COMMONWEALTH of VIRGINIA

Department of Health Professions

Board of Medicine

December 31, 1997

John Hasty
Director of the Department

Warren W. Koontz, M.D.
Executive Director of the Board

6606 West Broad Str
4th Fl
Richmond, Virginia 23230-1
(804) 662-9
FAX (804) 662-9

Carl R. Showalter, M.D.
1031 S. Main Street #17
Harrisonburg, VA 22801

CERTIFIED MAIL
Z 694 047 412

Re: License No.: 0101-016528

Dear Dr. Showalter:

In accordance with Sections 54.1-105, 54.1-110, 54.1-2400 and 9-6.14:12 of the Code of Virgini (1950), as amended ("Code"), you are hereby given notice that the Virginia Board of Medicine ("Board" will convene a formal administrative hearing to receive and act upon evidence that you may have violate certain laws governing the practice of medicine in Virginia, as set forth in the attached Statement o Particulars.

The formal administrative hearing will be held in accordance with the provisions of Sections 54.1 2400(11) and 9-6.14:14.1F of the Code, before a panel of the Board, with a member of the Board presiding You have been scheduled to appear before the Board on Thursday, February 5, 1998, at 1:30 p.m. an continued on Friday, February 6, 1998, at 8:30 a.m. in the offices of the Department of Health Professions 6606 West Broad Street, Richmond, Virginia. A map is enclosed for your convenience. Your presence i required thirty (30) minutes in advance of the appointed time. Please report to the 4th Floor receptionist an you will be directed to a waiting room. Please be seated in the waiting room and you will be called when th Board is ready to meet with you.

You have the following rights, among others: to be represented by legal counsel, to have witnesse subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses Should you wish to subpoena witnesses, request for subpoenas must be made in writing in accordance wit the enclosed Instructions for Requesting Subpoenas. Should you wish to present materials at this meetin please have fifteen (15) copies ready for distribution.

Should you or Assistant Attorney General, Frank W. Pedrotty wish to make prehearing motions, eac of you is directed to file motions in writing, addressed to me at the Board office, at least ten (10) busines days prior to this hearing. Further, to facilitate this hearing, the Board requests that you provide to the Offic of the Attorney General, 900 East Main Street, Richmond, Virginia 23219, copies of any documents yo intend to introduce into evidence at least (10) business days before the hearing.

A request to continue this proceeding must be made in writing and directed to me at the address list on this letter. Such request must be received by 5:00 p.m. on January 14, 1998. Only one such motion w be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuan after January 14, 1998, will not be considered.

You may be represented by an attorney at the Formal Administrative Hearing. If you obtain counse you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel w not be considered unless received by January 14, 1998.

Please indicate, by letter to this office, your intention to be present.

Sincerely,

Warren W. Koontz, M.D.
Executive Director
Virginia Board of Medicine

WWK:fd\1231N1.not.FH
PLH / SHOWALTER24NFHLDOC

cc: Paul M. Spector, D.O., President
John W. Hasty, Director, Department of Health Professions
James L. Banning, Director, Administrative Proceedings Division
Frank W. Pedrotty, Assistant Attorney General
John S. West, Esquire
Pamela L. Harris, Senior Legal Assistant
Charles F. Johnson, Investigator (94-01529/94-00424/96-00242/96-01204/98-00119/98-00724)

Enclosures:
Statement of Particulars
Attachment I
Virginia Code Sections:
9-6.14:12
9-6.14:14.1F
54.1-105
54.1-110
54.1-2400
54.1-2914
54.1-2915
54.1-2919
54-316
54-317
Map
Instructions for Requesting Subpoenas

BEFORE THE BOARD OF MEDICINE

IN RE: CARL R. SHOWALTER, M.D.

NOTICE OF HEARING

Pursuant to § 9-6.14:12, § 54.1-110 and § 54.1-2400(11) of the Code of Virginia (1950), as amended, ("Code"), Carl R. Showalter, M.D., is hereby given notice that, pursuant to § 9-6.14:14.1(F), a hearing will be held befo panel of the Board of Medicine ("the Board"), with the President of the Board presiding. The hearing will be held at 1 p.m. on February 5, 1998, and continued at 8:30 a.m. on February 6, 1998, at the offices of the Department of Hea Professions, 6606 West Broad Street, Fourth Floor, Richmond, Virginia, in Conference Room 2, at which time Showalter will be afforded the opportunity to be heard in person or by counsel.

