

SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION
BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

In the Matter of:

JOHN HOWARD DEWITT, M.D.

License No. 13334.MMD

OIE 2008-244

Licensee.

**AFFIDAVIT AND AGREEMENT OF
VOLUNTARY SURRENDER**

PERSONALLY APPEARED BEFORE ME, JOHN H. DEWITT, who first being duly sworn, deposes and says: that I am over the age of eighteen (18) and competent to make this affidavit; that I have been informed that I am under investigation for alleged violations of South Carolina laws; that I have been informed that I have the right to **VOLUNTARILY SURRENDER** my Medical license under Sections 40-47-150 and 40-1-150, Code of Laws of South Carolina, 1976, as amended; that I do hereby **VOLUNTARILY SURRENDER** my Medical license and ask the Board of Medical Examiners to accept said **VOLUNTARY SURRENDER**. I understand that the voluntary surrender of my Medical license may not be considered as an admission of guilt by the Board, panel, or court or other entity; that the Board may bring charges against me after proper notice; that I have a right to a hearing; and that I have a right to be represented by legal counsel.

I understand that this voluntary surrender invalidates my South Carolina medical license. Effective immediately I may not practice or represent myself to be authorized to practice until the Board takes final action in the pending disciplinary matter. This Affidavit and Agreement of Voluntary Surrender is public information in accordance with Chapter 4 of Title 30, Code of Laws of South Carolina, 1976, as amended. The Board may credit the time that my authorization to practice has been surrendered toward any period of suspension or other restriction to practice.

Further, that I make this Affidavit **freely** and **voluntarily** and not under duress, restraint or compulsion.

John H. Dewitt M.D.
LICENSEE'S SIGNATURE

10 Nov 08
Date

[Signature]
WITNESS

11-10-08
Date

[Signature]
BOARD STAFF

11/10/08
Date

BEFORE THE SOUTH CAROLINA STATE BOARD OF MEDICAL EXAMINERS

In the Matter of:

JOHN HOWARD DEWITT, M.D.,

Medical License No. 13334

OIE #2008-244

Respondent.

**FINAL ORDER
(Public)**

This matter came before the State Board of Medical Examiners (the Board) for hearing on May 4, 2009, as a result of the Notice and Formal Complaint, which was served upon the Respondent and filed with the Board. A quorum of Board members was present. The hearing was held pursuant to S.C. Code Ann. §§40-47-117 (1976), as amended, and provisions of the S.C. Administrative Procedures Act (the APA), S.C. Code Ann. §1-23-10, *et seq.*, (1976), as amended, to determine whether sanctions should be imposed based upon the Memorandum of Agreement and Stipulations agreed upon by the Respondent and the State. The State was represented by Lynne Rogers, Esquire, General Counsel, South Carolina Department of Labor, Licensing and Regulation. The Respondent appeared and was represented by Arnold Beacham, Esquire.

The Respondent was charged with violation of S.C. Code Ann. §§40-1-110(f), (k) and (l) and 40-47-110(B)(9), (13), (14), (18) and (19); and S.C. Code of Regs. 81-60(A), and (D) (Supp. 2008) of the Rules and Regulations of the Board.

FINDINGS OF FACT

Based upon the preponderance of the evidence on the whole record, the Board finds the facts of the case to be as follows:

1. The Respondent is a physician who is duly licensed to practice in South Carolina and was so licensed at all times relevant to the matters alleged in the Formal Complaint.

2. On March 20, 2009, the Respondent signed a Memorandum of Agreement and Stipulations in which Respondent admitted, and the State agreed, that the Respondent would waive his right to a formal hearing before a disciplinary panel and that the following are the facts in the case:

A. Respondent is duly licensed by the Board to practice psychiatry in South Carolina.

- B. For approximately three (3) years and ending approximately August 2008, Respondent engaged in a sexual relationship with a patient known to Respondent during the course of their psychiatrist-patient relationship, and while Respondent was treating the patient for emotional, psychiatric and relational issues.

3. The Respondent admits that the aforementioned acts of Respondent present grounds that constitute misconduct, as alleged.

CONCLUSIONS OF LAW

Based upon careful consideration of the facts in this matter, the Board finds and concludes as a matter of law that:

1. The Board has jurisdiction in this matter and, upon finding that a licensee has violated any of the provisions of S.C. Code Ann. §§40-1-110 and 40-47-110 (1976), as amended, has the authority to order the revocation or suspension of a license to practice medicine or osteopathy, publicly or privately reprimand the holder of a license, or take other reasonable action short of revocation or suspension, such as requiring the licensee to undertake additional professional training subject to the direction and supervision of the Board or imposing restraint upon the medical or osteopathic practice of the licensee as circumstances warrant until the licensee demonstrates to the Board adequate professional competence. Additionally, the Board may require the licensee to pay a fine of up to twenty-five thousand dollars and the costs of the disciplinary action.

