VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: CARL R. SHOWALTER, M.D.
License No.: 0101-016528

CONSENT ORDER

Now comes the Virginia Board of Medicine ("Board") and Carl R. Showalter, M.D., and as evidenced by their signatures affixed below, enter into this Consent Order affecting the license of Dr. Showalter to practice medicine in the Commonwealth of Virginia.

PRELIMINARY MATTERS

1. The purpose of the Virginia Board of Medicine is to protect the health, safety and welfare of the public through the regulation of the practice of medicine and other healing arts.

2. The psychiatric treatment of sexual disorders is a complex medical problem which requires an extensive diagnostic work-up medical management through a scientifically proven multi-modality therapeutic strategy.

3. The use of masturbation therapy was and is not a recognized psychiatric treatment modality.

4. While in the past there have been sporadic articles in some medical journals about developing unconventional procedures for treating issues of sexual identity and preference, the use of masturbation in the therapeutic encounter lacked scientific efficacy and was an unproven treatment modality.

5. A thorough understanding of the medical and psychological issues is a prerequisite for safe and proper medical treatment. A physician's mandate is to protect the patient from the risk of additional and/or unnecessary harm. The use of experimental treatment such as the use of masturbation in the therapeutic encounter should not be considered unless there is sufficient scientific proof of medical efficacy to insure safe and proper care.

6. It is incumbent upon a physician to closely monitor and actively manage the patient's therapeutic course by repeated assessments of relevant outcomes.

7. The absence of national standards relating to the psychiatric treatment of sexual disorders does not allow a physician to expose patients to the risks of such unconventional treatment.

FINDINGS OF FACT

For the purposes of entry of this Consent Order, the Board adopts the following findings in this matter:

1. Carl R. Showalter, M.D., was issued license number 0101-016528 to practice medicine and surgery in the Commonwealth of Virginia, which expires July 31, 1998.

2. From approximately 1969 to 1988, Dr. Showalter maintained a practitioner-patient relationship with 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 1988, Dr. Showalter represented masturbation as a legitimate form of therapeutic treatment to Patient A, who was suffering from sexual identity issues and on occasion had him masturbate during and as part of therapy sessions. However, at no time did it appear to Patient A that Dr. Showalter received sexual gratification when Patient A masturbated.

b. From on or about February 24, 1986 to May 1987, Dr. Showalter represented masturbation as a legitimate form of therapeutic treatment to Patient B, who was experiencing several problems regarding sexual issues, including excessive masturbation, and on occasion had him masturbate during and as part of therapy sessions. However, Patient B never felt that Dr. Showalter received sexual gratification while Patient B masturbated, but thought Dr. Showalter seemed to view it as a therapy technique.

c. From on or about November 21, 1971 until approximately 1976, Dr. Showalter represented masturbation as a legitimate form of therapeutic treatment to Patient C, who was suffering from extreme anxiety and a sexual dysfunction problem, and on occasion masturbated him during and as part of therapy sessions. Further, during the initial session, Dr. Showalter performed a complete physical on Patient C, which Patient C thought 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 on occasion had him masturbate during and as part of therapy sessions.

e. From approximately October 1973 to April 1974, Dr. Showalter represented masturbation as a legitimate form of therapeutic treatment to Patient E, a minor, who was experiencing sexual identity problems, and on occasion had him masturbate during and as part of therapy sessions. On at least one occasion, Dr. Showalter permitted Patient E to smoke marijuana during the therapy session. However, at no time did Dr. Showalter do anything that indicated to Patient E that Dr. Showalter received sexual gratification from Patient E's masturbation.

f. From approximately 1968 to 1973 and from 1977 to 1980, Dr. Showalter represented masturbation as a legitimate form of therapeutic treatment to Patient F, who was experiencing emotional and sexual identity issues, and on occasion had Patient F masturbate during and as part of therapy sessions. Dr. Showalter focused Patient F's therapy primarily on his issues of sexuality and 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 form of therapeutic treatment to Patient G, who was experiencing problems related to his sexual orientation, and on occasion had Patient G masturbate during as part of therapy sessions. In addition, as a part of the therapy, Dr. Showalter took Polaroid photographs of Patient G who was nude. However, at no time did Patient G feel that Dr. Showalter made any overt sexual advances toward him. Patient G believed that Dr. Showalter's therapy, including the masturbation, did help him in addressing his psychological problems.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact #2 constitutes a violation of Section 54.1-2915(3), as further defined in Sections 54.1-2914(A)(9), (10), (13) and (16) (formerly Section 54-316(3), as further defined in Sections 54-17(11) and (14)) of the Code of Virginia (1950), as amended.

