

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

<b>In the Matter of :</b>	)	
	)	
<b>Catherine L. Munson, M.D.</b>	)	<b>FINAL ORDER</b>
<b>License No. MMD.16094</b>	)	<b>(Public)</b>
	)	
<b>2009-218</b>	)	
<b>Respondent.</b>	)	

This matter came before the South Carolina State Board of Medical Examiners for hearing on February 1, 2010 for a Final Order hearing. The hearing was held pursuant to S.C. Code Ann. §40-47-11 and the Administrative Procedure Act, to determine what sanctions, if any, would be imposed upon the Respondent's license. The State was represented by Paula S. Magargle, Assistant General Counsel of the South Carolina Department of Labor, Licensing and Regulation. The Respondent appeared with her counsel Cynthia Mason, Esquire of McKay, Cauthen, Settans & Stublely, P.A.

A Formal Complaint was being prepared in this matter, alleging violation of S.C. Code Ann. §§40-47-110(B)(9), (12), (13), (14), (18) and (19) and 114(A) and South Carolina Code of Regulations §§81-60(A) and (D). The Respondent elected to waive issuance and service of a Formal Complaint, and Respondent also waived an informal conference and the full evidentiary hearing in this matter. The Respondent entered into and executed a Memorandum of Agreement and Stipulations dated January 6, 2010. In the said Memorandum of Agreement and Stipulations, the Respondent admitted to certain acts, including having intimate relations with one of her patients, and her violation of the Board's Practices Act and Regulations. Further, Respondent agreed to appear at a Final Order Hearing, and under oath, answer questions by members of the Board, and be subject to cross-examination.

On August 7, 2009, the Board issued an Order Requiring Evaluation for the Respondent. The evaluation was conducted on August 18, 19, and 20, 2009, by Dr. Gene G. Abel of BMI and Dr. Abel made recommendations to the Respondent towards addressing the Respondent's conditions and behavior.

**FINDINGS OF FACT**

The Board finds the facts of the case to be as stated in the said Memorandum of Agreement and Stipulations, which is incorporated herein by reference only, and as restated in relevant part below:

1. The Respondent is a psychiatrist licensed by the South Carolina Medical Board of Medical Examiners and was so licensed at all relevant times in this matter.

2. Between June 24, 2009, and August 3, 2009, the Respondent began a sexual relationship with patient R.W. R.W. presented herself to the Respondent's practice for therapy, however, R.W. had also been a patient at Respondent's former place of employment, Catawba Mental Health in Rock Hill, South Carolina for several years prior. The Respondent terminated the clinical counseling care of R.W. upon engagement of the intimate relationship, referred patient to another therapist, but continued to assist in managing R.W.'s medications.
3. The Respondent engaged in sexual relations with her patient in various venues, wherein she became the subject of written, audio, and video recordings, with dissemination of the same by R.W.'s domestic partner.
4. Per the Memorandum of Agreement and Stipulations, it appears that the Respondent became the subject of a purported blackmail scheme by R.W. and her domestic partner, with whom the Respondent also was familiar as a health care professional. The domestic partner was a former therapist of R.W. The Respondent did not seek the assistance of law enforcement officers regarding the blackmail. Further, per the Memorandum of Agreement and Stipulations, and the Respondent's testimony, the Respondent attempted to cease communications with patient and her domestic partner, however circumstances escalated and the domestic partner appeared at the Respondent's home and assaulted her.

### 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 license has violated any of the provisions of the 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 osteopath practice of the licensee as circumstances warrant until the licensee demonstrates to the Board adequate professional competence. Additionally, pursuant to S.C. Code Ann. §§40-47-120, 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 violated S. C. Code Ann §40-47-110(B)(9) in that she engaged in dishonorable, unethical, or unprofessional conduct that is likely either to deceive, defraud, or harm the public.

3. The Respondent violated S. C. Code Ann §40-47-110(B)(12) in that she intentionally violated the medical practices act.

4. The Respondent violated S. C. Code Ann §40-47-110(B)(13) in that she has violated the code of medical ethics adopted by the board.