At the hearing Dr. Showalter has the following rights, among others: the right to representation by counsel, right to have witnesses subpoenaed and to present witnesses on his behalf, the right to present documentary evidence a the right to cross-examine adverse witnesses. If Dr. Showalter desires any witnesses to appear on his behalf, notify Director of the Administrative Proceedings Division, 6606 West Broad Street, Fourth Floor, Richmond, Virginia 232 1717, giving the names and address of the witnesses, at least fifteen (15) days prior to the date of the hearing in order t subpoenas may be issued.

The purpose of the hearing is to receive and act upon evidence that Carl R. Showalter, M.D., may have violat certain laws and regulations governing the practice of medicine in Virginia, as more fully set forth in the Statement Particulars below.

STATEMENT OF PARTICULARS

The Board alleges that Carl R. Showalter, M.D., has violated Section 54.1-2915(3), as further defined in Sectio 54.1-2914(A)(9), (10), (13) and (16) (formerly Section 54-316(3), as further defined in Sections 54-17(11) and (14)) the Code, in that:

1. From approximately 1969 to 1994, Dr. Showalter maintained a practitioner-patient relationship w Patients A, B, C, D, E, F and G, and engaged in the following improper and unethical conduct. Specifically:

a. From approximately August 1982 to 1994, Dr. Showalter represented masturbation as a legitim form of therapeutic treatment to Patient A and had him masturbate during and as part of therapy sessions. assisted Patient A in cleaning his genital area following ejaculation. In addition, a part of the therapy, Showalter took two (2) nude Polaroid photographs of Patient A.

b. From on or about February 24, 1986 to May 1987, Dr. Showalter represented masturbation a legitimate form of therapeutic treatment to Patient B and had him masturbate during and as part of ther sessions.

c. From on or about November 21, 1971 until approximately 1976, Dr. Showalter represen masturbation as a legitimate form of therapeutic treatment to Patient C and he masturbated him during and as of therapy sessions. Further, during the initial session, Dr. Showalter performed a complete physical on Pati C, which focused on his groin area.

d. Over an approximate three (3) year period in the early 1970s, Dr. Showalter had Patient D remove his clothing during therapy sessions. Further, Dr. Showalter represented masturbation as a legitimate form of therapeutic treatment to Patient D and encouraged him to either masturbate or he would masturbate Patient D during and as part of therapy sessions.

e. From approximately October 1973 to April 1974, Dr. Showalter represented masturbation as legitimate form of therapeutic treatment to Patient E, a minor, and had him masturbate during and as part therapy sessions. Further, he would hold Patient E's genitals following masturbation. On at least one occasi Dr. Showalter permitted Patient E to smoke marijuana during the therapy session.

f. From approximately 1968 to 1973 and from 1977 to 1980, Dr. Showalter represent masturbation as a legitimate form of therapeutic treatment to Patient F and had Patient F either masturbate or D Showalter would masturbate Patient F during and as part of therapy sessions. Dr. Showalter would embra Patient F following orgasm. Further, Dr. Showalter prescribed Serax (Schedule IV controlled substance) Patient F during his treatment and encouraged Patient F to consume beer or wine with the medication to help h

relax and deal with his anxiety. Dr. Showalter focused Patient F's therapy primarily on his issues of sexuality failed to adequately address Patient F's issues of anger and stress.

g. From approximately 1969 to 1977, Dr. Showalter represented masturbation as a legitimate fo of therapeutic treatment to Patient G and had Patient G either masturbate or Dr. Showalter would masturb Patient G during as part of therapy sessions. In addition, as a part of the therapy, Dr. Showalter took nu Polaroid photographs of Patient G.

2. Pursuant to a search warrant executed by Defense Criminal Investigation Service, on or about Septemb 9, 1997, Polaroid photographs of two (2) nude males patients were seized.

FOR THE BOARD

Warren W. Koontz, M.D
Executive Director

Entered: Dec 5, 1997

A TRUE COPY TESTE:

KAREN W. PERRINE, DEPUTY EXECUTIVE DIRECTOR
VIRGINIA BOARD OF MEDICINE