

STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
MEDICAL QUALITY ASSURANCE COMMISSION

In the Matter of the License )  
to Practice Medicine of ) NO. 94-01-0055MD  
 )  
JOHN L. CARTER, M.D., ) STATEMENT OF CHARGES  
 )  
Respondent. )  
\_\_\_\_\_ )

The Medical Quality Assurance Commission of the State of Washington, (Commission), having determined upon investigation that there is reason to believe that a violation of RCW 18.130.180 has occurred, states and alleges as follows:

I.

At all times material to this Statement of Charges, Respondent has been licensed to practice medicine by the state of Washington.

II.

On or about July 17, 1993, a Final Order of Revocation and Stay Imposing Terms of Probation was issued by the Board of Medical Examiners of the State of Oregon finding unprofessional conduct by respondent with one patient. The Order finds unprofessional conduct in that Respondent had sexual intercourse with an adult female patient on two or more occasions in 1983 and 1984. Respondent's license to practice medicine in Oregon was revoked, with revocation stayed and respondent placed on probation for in indefinite period of time under specific terms and conditions. Said certified copy of Final Order of Revocation and Stay Imposing Terms of Probation is attached hereto and by reference incorporated herein.

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III.

The allegations in paragraph II above, if proved, constitute grounds for disciplinary action pursuant to RCW 18.130.180(5) which defines unprofessional conduct as:

(5) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction...

The Commission alleges that the conduct referred to in this Statement of Charges affects the public health, safety and welfare, and the Commission directs that a notice be issued and served on the Respondent as provided by law, giving Respondent the opportunity to defend against the allegations in this Statement of Charges. If Respondent fails to defend against these allegations, Respondent shall be subject to such discipline as is appropriate under RCW 18.130.160.

DATED this 10<sup>th</sup> day of October, 1994.

WASHINGTON STATE MEDICAL  
QUALITY ASSURANCE COMMISSION

By: Beverly A. Teeter  
Beverly A. Teeter  
Program Manager

Presented by:

Pat L. DeMarco

Pat L. DeMarco

Assistant Attorney General  
WSBA #16897

STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
MEDICAL QUALITY ASSURANCE COMMISSION

In the Matter of the License	)	
to Practice Medicine of	)	No. 94-01-0055MD
	)	
JOHN L. CARTER, M.D.,	)	STIPULATED FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW AND
Respondent.	)	AGREED ORDER
_____)		

The Medical Quality Assurance Commission (Commission), by and through Gerald D. Kelly, Lead Staff Attorney, Department of Health, and John L. Carter, M.D., Respondent, individually and by and through his counsel of record, Lann D. Leslie, stipulate and agree to the following:

1. PROCEDURAL STIPULATIONS

1.1 John L. Carter, M.D. is a physician licensed to practice medicine and perform surgery in the state of Washington at all times relevant to this action.

1.2 On October 10, 1994, the Commission issued a Statement of Charges alleging that Respondent's license to practice medicine in the State of Oregon was subjected to a Final Order of Revocation and Stay Imposing Terms of Probation issued by the Board of Medical Examiners of the State of Oregon dated July 17, 1993.

1.3 The Statement of Charges alleges that Respondent has committed unprofessional conduct pursuant to RCW 18.130.180(5).

1.4 Respondent understands that the State is prepared to proceed to a hearing on the allegations in the Statement of Charges.

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1.5 Respondent understands that he has the right to defend himself against the allegations in the Statement of Charges by presenting evidence in his behalf at the hearing.

1.6 Respondent understands that, should the State in fact prove at hearing the allegations in the Statement of Charges, the Commission has the power and authority to impose sanctions under RCW 18.130.160.

1.7 Respondent and the Commission agree to expedite the resolution of this matter by means of a Stipulated Findings of Fact, Conclusions of Law and Agreed Order.

1.8 Respondent waives the opportunity for a hearing on the Statement of Charges based on the entry of the following Agreed Order.

1.9 Respondent acknowledges that the Agreed Order is not binding unless and until it is accepted by the Commission.

1.10 Respondent acknowledges that should this Stipulated Findings of Fact, Conclusions of Law and Agreed Order be accepted, it will be subject to the reporting requirements of RCW 18.130.110 and interstate/national reporting including, but not limited to, the National Practitioner Data Bank per 45 CFR 60.

1.11 WAIVER OF OBJECTION: Respondent is informed and understands that:

A. At the presentation of this Agreed Order the Commission may ask the parties for information regarding the facts of this case. The parties have the right to be present, ask and answer questions and make argument to the Commission regarding the appropriateness of this Agreed Order.

B. Respondent waives any objection to the participation on a hearing panel of all or some of the Commission members who hear the Stipulation presentation in the event that the Stipulation is rejected and this matter proceeds to a hearing.

## 2. STIPULATED FACTS

The State and Respondent stipulate to the following facts:

2.1 Respondent agrees that were this matter to proceed to hearing the State would show that Respondent's medical license in the State of Oregon is indefinitely restricted by a Board of Medical Examiners of the State of Oregon, Final Order of Revocation and Stay Imposing Terms of Probation dated July 17, 1993. A copy of the Final Order is attached as Exhibit A and by this reference is incorporated herein.

2.2 This action by the State of Washington Medical Quality Assurance Commission is based solely upon the Final Order of Revocation and Stay Imposing Terms of Probation, by agreement, between the Respondent and the State of Oregon. The Commission makes no new allegations of unprofessional conduct by the Respondent in the State of Washington.

