

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF MEDICINE

IN RE:
CARL T. BROWN, M.D.
License No.: MD039724
Respondent

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Received
MAY 26 2015
CARL T. BROWN, M.D.
Board Certified
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CONSENT ORDER

This matter comes before the District of Columbia Board of Medicine (the “Board” or “D.C. Board”) pursuant to the Health Occupations Revision Act (HORA). D.C. Official Code § 3-1201.01, *et seq.* (2009). The HORA authorizes the Board to regulate the practice of medicine in the District of Columbia and, in doing so, the Board has broad jurisdiction to impose a variety of disciplinary sanctions upon a finding of a violation of the HORA. D.C. Official Code, § 3-1201.03; *Mannan v. District of Columbia Board of Medicine*, 558 A.2d 329, 333 (D.C.1989). The Council of the District of Columbia, in amending the HORA, “intended to strengthen enforcement of its licensing laws.” *Davidson v. District of Columbia Board of Medicine*, 562 A.2d 109, 113 (D.C.1989). And the HORA “was designed to ‘address modern advances and community needs with the paramount consideration of protecting the public interest.’” *Joseph v. District of Columbia Board of Medicine*, 587 A.2d 1085, 1088 (D.C.1991) (*quoting* Report of the D.C. Council on Consumer and Regulatory Affairs on Bill 6-317, at 7 (November 26, 1985)) (emphasis added by court).

Background

Respondent has been licensed to practice medicine in the District of Columbia since April 20, 2011. Respondent is also licensed in Virginia. In a consent order dated October 1,

2014, the Virginia Board of Medicine (Virginia Board) reprimanded Respondent and further ordered that Respondent be prohibited from practicing obstetrics and performing gynecological surgeries. The Virginia Board further limited Respondent to the “practice of office-based gynecology.”

The Virginia Board learned that Respondent performed an elective laparoscopy on a 70-year old female patient, Patient A, to locate and remove a suspected left ovarian cyst, despite having previously performed a complete hysterectomy and bilateral salpingo oophorectomy (BSO). Based on this incident, the Virginia Board determined that Respondent violated Sections 54.1-2915.A(3), (13), and (16) of the Code of Virginia, in his care and treatment of Patient A. Specifically, the Board found that, despite having performed a complete hysterectomy and bilateral salpingo oophorectomy ("BSO") on Patient A on or about October 7, 1999, Respondent performed an elective laparoscopy to locate and remove a suspected left ovarian cyst on or about March 16, 2012. After failing to locate the cyst or ovaries with the laparoscope, Respondent converted the laparoscopy to an open procedure, which also revealed no cyst or ovaries but did reveal extensive adhesions. Postoperatively, Patient A exhibited fever, shortness of breath, hypotension, and leukocytosis. On or about March 21, 2012, Patient A was diagnosed with iatrogenic distal jejunal perforation, peritonitis, bilateral anterior abdominal cellulitis, fat necrosis, and extensive intra-abdominal and pelvic small bowel adhesions. Due to these complications, Patient A underwent an emergency exploratory extensive debridement of anterior abdominal wall subcutaneous fat, performed by another provider on or about March 21, 2012. After this procedure, Patient A was transferred to another hospital and ultimately spent approximately two weeks in a care facility prior to returning home.

Respondent explained to the Virginia Board that he could not find the operative report from the 1999 hysterectomy and BSO in either the paper chart or electronic record prior to the 2012 procedure. He further stated that, had he had the 1999 operative report prior to the 2012 procedure, he would not have performed the 2012 procedure.

Respondent also stated to the Virginia Board that, in or about summer, 2012, he limited his practice to the office setting and refrained from performing surgical procedures. Further, Respondent expressed an intention to retire on or about August 16, 2013.

On October 29, 2014, the D. C. Board considered the Virginia Consent Order and its terms. The D.C. Board determined that the Virginia Consent Order warranted reciprocal action with respect to Respondent's District of Columbia medical license. Accordingly, the D.C. Board voted to issue the instant Consent Order to Respondent.

