COMMONWEALTH of VIRGINIA

Department of Health Professions
6606 West Broad Street, Fourth Floor
Richmond, Virginia 23230-1717

John W. Hasty
Director

http://www.dhp.state.va.us/
TEL (804) 662-9900
FAX (804) 662-9943
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December 2, 1998

CERTIFIED MAIL
Z 057 545 019

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

RE: License No.: 0101-016528

Dear Dr. Showalter:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice medicine in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered December 2, 1998.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Medicine ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of thirty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members of the Board of Medicine.

Should you wish to petition the Board of Medicine for reinstatement of your license, contact Warren Koontz, M.D., Executive Director, at the above address or (804)662-7693.

Sincerely,

John W. Hasty

John W. Hasty

Enclosures

cc: John West, Esquire
Renee Dixson, Probation Analyst (98-00724)
Charles F. Johnson, Senior Investigator (98-00569)

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

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

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, John W. Hasty, the Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of Carl R. Showalter, M.D., was revoked by the State Board of Physician Quality Assurance for the State of Maryland. A certified copy of the Final Order (and attachments) are attached to this Order and are marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, 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, SUSPENDED.

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

John W. Hasty

John W. Hasty, Director
Department of Health Professions

ENTERED: 12/2/98

APD:TH:SHOWALTER69-MD.ORD

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CERTIFICATION OF DUPLICATE RECORDS

I, John W. Hasty, Director of the Department of Health Professions, hereby certify that the attached Final Order entered October 28, 1998, regarding Carl R. Showalter, M.D., is a true copy of the records received from the State Board of Physician Quality Assurance for the State of Maryland.

John W. Hasty Date: 12/2/98

John W. Hasty

IN THE MATTER OF	*	**BEFORE THE MARYLAND**
Carl R. Showalter, M.D.,	*	**STATE BOARD OF**
Respondent	*	**PHYSICIAN QUALITY ASSURANCE**
LICENSE NO. D11537	*	**CASE NUMBER: 98-0913**

* * * * * * * * * * * * *

FINAL ORDER

Based on information received, the Maryland State Board of Physician Quality Assurance (the "Board") charged Carl R. Showalter, M.D., D.O.B. 07-12-38, License Number D11537 , Case Number 98-0913, ("Respondent") under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("H.O.") §14-101 *et seq.* (1996 Cum Supp.).

The pertinent provision of the Act under H.O. §14-404 provides:

> (a) Subject to the hearing provisions of Section 14-405 of this subtitle, the Board, on the affirmative vote of a majority of its full authorized membership, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:
>
> (21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veteran's Administration for an act that would be grounds for disciplinary action under this section;

The applicable underlying ground for disciplinary action under H.O. §14-404 (a)(21) is as follows:

> §14-404 (a)(3) Is guilty of immoral or unprofessional conduct in the practice of medicine.

The Respondent was informed that this Final Order would be executed thirty (30) days from

COMMONWEALTH'S EXHIBIT
PENGAD-Bayonne, N. J.

the Respondent's receipt of the Board's notification, unless the Respondent requested a hearing. The Respondent received the Board's Charges and Notice of Intent to Sanction Under the Maryland Medical Practice Act on Sept. 8, 1998. In order for the Board not to execute this Final Order, a written request for a hearing had to be received from the Respondent by Oct. 8, 1998. No request for a hearing was received from the Respondent by this date.

FINDINGS OF FACT

The Board makes the following findings by clear and convincing evidence:

1. On or about October 20, 1967, Respondent was granted license number D11537 to practice medicine in the State of Maryland.

2. On or about July 21, 1995, the Board received Respondent's Application Form for Inactive Status. By letter dated August 5, 1995, Respondent was notified that his medical license was inactive effective August 2, 1995.

3. COMAR 10.32.01.05E states, "The inactive status of a licensee does not deprive the Board of its authority to institute or continue a disciplinary proceeding against a licensee

4. On or about July 2, 1963, respondent was granted license number 0101-016528 to practice medicine in the State of Virginia.

5. On December 31, 1997, the Virginia Board of Medicine (the "Virginia Board") served the Respondent with a notice of a formal administrative hearing to receive and act upon evidence that the Respondent may have violated certain laws governing the practice of medicine in Virginia, as set forth in the Statement of Particulars, attached hereto as Exhibit A.

6. The Statement of Particulars alleges that from approximately 1969 to 1994, Dr. Showalter maintained a practitioner-patient relationship with patients A, B, C, D, E, F and G, and represented masturbation therapy as a legitimate method of treatment of various disorders. Specifically, Dr. Showalter had patients masturbate during therapy sessions, masturbated patients during therapy sessions, and took nude pictures of patients as part of therapy sessions.

7. A formal administrative hearing was convened before the Virginia Board on February 5, 1998. As a result of this hearing, Dr. Showalter entered into a Consent Order with the Virginia Board wherein his license to practice medicine in the Commonwealth of Virginia was indefinitely suspended. A copy of the Order is attached hereto as Exhibit B.

8. The disciplinary action taken by the Virginia Board against the Respondent as described above, was taken for reasons which are grounds for disciplinary action in the State of Maryland under H.O. §14-404.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact for which there is clear and convincing evidence, a majority of the full authorized membership of the Board concludes as a matter of law that the Respondent committed prohibited acts under §14-404 of the Act by being disciplined by a licensing or disciplinary authority for an act that would be grounds for disciplinary action under this section in violation of H.O. §14-404 (a)(21).

The applicable underlying ground for this determination is:

§14-404 (a)(3) Is guilty of immoral or unprofessional conduct in the practice of medicine.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 28th day of October, 1998, by an affirmative vote of a majority of the full authorized membership of the Board considering this case

ORDERED that the Respondent's license to practice medicine in the State of Maryland is hereby **REVOKED**; and be it further

ORDERED that this is a Final Order of the Board of Physician Quality Assurance and as such is a PUBLIC DOCUMENT pursuant to Md. Code Ann., State Gov't §10-601 *et seq.*

10:28:98
Date

Suresh C. Gupta, M.D., Chairman
Board of Physician Quality Assurance

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. §14-408(b) (1994 Cum. Supp.), you have the right to take a direct judicial appeal. A petition for appeal shall be filed within thirty days from your receipt of this Final Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't. §§10-201 *et seq.*, and Title 7, Chapter 200 of the Maryland Rules of Procedure.

10.28.98
Date

Suresh C. Gupta, M.D., Chairman
Board of Physician Quality Assurance

E X H I B I T A