## 3. CONCLUSIONS OF LAW

Based on the above Procedural and Factual Stipulations, the parties stipulate to the following Conclusions of Law:

3.1 The Commission has jurisdiction over Respondent and over the subject matter of this proceeding.

3.2 The above facts constitute a commission of unprofessional conduct pursuant to RCW 18.130.180(5) which defines unprofessional conduct as:

Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the Order, Stipulation, or Agreement, being conclusive evidence of the revocation, suspension, or restriction.

3.3 The uncontested facts stipulated to in paragraph 2.1 above constitute grounds for Commission action pursuant to RCW 18.130.050 or 18.130.160.

#### 4. AGREED ORDER

Based on the preceding Procedural and Factual Stipulations and Conclusions of Law, the Commission hereby orders:

4.1 Respondent shall comply with the terms, conditions and restrictions imposed on his medical license by the State of Oregon pursuant to the Final Order of Revocation and Stay Imposing Terms of Probation dated July 17, 1993. Any violation of the terms, conditions and restrictions imposed by the Board of Medical Examiners of the State of Oregon shall be deemed a violation of this order.

4.2 Respondent shall ensure that all care delivered to patients falls within acceptable standards of medical practice.

4.3 If Respondent wishes to practice medicine in the State of Washington at anytime in the future, Respondent shall petition the Commission in writing and shall appear personally before the Commission, upon notice duly given, for purposes of fully advising the Commission of the nature of Respondent's past practice as well as the nature of Respondent's intended practice in the State of Washington. The Commission reserves the right to add additional terms, conditions and restrictions to Respondent's Washington medical license at that time.

4.4 Respondent shall supply the Commission with the necessary releases and/or authorizations from his treating psychiatric therapist, and the physician supervising and monitoring Respondent's practice, and the chiefs of staff of any hospital in which Respondent has privileges to allow those individuals to supply the Commission with copies of any and all reports

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which are submitted by them to the Board of Medical Examiners of the State of Oregon pursuant to the terms and conditions of the Final Order of Revocation and Stay Imposing Terms and Probation. In addition, Respondent shall supply to the Commission copies of any and all reports previously submitted to the Oregon Board of Medical Examiners by any individuals in this matter.

4.5 This Stipulation and Agreed Order will be subject to the reporting requirements of RCW 18.130.110 and interstate/national reporting including, but not limited to, the National Practitioner Data Bank, 45 CFR 60.

4.6 The Commission's jurisdiction over Respondent shall continue until the State of Oregon's probation is lifted and until Respondent files a written petition for termination of the Commission's jurisdiction and, if the Commission so requests, appears personally before the Commission. Termination of the Commission's jurisdiction shall be by written order of the Commission.

4.7 Pursuant to RCW 18.130.160(8) Respondent shall pay costs of One Hundred dollars (\$100) within ninety (90) days of the effective date of this Order. These costs shall be payable to the State Treasurer and sent to the following address:

Executive Secretary  
Medical Quality Assurance Commission  
1300 SE Quince Street, M/S: 7866  
Post Office Box 47866  
Olympia, Washington 98504-7866

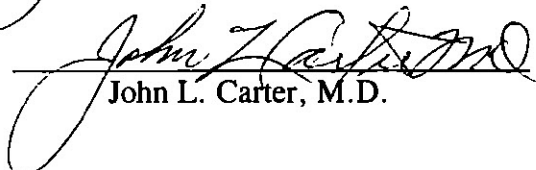
4.8 Respondent shall obey all federal, state and local laws and all rules and regulations governing the practice of medicine and surgery in Washington.

4.9 If Respondent violates the terms and conditions of this Stipulation and Agreed Order in any respect, the Commission may issue charges of unprofessional conduct under RCW 18.130.180.

4.10 This Stipulation and Agreed Order is not binding on Respondent or the Commission unless accepted by the Commission.

4.11 This Stipulation and Agreed Order shall become effective ten (10) days from the date the Order is signed by the Commission chair, or upon service of the Order on the Respondent, whichever date is sooner.

I, John L. Carter, M.D., hereby declare, under penalty of perjury and under the laws of the State of Washington, that I have read this Stipulation and Agreement in its entirety, that my counsel of record has fully explained the legal significance and consequence of it; that I fully understand and agree to all of it, and in witness whereof I affix my signature this 10<sup>th</sup> day of February, 1995.

  
John L. Carter, M.D.

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5. ORDER

The Commission accepts the Stipulated Findings of Fact, Conclusions or Law and Agreed Order. Respondent is ORDERED to comply with the conditions stated in paragraphs 4.1 through 4.4 and 4.6 through 4.8 above. IT IS FURTHER ORDERED that all parties shall be bound by the terms and conditions of section 4.

DATED this 27<sup>th</sup> day of January, 1995.

WASHINGTON STATE MEDICAL  
QUALITY ASSURANCE COMMISSION

By: Larry T. Brice  
LARRY T. BRICE, M.D.  
CHAIR

PRESENTED BY:

Gerald D. Kelly  
Gerald D. Kelly WSBA# 5427  
Lead Staff Attorney  
Department of Health

STIPULATED TO AND  
APPROVED FOR ENTRY:

John L. Carter M.D.  
John L. Carter, M.D.  
Respondent

Lann D. Leslie  
Lann D. Leslie  
Attorney for Respondent

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EXHIBIT A

STIPULATED FINDINGS OF FACT,  
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Redaction Summary ( 0 redactions )

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0 Privilege / Exemption reason used:

Redacted pages: