

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)	
)	
Zhenhai Yao, M.D.)	CONSENT ORDER
)	
Respondent.)	

This matter is before the North Carolina Medical Board (hereafter, "Board") on Notice of Charges and Allegations issued on March 29, 2005, regarding Zhenhai Yao, M.D, (hereafter, "Dr. Yao"). Dr. Yao 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 the rules and regulations promulgated thereto, and

Whereas, Dr. Yao is a physician licensed by the Board on February 22, 2001, license number 200100203 to practice medicine and surgery, and

Whereas, at the times relevant herein, Dr. Yao practiced medicine in Chapel Hill, North Carolina, and

Whereas, in August 2002, the United States Public Health Service (hereafter, "US PHS") entered into a Voluntary Exclusion Agreement with the University of North Carolina (hereafter, "UNC") and Dr. Yao wherein the US PHS and UNC found that Dr. Yao had

engaged in scientific misconduct in animal research funded by the National Heart, Lung, and Blood Institute, National Institutes of Health, and

Whereas, Dr. Yao reports that the US PHS found that ten (10) graphs in a grant application submitted by Dr. Yao and his team at UNC had errors. As a result of the findings, Dr. Yao, the principle investigator of this grant application, agreed to be excluded from, and not seek, federal research grants for a period of five (5) years, and

Whereas, Dr. Yao further reports that the grant application was neither relevant to medical practice nor a clinical study involving patients, proposed experiments would be carried out in a laboratory using rats, and

Whereas, Dr. Yao's conduct as described above constitutes unprofessional conduct, including, but not limited to, departure from, or the failure to conform to, the standards of the medical profession, irrespective of whether a patient is injured thereby, or the committing of any act contrary to honesty, justice, or good morals, whether the same is committed in the course of the physician's practice or otherwise, within the meaning of N.C. Gen. Stat. 90-14(a)(6), and grounds exist under those sections of the General Statutes for the Board to annul, suspend, revoke, condition, or limit Dr. Yao's license to practice medicine and

surgery issued by the Board or to deny any application he might make in the future for a license to practice medicine, and

Whereas Dr. Yao would like to resolve this matter without the need for more formal proceedings; 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. Yao's consent, it is ORDERED that:

1. Dr. Yao is hereby REPRIMANDED for the above-described conduct.

2. This Consent Order shall take effect immediately upon its execution by both Dr. Yao and the Board.

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

4. Upon execution by Dr. Yao 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 and permitted by law, including, but not limited to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

By Order of the North Carolina Medical Board this the 19th
day of October, 2005.

NORTH CAROLINA MEDICAL BOARD

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

Consented to this the 17 day of October, 2005.

Zhenhai Yao
Zhenhai Yao, M.D.

State of North Carolina
Chatham County

I, Leslie A. Lee, a Notary Public for the above
named County and State, do hereby certify that Zhenhai Yao, 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 17 day of Oct, 2005.

Leslie A. Lee
Notary Public

(SEAL)

My Commission expires: 11-16-2009

