

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Andrew Russell Kaufman, M.D.) CONSENT ORDER
)
Respondent.)

This matter is before the North Carolina Medical Board (hereafter "Board") on the application of Andrew Russell Kaufman, M.D. (hereafter "Dr. Kaufman") for a resident's training license to practice medicine and surgery in the Psychiatry Residency Education Program at Duke University. Dr. Kaufman admits, and the Board finds and concludes, that:

Whereas 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

Whereas, on June 3, 2004, the Board issued a resident's training license to Dr. Kaufman, and

Whereas, during the times relevant herein, Dr. Kaufman assisted in a research project that sought to survey all North Carolina psychiatric trainees to assess their interest and current training in community and correctional/forensic psychiatry, and

Whereas participants were offered a \$25.00 gift code from Amazon as an incentive to participate, and

Whereas these gift codes were purchased with unrestricted educational grant funds from a pharmaceutical company and were non-refundable when purchased, and

Whereas, after the study concluded, Dr. Kaufman used nearly all of the remaining gift codes to purchase personal items, and

Whereas Dr. Kaufman thereafter took steps to cancel the order and return the merchandise, and

Whereas, as a result of his actions, in June of 2008, Dr. Kaufman was suspended from the Residency Program and was notified that his status would be listed as "non-program completion," which rendered his resident's training license inactive, and

Whereas the above-referenced conduct occurred within 2 weeks of Dr. Kaufman's anticipated graduation, and

Whereas Duke University and Dr. Kaufman have since executed an agreement providing for a six-month remediation program commencing on January 1, 2009, which would enable Dr. Kaufman to complete his residency program, and

Whereas, Dr. Kaufman's conduct, as described above, constitutes unprofessional conduct 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. Kaufman's license issued by the

Board or to deny any application he might make in the future,
and

Whereas, Dr. Kaufman met with members of the Board on November 19, 2008, regarding his application for a resident's training license, and

Whereas Dr. Kaufman has taken steps and has agreed to take further steps to ensure the Board and the people of North Carolina that he can safely practice medicine, and

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

Now, therefore, with Dr. Kaufman's consent, it is ORDERED that:

1. The Board shall issue Dr. Kaufman a resident's training license.

2. Simultaneously with the issuance of his resident's training license, Dr. Kaufman's license is hereby SUSPENDED FOR SIX (6) MONTHS. This Suspension is hereby IMMEDIATELY STAYED, except for a period of THIRTY (30) DAYS, beginning on December 1, 2008, and ending on December 30, 2008, wherein Dr. Kaufman shall serve an ACTIVE SUSPENSION. Furthermore, Dr. Kaufman is placed on PROBATION for the duration of his Residency Training Program under the following conditions:

a. Dr. Kaufman shall enter into and maintain a contract with the North Carolina Physicians Health Program ("NCPHP") and

abide by its terms, including the timely payment of any fees required by NCPHP.

b. Dr. Kaufman shall obey all laws. Likewise, he shall obey all rules and regulations involving the practice of medicine.

c. Dr. Kaufman shall notify the Board in writing of any change in his residence or practice addresses within ten (10) days of the change.

d. Dr. Kaufman shall meet with the Board or members of the Board for an informal interview at such times as requested by the Board.

e. If Dr. Kaufman fails to comply with any of the terms of this Consent Order, that failure shall constitute unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) and shall be grounds, after any required notice and hearing, for the Board to annul, suspend or revoke his resident's training license or deny any application he might make in the future or then have pending for a license.

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

g. Dr. Kaufman hereby waives any requirement under law or rule that this Consent Order be served on him.

h. This Consent Order shall be admissible in all proceedings before the Board that concern Dr. Kaufman in any way.

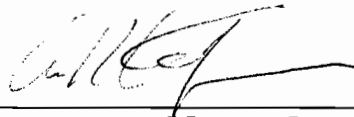
i. Upon execution by Dr. Kaufman and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to persons, entities, agencies, and clearinghouses as required by and permitted by law including, but not limited to, the Federation of State Medical Boards, the National Practitioner's Data Bank, and the Healthcare Integrity and Protection Data Bank.

This the 26th day of November, 2008.

NORTH CAROLINA MEDICAL BOARD

By: George L. Saunders MD
George L. Saunders, III, MD
President

Consented to this the 26 day of November, 2008.



Andrew Russell Kaufman, M.D.

State of NC

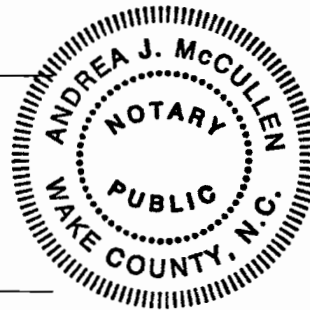
County of Wake

I, Andrea J. McCullen, a Notary Public for the above named County and State, do hereby certify that Andrew Russell Kaufman, M.D., personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal

This the 26 day of November, 2008.

Andrea J. McCullen
Notary Public



(SEAL)

My Commission expires: 1-6-09