosing and treating Lyme disease to Patients A through J, and perhaps others which have yet to come to the Board's attention, Dr. Jemsek breached his patients' informed consent, and therefore 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 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 his license to practice medicine and surgery issued by the Board or deny any application he might make in the future.

NOTICE TO DR. JEMSEK

Pursuant to N.C. Gen. Stat. § 90-14.2, it is hereby ordered that a hearing on the foregoing Amended Notice of Charges and Allegations will be held before the Board at 8:00 a.m., on Wednesday, June 14, 2006, or as soon thereafter as the Board may hear it, at the offices of the Board, 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.

The identities of Patients A through J and the date and place of treatment of these patients are being withheld from public disclosure pursuant to N.C. Gen. Stat. § 90-8. However, this information will be provided to you upon your request.

Pursuant to N.C. Gen. Stat. § 150B-40(c)(5), it is further ordered that the parties shall arrange a pre-hearing conference at which they shall prepare and sign a stipulation on pre-hearing conference substantially in the form attached hereto. The pre-hearing 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 21<sup>st</sup> day of April, 2006.

NORTH CAROLINA MEDICAL BOARD

By:

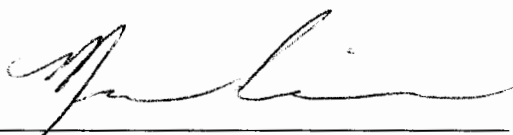
Robert C. Moffatt, M.D.  
Robert C. Moffatt, M.D.  
President

CERTIFICATE OF SERVICE

The undersigned attorney for the Medical Board hereby certifies that on this date he served the foregoing Amended Notice of Charges and Allegations to James A. Wilson, Respondent's attorney, by depositing a copy thereof in the United States mail, postage prepaid, and addressed as follows:

James A. Wilson  
Attorney at Law  
5322 Highgate Drive, Suite 243  
Durham, NC 27713

This the 21<sup>st</sup> day of April, 2006.



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Marcus Jimison  
Board Attorney  
North Carolina Medical Board  
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