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**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

BOARD: Medicine

CASE NUMBER: 2008-05350

COMPLAINT MADE BY: Department of Health

COMPLAINT MADE AGAINST: Arnold Carter, M.D.
2925 Aventura Blvd., Suite 203
Aventura, Florida 33180

DATE OF COMPLAINT: February 21, 2008

INVESTIGATED BY: Lynda Lacentra, ISU

REVIEWED BY: Shirley L. Bates
Assistant General Counsel

RECOMMENDATION: Dismiss (4099)

NOTICE OF DISMISSAL/RECONSIDERATION

THE COMPLAINT: The Complainant alleges that the Subject of the investigation violated Section 458.331(1)(t)(g) and (nn), Florida Statutes, for committing medical malpractice and for violating Section 456.059 Florida Statutes (2007) for disclosing communications between himself and Patient A.C. to a third party.

THE FACTS: On or about December 19, 2007, Patient A.C., a then thirty-four (34) year-old male, presented to Respondent for an evaluation; thereby becoming a patient of Respondent. Sometime between December 24, 2007 and January 28, 2008, Respondent discussed Patient A.C. with Patient J.G., another patient of Respondent.

On August 28, 2009, the Probable Cause Panel found probable cause in this matter. On August 31, 2009, the Department filed an Administrative Complaint against the Subject's license to practice

medicine in the State of Florida, for violating Section 458.331(1)(nn) by violating Section 456.059 Florida Statutes (2007) for disclosing communications between himself and Patient A.C. to a third party. On December 8, 2009, the Department referred this matter to the Department of Administrative Hearings for a formal hearing. In preparation for a hearing, the Department and Respondent conducted depositions.

On January 11, 2010, a deposition was taken of M.C., mother of Patient A.C. Essentially, her testimony indicated that Respondent had discussed the fact that her son had committed suicide with Patient J.G., who had been a friend of her son. M.C. considers this fact to be private; however, the fact of the suicide was not confidential communications between the Respondent and Patient A.C.

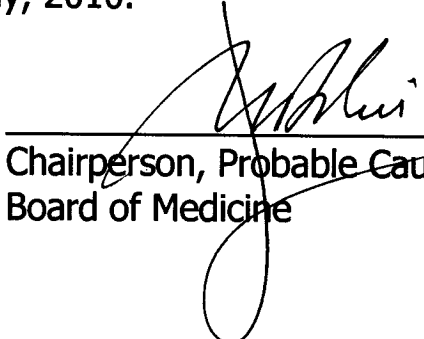
On January 12, 2010, the Department had scheduled the deposition of patient J.G. and Y.H., a friend of Patient J.G.'s who was present during the conversation that Respondent had with Patient J.G. Neither witness appeared for the scheduled depositions.

Based on the forgoing facts, the Department, has determined that there is insufficient evidence to support the prosecution of the alleged violations. Therefore, the Department recommends this case be DISMISSED.

THE LAW: Based on the foregoing facts and findings, and pursuant to Section 456.073(4), Florida Statutes, there is insufficient evidence to establish Respondent violated Chapters 456 and 458, Florida Statutes or the rules of the Board.

It is, therefore, ORDERED that this matter should be and the same is hereby DISMISSED.

DONE and ORDERED this 22nd day of July, 2010.



Chairperson, Probable Cause Panel
Board of Medicine

SLB
PCP: July 22, 2011
PCP members:

A-01
SB

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2008-05350

ARNOLD CARTER, M.D.,

RESPONDENT.

_____ /

ADMINISTRATIVE COMPLAINT

8/31/09

Petitioner, Department of Health, by and through undersigned counsel, files this Administrative Complaint before the Board of Medicine against Respondent, Arnold Carter, M.D., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.
2. At all times material to this Complaint, Respondent was a licensed physician within the state of Florida, having been issued license number ME 24997.
3. Respondent's address of record is 2925 Aventura Boulevard, Suite 203, Aventura, Florida 33180.
4. Respondent is not board certified.

5. On or about December 19, 2007, Patient A.C., a then thirty-four (34) year-old male, presented to Respondent for an evaluation; thereby becoming a patient of Respondent.
6. Sometime between December 24, 2007 and January 28, 2008, Respondent discussed communications between himself and Patient A.C. with Patient J.G., another patient of Respondent.
7. Section 456.059 Florida Statutes (2007) states, in part: "Communications between a patient and a psychiatrist, as defined in s. 394.455, shall be held confidential and shall not be disclosed except upon the request of the patient or the patient's legal representative."
8. Section 458.331(1)(nn), Florida Statutes (2007), states that a physician may be subjected to discipline for violating any provision of Chapter 458 or Chapter 456, or any rules adopted pursuant thereto.
9. The Respondent failed to comply with Section 456.059 Florida Statutes when he discussed Patient A.C.'s confidential communications with the Respondent with Patient J.G.
10. Based on the foregoing, Respondent has violated Section 458.331(1)(nn), Florida statutes (2007), by violating a provision of Chapter

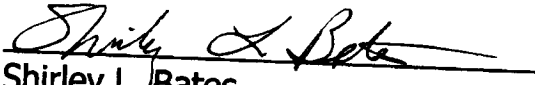
456 by discussing Patient A.C.'s confidential communications with the Respondent with Patient J.G.

WHEREFORE, the Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 28th day of August, 2009.

Ana M Viamonte Ros, M.D., M.P.H.
State Surgeon General

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PCP: August 28, 2009
PCP Members: El-Bahri, Espinola, Mullins

DOH v. Arnold Carter, M.D.

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