5. The Respondent violated S. C. Code Ann §40-47-110(B)(14) in that she violated a provision of the chapter of laws governing physicians and a regulation of the board;

6. The Respondent violated S. C. Code Ann §40-47-110(B)(18) in that she intentionally engaged in disruptive behavior and interaction with a patient and others that interfered with patient care or could reasonably be expected to adversely impact the quality of care rendered to the patient., including sexual activity.

7. The Respondent violated S. C. Code Ann §40-47-110(B)(19) in that she engaged in behavior that exploited the physician-patient relationship in a sexual way. The behavior was non-diagnostic and non-therapeutic, and was written, verbal, and physical and included expressions of thoughts, feelings or gestures that were sexual.

8. The Respondent violated S. C. Code of Regulations §81-60(A) in that she failed to dedicate herself to provide competent medical service with compassion and respect for human dignity.

9. The Respondent violated S.C. Code of Regulations §81-60(D) in that she failed to safeguard the rights of her patient.

10. Any sanction imposed should be 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.

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

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

1. The Memorandum of Agreement and Stipulations presented by the State and the Respondent shall be and is hereby accepted by the Board.

2. Respondent shall be and is hereby publicly reprimanded.

3. The Respondent shall be and is hereby suspended from the practice of psychiatry/medicine, however the suspension shall be stayed upon the Respondent's payment of costs of Two-Thousand Seven Hundred Five Dollars and No Cents (\$2,705.00).

4. The Respondent shall continue to comply with the recommendations of the professionals at Behavioral Medicine Institute of Atlanta (BMI).

5. The Respondent shall arrange for reports from Dr. Melvin Griffin and her marital counselor to be provided to Dr. Guillick, and Dr. Guillick will provide a quarterly report to the Board as to the Respondent's progress.

6. Further, in keeping with the recommendations of BMI, the Board will receive a report every six (6) months from Dr. Abel. The Respondent shall notify the care providers of the need for a written report to the Board, and Respondent shall fully cooperate in providing authorizations and any other necessary cooperation for transmittal of the above-referenced written reports to the Board.

7. The Respondent shall pay a fine of Ten Thousand Dollars (\$10,000.00) within eighteen (18) months from the effective date of this Order.

8. Any and all correspondence, reports, or payments shall be forwarded to: SC Board of Medical Examiners, Post Office Box 11289, Columbia, SC 29211-1289.

9. This Order shall become effective upon service of the same upon the Respondent and/or her counsel of record.

**AND IT IS SO ORDERED.**

By: Louis E. Costa II, M.D., MD  
**Louis E. Costa, II, M.D., Chairman**  
**SC State Board of Medical Examiners**

8-4, 2010

**CERTIFICATE OF SERVICE BY MAIL**

This is to certify that the undersigned has this date served this Order 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: 1303 Blvd de la 3e. Ave. SC 29202

This 4 day of August, 2010  
By: [Signature]  
Printed name, title & signature

**CERTIFICATE OF SERVICE BY MAIL**

This is to certify that the undersigned has this date served this Order 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: 570 Ellis Highway Mill SC 29006

This 4 day of August, 2010  
By: [Signature]  
Printed name, title & signature

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This 4 day of August, 2010  
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:

**Catherine L. Munson,**  
License No. MD.16094,

Respondent.

Case No. 2009-218

**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 November 5, 2012, as a result of the Respondent's Motion to be released from Terms and Conditions. A quorum of Board members was present. The hearing was held pursuant to appropriate 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, Assistant Agency Counsel, appeared on behalf of the State. The Respondent appeared and was not represented by counsel.

In a Final Public Order dated August 6, 2010, the Respondent was found to be in violation of the Board practice act and its regulations, specifically S.C. Code Ann. § 40-47-110(B)(9),(12),(13), (14),(18),(19) and S.C. Code of Regulations, Chapter 81-60(A) and (D).

The Respondent requested to be released from the terms and conditions of the 2010 Order. Evidence and testimony presented at the hearing established that the Respondent has complied with the terms and conditions of the 2010 Order.

**NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED** that based upon the evidence and testimony presented at the hearing, the Respondent's motion to be released from those terms and conditions is granted.

**AND IT IS SO ORDERED.**

**STATE BOARD OF MEDICAL EXAMINERS**

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

November 30, 2012