CONSENT

Carl R. Showalter, M.D., by affixing his signature hereon, agrees to the following:

1. He has been advised specifically to seek the advice of counsel prior to signing this document;

2. He is fully aware that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 9-6.14:1 et seq of the Code of Virginia;

3. He has the following rights, among others:

   a. the right to a formal fact-finding hearing before the Board;

   b. the right to representation by counsel; and

   c. the right to cross-examine witnesses against him.

4. He waives all rights to a formal hearing;

5. He neither admits nor denies the truth of the above Findings of Fact; however, he waives his right to contest the foregoing Findings of Fact in any subsequent proceeding before the Board; and

6. He consents to the entry of this Consent Order affecting his license to practice medicine in the Commonwealth of Virginia.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact, Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that the license of Carl R. Showalter, M.D., to practice medicine in the Commonwealth of Virginia, be and hereby is, INDEFINITELY SUSPENDED.

After a period of not less than three (3) months, Dr. Showalter may petition the Board for STAY of suspension upon submission of the following evidence:

> Dr. Showalter must submit to a comprehensive psychiatric evaluation by a Board approved psychiatrist and a psychological evaluation by a Board approved mental health provider and have written reports of the evaluations including diagnosis, recommended course of treatment, prognosis and any recommendations submitted to

the Board. Dr. Showalter shall provide a copy of the Investigative Reports and this Consent Order to the evaluators an authorize them to communicate with representatives of the Board concerning their evaluations and his progress. Dr. Showalter shall comply with the evaluators recommendations, if any. Said reports must be received upon submission of his petition. Dr. Showalter shall be solely responsible for all costs associated with the evaluations and any recommended therapy.

Dr. Showalter's petition and all supporting documentation shall be reviewed by the Board's President, or his designee, and Executive Director, who are hereby authorized to make a determination if the petition establishes satisfactory evidence that Dr. Showalter is safe to return to the practice of medicine. If they determine that the evidence is not satisfactory, a formal hearing shall be convened to review this matter. If they determine that the evidence is satisfactory, the SUSPENSION shall be STAYED upon the following terms and conditions:

2. Dr. Showalter may petition for and further modification or termination of stayed suspension after not less than one (1) year from the date of entry of this Consent Order. Upon petition for termination, Dr. Showalter shall appear before a Committee of the Board for review of his compliance with the terms and conditions of this Consent Order. Said Committee may modify this Consent Order or take such action as it may deem appropriate.

3. Dr. Showalter shall comply with all recommendations of his evaluators, if any, during the period of stayed suspension. Dr. Showalter shall cause progress reports from his evaluators to be submitted to the Board for review on a calendar quarterly basis.

4. Dr. Showalter shall not provide individual or group psychotherapy during the period of stayed suspension.

5. Dr. Showalter's practice, during the period of stayed suspension, shall be limited to providing medication management and conducting diagnostic assessments (taking psychiatric histories) to his present

patients and those patients admitted to Rockingham Memorial Hospital, and James Madison University Health Center, Harrisonburg, Virginia. Dr. Showalter shall have a chaperone present at all times during his treatment of the patients.

6. Dr. Showalter shall make his records available to a representative of the Board or Department of Health Professions during an unannounced visit, for inspection and copying. The representative shall obtain a random sample of Dr. Showalter's medical records for review by the Board. Dr. Showalter shall be solely responsible for all fees associated with said inspection and copy of records.

7. Dr. Showalter shall maintain a course of conduct in his practice of medicine commensurate with the requirements of Title 54.1, Chapter 29 of the Code of Virginia (1950), as amended, and all laws of the Commonwealth of Virginia.

Pursuant to Section 9-6.14:14 of the Code of Virginia, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public release, inspection and copying upon request.

FOR THE BOARD:

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

ENTERED: Feb 5, 1998

SEEN AND AGREED TO:

Carl R. Showalter, M.D.

STATE OF Virginia
CITY/COUNTY OF Harrisonburg

Subscribed and sworn to before me, a Notary Public in and for the city/county of Harrisonburg, this 2nd day of February, 1998, by Carl R. Showalter, M.D.

Notary Public

My Commission Expires: 5/31/98

A TRUE COPY TESTE:

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

PLH/SHOWALTER24CO.DOC

I HEREBY ATTEST AND CERTIFY UNDER PENALTY OF PERJURY. ON 11/17/98 THAT THE FORGOING DOCUMENT IS A FULL, TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE AND IN MY LEGAL CUSTODY.

Margaret Amyalore

DEPUTY DIRECTOR
MARYLAND STATE BOARD OF
PHYSICIAN QUALITY ASSURANCE