2. The Respondent has violated S.C. Code Ann. §40-47-110(B)(9) (Supp. 2008) in that the Respondent engaged in dishonorable, unethical and unprofessional conduct, as admitted to in the facts recited above.

3. The Respondent has violated S.C. Code Ann. §40-47-110(B)(13) (Supp. 2008) in that the Respondent violated the following Code of Medical Ethics adopted by the Board:

A. S.C. Code of Regs. 81-60(A) in that the Respondent failed to respect the law, as evidenced by the admitted facts recited above.

B. S.C. Code of Regs. §81-60(D) in that the Respondent failed to respect the rights of a patient, as evidenced by the admitted facts recited above.

4. The Respondent violated S.C. Code Ann. §40-47-110(B)(18) and (19) (Supp. 2008) in that he crossed the boundaries of the doctor-patient relationship, as evidenced by the admitted facts recited above.

5. The sanction imposed is consistent with the purpose of these proceedings and has been made after weighing the public interest and the need for the continuing services of qualified

physicians against the countervailing concern that society be protected from professional ineptitude and misconduct.

6. The sanction imposed is designed not to punish the Respondent, but to protect the life, health and welfare of the people at large.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The Respondent shall be, and hereby is, publicly reprimanded.

2. The Respondent's license is hereby suspended, said suspension shall be retroactive to November 8, 2008. Effective immediately, the suspension shall be stayed provided that Respondent is compliant with the following terms and conditions:

A. Within one (1) year of the date of this final order, the Respondent shall pay a fine in the amount of Five Thousand and No/100 (\$5,000.00) Dollars. This fine shall not be deemed paid until received by the Board.

B. Within one (1) year of the date of this final order, the Respondent shall pay costs in the amount of One Thousand Six Hundred Twenty-Nine and 76/100 (\$1,629.76) Dollars. Said costs shall not be deemed paid until received by the Board.

C. Within thirty (30) days of the date of this final order, Respondent must provide to the Board written verification that Respondent has signed the Board-approved written contract with the Behavioral Medicine Institute of Atlanta for maintenance treatment. Compliance with this paragraph shall not be deemed satisfied until said written verification is received by the Board. Failure to comply with this requirement within the prescribed time, or Respondent's failure to comply with the terms of the contract, may result in the immediate temporary suspension of Respondent's license to practice until such time as full compliance has been made by Respondent.

D. Respondent shall appear and report to the Board as requested by the Board.

E. Respondent shall promptly advise this Board in writing of any changes in address, practice, hospital privileges, professional status, or compliance with this final order. Correspondence and copies of reports and notices mentioned herein shall be directed to:

LLR- State Board of Medical Examiners
Post Office Box 11289
Columbia, SC 29211-1289

3. Respondent's failure to abide by any of the aforementioned terms and conditions, or if it should be indicated from reliable reports submitted to the Board that Respondent is otherwise unable to practice with reasonable skill and safety, may result in the immediate temporary suspension of Respondent's license pending hearing into the matter and until further order of the Board.

4. The Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in the investigation of Respondent's practice and compliance with the provisions of this final order. Respondent may be required to furnish the Board with additional information as may be deemed necessary by the Board or its representatives. In addition to such requests, the Board in its discretion may require Respondent to submit further documentation regarding Respondent's practice, and it is Respondent's responsibility to fully comply with all reasonable requests in a timely fashion. Failure to reasonably comply with such requests may be deemed a violation of this final order.

5. This final order shall become effective immediately upon service of the order upon the Respondent or Respondent's counsel.

AND IT IS SO ORDERED.

STATE BOARD OF MEDICAL EXAMINERS

BY: *Louis E. Costa II, M.D.*
LOUIS E. COSTA, II, M.D.
President of the Board

5-28, 2009.

CERTIFICATE OF SERVICE BY MAIL

This is to certify that the undersigned has this date served this FO in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party (ies) or their attorney (s), to the following address: 506 E. Main St. Aug St. 29074

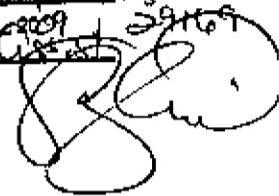
This 28 day of May, 2009
By: *Shirley Bailey, Adm. Assist*
Printed name, title & signature



CERTIFICATE OF SERVICE BY MAIL

This is to certify that the undersigned has this date served this FO in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party (ies) or their attorney (s), to the following address: 1160 Medical Center - Floor 100

This 28 day of May, 2009
By: *Shirley Bailey, Adm. Assist*
Printed name, title & signature



BEFORE THE SOUTH CAROLINA STATE BOARD OF MEDICAL EXAMINERS

In the Matter of:
JOHN HOWARD DEWITT, M.D.,

Medical License No. 13334

OIE #2008-244

Respondent.