Conclusions of Law

The D.C. Board is authorized, pursuant to D.C. Official Code § 3-1205.14(a)(3), to take reciprocal action when a Respondent has been disciplined by a licensing authority of another jurisdiction for conduct that would be grounds for Board action. In pertinent part, D.C. Official Code § 3-1205.14(a)(3) states:

Each board, subject to the right of a hearing as provided by this subchapter, on an affirmative vote of a quorum of its appointed members may take one or more of the disciplinary actions...against any person permitted by this subchapter to practice a health occupation regulated by the board in the District who is **disciplined by a licensing or disciplinary authority...of any jurisdiction for conduct that would be grounds for disciplinary action under this section.** (emphasis added)

Also, under D.C. Official Code, a physician licensed in the District must conform to standards of acceptable conduct and prevailing practice within a health profession and may not demonstrate a willful or careless disregard for the health, welfare or safety of a patient, regardless of whether

the patient sustains actual injury as a result, or be subject to disciplinary action. *See* D.C. Official Code §§ 3-1205.14(a)(26) and (28). Respondent's conduct in Virginia during the course of his treatment of Patient A did not conform to the standards of acceptable conduct in the practice of medicine and would be a violation of D.C. Official Code §3-1205.14(a)(26), and further demonstrated a willful or careless disregard for the health, welfare, or safety of Patient A, had that conduct occurred in the District of Columbia.

Accordingly, Respondent's conduct has provided the D.C. Board with a basis in law and fact to take reciprocal action against Respondent under the authority of D.C. Official Code § 3-1205.14(a)(3).

ORDER

Based upon the foregoing, it is this by the District of Columbia Board of Medicine hereby,

ORDERED, that Respondent is hereby **REPRIMANDED** for his conduct during the course of his treatment of Patient A; and it is further

ORDERED, that Respondent is prohibited from practicing obstetrics and performing gynecological surgeries; and it is further

ORDERED, that Respondent shall be limited to the practice of office-based gynecology; and it is further

ORDERED, that Respondent shall comply with all laws, rules, and regulations of the District of Columbia, while within its jurisdiction; and it is further

ORDERED, that if Respondent fails to satisfactorily fulfill the terms of this Consent Order the D.C. Board may issue a notice of intent to take formal disciplinary action against Respondent's license; and it is further

ORDERED, that this is a public document.

DISTRICT OF COLUMBIA BOARD OF MEDICINE

6.24.15
Date

Janis M. Orłowski MD
By: Janis M. Orłowski, M.D., M.A.C.P.
Chairperson

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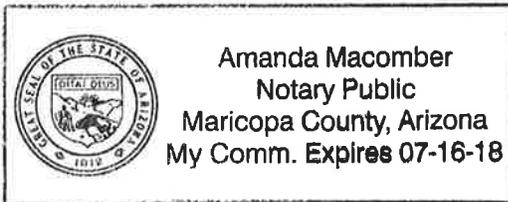
• I acknowledge that in the event that the Board suspends my license based on the failure to satisfactorily fulfill the terms of the Consent Order, my sole remedy and recourse will be to respond within the time period set forth in this Consent Order with proof of my compliance and that if I fail to do so, my sole remedy and recourse will be to comply with the terms of this Consent Order to the satisfaction of the Board. CSB (initial)

• I have had an opportunity to review this document and to consult with my own legal counsel. I choose willingly to sign this Consent Order, and I understand its meaning and effect. CSB (initial)

5/30/2015
Date

Carl T. Brown, M.D.
Carl T. Brown, M.D., License No. MD039724

Sworn to and subscribed before me this 30th day of May, 2015.



Amanda Macomber
Notary Public (SEAL)
My Commission Expires: July 16, 2018

This Consent Order shall be deemed a public document and shall be distributed as appropriate.

CONSENT OF RESPONDENT

- My signature on the foregoing Consent Order signifies my acceptance of the terms and conditions of the Consent Order and my agreement to be bound by its provisions. CSB
(initial)
- I acknowledge the validity of this Consent Order, as if made after a hearing in 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 due process protections provided by the laws of the District of Columbia and the United States of America. CSB (initial)
- I also recognize that I am waiving my right to appeal any adverse ruling of the Board had this matter gone to a hearing. CSB (initial)
- I expressly acknowledge that by signing this Consent Order, I am voluntarily waiving my right to require the Board to charge me through a notice of intent to take disciplinary action with a violation of this agreement and to require the government to prove such violation by a preponderance of the evidence before suspending my license based upon the failure to satisfactorily fulfill the terms of the Consent Order. CSB (initial)
- I also expressly acknowledge by signing this Consent Order, I am waiving my right to confront witnesses, give testimony, to call witnesses on my behalf, and to other substantive and procedural due process protections provided by the laws of the District of Columbia and the United States of America. CSB (initial)
- I further expressly acknowledge that by signing this Consent Order, I am waiving my right to appeal this Consent Order, as well as waiving any and all rights, whatsoever, I would have to challenge or appeal that Board's decision to suspend my license based on the failure to satisfactorily fulfill the terms of the Consent Order. CSB (initial)