

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF MEDICINE**

In the Matter of

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Case No. B-01-80092

Bennie F. Carter, M.D.

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Respondent

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**CONSENT ORDER
BACKGROUND**

On June 27, 2001, pursuant to the District of Columbia Administrative Procedure Act, D.C. Code § 1-1509(a) (1999); the District of Columbia Health Occupations Revision Act of 1985; D.C. Code § 2-3305.19(a) (1994) and Title 17 Section 4102.2 of the District of Columbia Municipal Regulations (hereinafter "DCMR"), the Board of Medicine (hereinafter "the Board") issued a notice that it proposed to take disciplinary action against Dr. Bennie F. Carter (hereinafter "Dr. Carter") or his license to practice medicine in the District of Columbia (hereinafter "the District"), License No. MD 15306.

Specifically, the Notice charged Dr. Carter as follows:

Charge I:

You participated in unprofessional conduct in the practice of medicine in that you sexually harassed one of your patients, for which the Board may take the proposed action pursuant to D.C. Code § 2-3305.14 (1994).

Specification A:

From approximately January 1991 through July 1994 you initiated inappropriate conduct with a patient who had been receiving therapy from you since May 1988. Your inappropriate conduct included sexual intercourse with the patient at her apartment and in your office, and discussions of your private and personal life.

Specification B:

During the course of your relationship with the patient referred to in Specification A, you sent and/or personally delivered to her birthday and other greeting cards of a personal and intimate nature.

In response to that Notice, Dr. Carter, through his attorney, requested a hearing. A hearing is currently scheduled for March 7-8, 2002. The parties have discussed a settlement of this matter, and Dr. Carter has agreed to enter into the following Consent Order, admitting liability as to Charge I, Specification "B" of the Notice. The District is hereby dismissing Specification A.

FINDINGS OF FACT

1. At all times relevant to these charges, Dr. Carter was and is a physician licensed to practice medicine in the District of Columbia.
2. At all times relevant to these charges, Dr. Carter was a psychiatrist employed at D.C. General Hospital and also in private practice.
3. At all times relevant to these charges, the complainant was a patient of Dr. Carter from approximately 1988 to 1994.
4. That the complainant was in individual therapy with Dr. Carter from approximately May 1988 to November 1989; in 1989 she progressed to group therapy, where she remained until approximately July 1994, at which time she terminated her professional relationship with Dr. Carter
5. During the period of time that the complainant was a patient of Dr. Carter, he engaged in inappropriate behavior with the complainant by sending birthday and greeting cards of a personal nature.

CONCLUSION OF LAW

Based on the foregoing Findings of Fact, the Board concludes, as a matter of law, that Dr. Carter has engaged in unprofessional conduct in the practice of medicine in that he sexually harassed his patient by sending inappropriate birthday and greeting cards in violation of D.C. Code § 2-3305.14 (a) (23) (1994).

ORDER

Upon consideration of the Findings of Facts, Conclusion of Law, and the record herein, the Board this 27th day of March 2002 issues the following Order to which Dr. Carter consents:

ORDERED: That Dr. Carter be, and hereby is, placed on **PROBATION** for a period of **TWO (2)** years from the effective date of this Order; and it is

FURTHER ORDERED: That Dr. Carter is subject to the following terms and conditions of probation for a period of two (2) years from the effective date of this Consent Order:

1. Within four (4) months of the effective date of this Consent Order, Dr. Carter shall enroll in and attend a Board approved individualized course in medical ethics which focuses on inappropriate conduct/boundary issues with patients.
2. That Dr. Carter shall be responsible for all costs related to such course.
3. That Dr. Carter shall present to the Board proof of enrollment, attendance and completion of the course.
4. That Dr. Carter's practice shall be supervised biannually by a Board approved psychiatrist for the duration of the probationary period.

5. That Dr. Carter shall meet with the supervisory psychiatrist biannually for review of his psychiatric practice.
6. That a written report by the supervisory psychiatrist regarding Dr. Carter's practice shall be submitted to the Board biannually. It shall be Dr. Carter's responsibility to ensure that the reports are submitted to the Board.
7. That Dr. Carter shall refrain from sending his patients written communications of a personal nature.
8. That Dr. Carter shall refrain from sending or providing his patients greeting cards of any nature.
9. That Dr. Carter shall at all times conduct his practice in conformance with the American Psychiatric Association ethical rules;

and it is

FURTHER ORDERED: That if Dr. Carter violates any of the terms of this Consent Order, the Board, after a determination of violation, notice to Dr. Carter, and an opportunity for a hearing, may impose the disciplinary sanction it deems appropriate; and it is

FURTHER ORDERED: That after the two (2) year probationary period, Dr. Carter may submit a petition to the Board for termination of probation and the conditions and terms thereof.

3/29/02

DATE

William E. Matory

WILLIAM E. MATORY

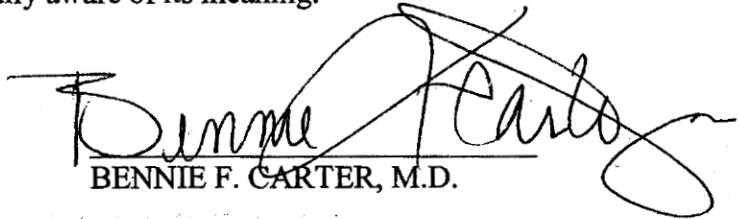
Chairperson

Board of Medicine

CONSENT

By this Consent, I agree to accept and submit to this Order. I acknowledge its validity as if it had been issued after a hearing at which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections provided by law. I also recognize that I am waiving my right to appeal any adverse ruling by the Board of Medicine that might have followed any such hearing. By this Consent, I waive all such rights. I sign this consent without reservation and am fully aware of its meaning.


2/22/02
DATE


BENNIE F. CARTER, M.D.

Signed and Attested to before me this 22 day of Feb 2002.


NOTARY PUBLIC

My Commission Expires June 30, 2002


Burt M. Kahn
Attorney for Respondent

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
BOARD OF MEDICINE**

In Re:

Bennie Carter, M.D.

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TERMINATION OF ORDER OF PROBATION

Jurisdiction

This matter comes before the District of Columbia Board of Medicine pursuant to D.C. Official Code § 3-1202.03(a) (2) (2001) otherwise known as the Health Occupations Revision Act (“HORA”). The “HORA” provides for the regulation of the practice of medicine in the District of Columbia by the Board of Medicine.

Background

Dr. Carter was placed on probation for two (2) years by the District of Columbia Board of Medicine (Board) pursuant to a Consent Order he entered into with the Board for violations of District of Columbia law. The Consent Order of February 22, 2002 outlined the terms and conditions for which Dr. Carter had to adhere.

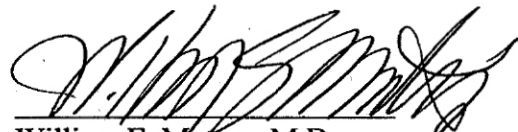
On February 23, 2005 the Board found Dr. Carter successfully complied with all the probationary terms and conditions imposed on him. Therefore, the Board terminated Dr. Carter’s probation.

ORDER

Based upon the aforementioned Bennie Carter, M.D. successfully completed all the terms and conditions of the February 22, 2002 Consent Order issues by the Board.

WHEREFORE, IT IS HEREBY ORDERED by the District of Columbia Board of Medicine that the probationary terms and conditions previously imposed are hereby **TERMINATED** and are of no further force and effect.

3/30/05
Date



William E. Matory, M.D.
Chairperson
D.C. Board of Medicine