FINAL ORDER
(Public)

This matter came before the State Board of Medical Examiners (the Board) for hearing on May 4, 2009, as a result of the Notice and Formal Complaint, which was served upon the Respondent and filed with the Board. A quorum of Board members was present. The hearing was held pursuant to S.C. Code Ann. §§40-47-117 (1976), as amended, and provisions of the S.C. Administrative Procedures Act (the APA), S.C. Code Ann. §1-23-10, *et seq.*, (1976), as amended, to determine whether sanctions should be imposed based upon the Memorandum of Agreement and Stipulations agreed upon by the Respondent and the State. The State was represented by Lynne Rogers, Esquire, General Counsel, South Carolina Department of Labor, Licensing and Regulation. The Respondent appeared and was represented by Arnold Beacham, Esquire.

The Respondent was charged with violation of S.C. Code Ann. §§40-1-110(f), (k) and (l) and 40-47-110(B)(9), (13), (14), (18) and (19); and S.C. Code of Regs. 81-60(A), and (D) (Supp. 2008) of the Rules and Regulations of the Board.

FINDINGS OF FACT

Based upon the preponderance of the evidence on the whole record, the Board finds the facts of the case to be as follows:

1. The Respondent is a physician who is duly licensed to practice in South Carolina and was so licensed at all times relevant to the matters alleged in the Formal Complaint.
2. On March 20, 2009, the Respondent signed a Memorandum of Agreement and Stipulations in which Respondent admitted, and the State agreed, that the Respondent would waive his right to a formal hearing before a disciplinary panel and that the following are the facts in the case:

- A. Respondent is duly licensed by the Board to practice psychiatry in South Carolina.
- B. From January 2008 to September 2008, Respondent engaged in a sexual relationship with a patient known to Respondent during the course of their psychiatrist-patient relationship, and while Respondent was treating the patient for emotional, psychiatric and relational issues.

3. The Respondent admits that the aforementioned acts of Respondent present grounds that constitute misconduct, as alleged.

CONCLUSIONS OF LAW

Based upon careful consideration of the facts in this matter, the Board finds and concludes as a matter of law that:

1. The Board has jurisdiction in this matter and, upon finding that a licensee has violated any of the provisions of S.C. Code Ann. §§40-1-110 and 40-47-110 (1976), as amended, has the authority to order the revocation or suspension of a license to practice medicine or osteopathy, publicly or privately reprimand the holder of a license, or take other reasonable action short of revocation or suspension, such as requiring the licensee to undertake additional professional training subject to the direction and supervision of the Board or imposing restraint upon the medical or osteopathic practice of the licensee as circumstances warrant until the licensee demonstrates to the Board adequate professional competence. Additionally, the Board may require the licensee to pay a fine of up to twenty-five thousand dollars and the costs of the disciplinary action.

2. The Respondent has violated S.C. Code Ann. §40-47-110(B)(9) (Supp. 2008) in that the Respondent engaged in dishonorable, unethical and unprofessional conduct, as admitted to in the facts recited above.

3. The Respondent has violated S.C. Code Ann. §40-47-110(B)(13) (Supp. 2008) in that the Respondent violated the following Code of Medical Ethics adopted by the Board:

A. S.C. Code of Regs. 81-60(A) in that the Respondent failed to respect the law, as evidenced by the admitted facts recited above.

B. S.C. Code of Regs. §81-60(D) in that the Respondent failed to respect the rights of a patient, as evidenced by the admitted facts recited above.

4. The Respondent violated S.C. Code Ann. §40-47-110(B)(18) and (19) (Supp. 2008) in that he crossed the boundaries of the doctor-patient relationship, as evidenced by the admitted facts recited above.

5. The sanction imposed is consistent with the purpose of these proceedings and has been made after weighing the public interest and the need for the continuing services of qualified physicians against the countervailing concern that society be protected from professional ineptitude and misconduct.

6. The sanction imposed is designed not to punish the Respondent, but to protect the life, health and welfare of the people at large.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The Respondent shall be, and hereby is, publicly reprimanded.

2. The Respondent's license is hereby suspended, said suspension shall be retroactive to November 8, 2008. Effective immediately, the suspension shall be stayed provided that Respondent is compliant with the following terms and conditions:

A. Within one (1) year of the date of this final order, the Respondent shall pay a fine in the amount of Five Thousand and No/100 (\$5,000.00) Dollars. This fine shall not be deemed paid until received by the Board.

B. Within one (1) year of the date of this final order, the Respondent shall pay costs in the amount of One Thousand Six Hundred Twenty-Nine and 76/100 (\$1,629.76) Dollars. Said costs shall not be deemed paid until received by the Board.

