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.

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, 2000.

2. By Consent Order of the Board entered February 5, 1998, Dr. Showalter's license to practice medicine in the Commonwealth of Virginia was indefinitely suspended for a period of not less than three (3) months subject to terms and conditions. Subsequently, by letter dated May 22, 1998, Dr. Showalter's license was placed on a stay of suspension subject to certain terms and conditions.

3. By Order of the Department of Health Professions entered December 2, 1998, Dr. Showalter's license to practice medicine in the Commonwealth of Virginia was mandatorily suspended based upon the revocation of his license to practice medicine by the State Board of Physician Quality Assurance for the State of Maryland. The State of Maryland revoked Dr. Showalter's license as a result of the Consent Order of this Board entered February 5, 1998 and not based on any new allegations of wrongful conduct.

4. On November 10, 1998, Dr. Showalter entered into a plea agreement with the United States whereby he pled guilty to one count of mail fraud. This plea agreement is currently pending in the United States District Court, Western District of Virginia, Roanoke Division. Pursuant to State law, Dr. Showalter's license to practice medicine would otherwise have been automatically suspended upon final entry of the plea agreement. One condition of the plea agreement is that Dr. Showalter will "not seek, at any time in the future,

reinstatement of any medical license for the purpose of treating or having direct contact with patients in any capacity."

5. Dr. Showalter represents that prior to the mandatory suspension of his license on December 2, 1998, he was in the process of closing his practice pending the formal entry of the above plea agreement.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact #3 constitutes a violation of Section 54.1-2915(6) 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 admits the above Findings of Fact, 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 SUSPENSION of the license of Carl R. Showalter, M.D., to

practice medicine in the Commonwealth of Virginia, be and hereby is, STAYED for a period of forty-five (45) days from the date of entry of this Consent Order upon the following terms and conditions:

1. Dr. Showalter shall immediately begin the termination or transfer of all current patients and shall not establish any new patient-physician relationships. He shall ensure that any treatment of current patients is terminated or shall facilitate appropriate transfer of patients within forty-five (45) days from the date of entry of this Consent Order.

2. Dr. Showalter shall consult with his practice monitor, Dr. John Eagle, regarding any and all termination or transfer of patient treatment.

3. Upon expiration of the forty-five (45) days from entry of this Consent Order, the stayed suspension shall be immediately rescinded, and Dr. Showalter's license shall be suspended.

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: Dec 2, 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 10th day of December, 1998, by Carl R. Showalter, M.D.

Notary Public

My Commission Expires: June 30, 2002

PLH/SHOWALTERMANDCO.DOC