C. Within thirty (30) days of the date of this final order, Respondent must provide to the Board written verification that Respondent has signed the Board-approved written contract with the Behavioral Medicine Institute of Atlanta for maintenance treatment. Compliance with this paragraph shall not be deemed satisfied until said written verification is received by the Board. Failure to comply with this requirement within the prescribed time, or Respondent's failure to comply with the terms of the contract, may result in the immediate temporary suspension of Respondent's license to practice until such time as full compliance has been made by Respondent.

D. Respondent shall appear and report to the Board as requested by the Board.

E. Respondent shall promptly advise this Board in writing of any changes in address, practice, hospital privileges, professional status, or compliance with this final order. Correspondence and copies of reports and notices mentioned herein shall be directed to:

LLR- State Board of Medical Examiners
Post Office Box 11289
Columbia, SC 29211-1289

3. Respondent's failure to abide by any of the aforementioned terms and conditions, or if it should be indicated from reliable reports submitted to the Board that Respondent is otherwise

unable to practice with reasonable skill and safety, may result in the immediate temporary suspension of Respondent's license pending hearing into the matter and until further order of the Board.

4. The Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in the investigation of Respondent's practice and compliance with the provisions of this final order. Respondent may be required to furnish the Board with additional information as may be deemed necessary by the Board or its representatives. In addition to such requests, the Board in its discretion may require Respondent to submit further documentation regarding Respondent's practice, and it is Respondent's responsibility to fully comply with all reasonable requests in a timely fashion. Failure to reasonably comply with such requests may be deemed a violation of this final order.

5. This final order shall become effective immediately upon service of the order upon the Respondent or Respondent's counsel.

AND IT IS SO ORDERED.

STATE BOARD OF MEDICAL EXAMINERS

BY: *Louis E. Costa II*
LOUIS E. COSTA, II, M.D.
President of the Board

6-15, 2009.

CERTIFICATE OF SERVICE BY MAIL

This is to certify that the undersigned has this date served this EO in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party (ies) or their attorney (s), to the following address: 506 E. Main St. Ly SC 29072

This 15 day of June, 2009
By: *[Signature]*
Printed name, title & signature

CERTIFICATE OF SERVICE BY MAIL

This is to certify that the undersigned has this date served this EO in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party (ies) or their attorney (s), to the following address: 160 Medical Center, Columbia, SC 29169

This 15 day of June, 2009
By: *[Signature]*
Printed name, title & signature

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING, AND REGULATION
BEFORE THE STATE BOARD OF MEDICAL EXAMINERS**

In the Matter of:

John H. DeWitt, MD,
Medical License No. 13334,
Respondent.

Case No. 2008-244

**ORDER ON THE RESPONDENT'S MOTION
TO BE RELEASED FROM TERMS AND
CONDITIONS
(PUBLIC)**


This matter came before the Board of Medical Examiners (the Board) for hearing on August 3, 2011, as a result of Respondent's Motion to be Released from Terms and Conditions imposed by a previous board order. A quorum of Board members was present. The hearing was held pursuant to provisions of the S.C. Administrative Procedures Act (the APA), S.C. Code Ann. § 1-23-10, *et seq.* (1976, as amended). Patrick D. Hanks, Agency Counsel, represented the State. The Respondent appeared *pro se*.

Upon careful consideration of the evidence and testimony, the Board finds that Respondent has complied with the terms of the 2009 order.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that: the Respondent's motion to be released from the terms and conditions of his May 28, 2009 Final Order is granted.

AND IT IS SO ORDERED.

STATE BOARD OF MEDICAL EXAMINERS

BY: 
Louis E. Costa II, MD
President of the Board

8/17, 2011

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION
BEFORE THE STATE BOARD OF MEDICAL EXAMINERS**

In the Matter of:

John H. Dewitt, MD
License No. 13334

Case No. 2008-244

Respondent

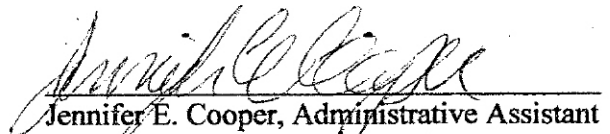
CERTIFICATE OF SERVICE

I hereby certify that I have this day caused to be served the within **Order on the Respondent's Motion to be Released from Terms and Conditions (Public)** upon the person hereafter named, by placing the same in an envelope, securely wrapped, in the United States Mail, via first class mail, properly addressed to the said person hereafter named, at the place and address stated below, which is the last known address for the same:

John H. Dewitt, MD

██████████
Columbia, SC ██████████

SOUTH CAROLINA DEPARTMENT OF
LABOR, LICENSING & REGULATION



Jennifer E. Cooper, Administrative Assistant
LLR-Office of Advice Counsel
Post Office Box 11329
Columbia SC 29211 1329

8/18, 2011.