

IN THE MATTER OF  
THE LICENSE OF  
JOYE CARTER, M.D.

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BEFORE THE  
TEXAS STATE BOARD  
OF MEDICAL EXAMINERS

AGREED ORDER

On this the 2nd day of February, 2001, came on to be heard before the Texas State Board of Medical Examiners ("the Board" or "the Texas Board"), duly in session the matter of the license of Joye Carter, M.D. ("Respondent"). On January 11, 2001, Respondent appeared in person and with counsel, Sam V. Stone and Frank Sanders, at a mediation at the State Office of Administrative Hearings (SOAH) in response to an agreed order for mediation.

The Board was represented at the mediation by Thomas Kirksey, M.D. and Paulette Southard, members of the Board, and Stephen B. White, Staff Attorney for the Board. Upon recommendation of the Board's representatives, and with the consent of Respondent, the Board makes the following findings of fact and conclusions of law and enters this Order as set forth herein:

FINDINGS OF FACT

1. Respondent, Joye Carter, M.D., holds Texas medical license K-1383.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received all notice which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under TEX. OCC. CODE ANN. Subtitle B (Vernon 2000),<sup>1</sup> (hereinafter the "Act"). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice or hearing under the Act; TEX. GOV'T CODE ANN. 2001.051 through .054; and the Rules of the State Board of Medical Examiners (22 TEX. ADMIN. CODE Chapter 187).
3. Respondent is certified by the American Board of Medical Specialties in Pathology.
4. Respondent is forty-three (43) years of age.
5. Dr. Delbert W. Van Dusen was hired as an Associate Medical Examiner in the Forensic Pathology program at the Harris County Medical Examiners office on September 2, 1997.
6. Respondent was the Medical Examiner of Harris County at the time she hired Dr. Van Dusen.

### CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes the following:

1. The performance of an autopsy constitutes the practice of medicine as defined in Section 151.002(a)(13) of the Act
2. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.
3. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Civil Evidence for purposes of civil litigation.
4. Section 165.001 of the Act authorizes the Board to impose a monetary administrative penalty.

### ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS the following:

1. Respondent shall pay an administrative penalty in the amount of one thousand dollars (\$1,000.00) within ninety (90) days of the signing of this Order by the presiding officer of the Board.
2. The administrative penalty shall be paid in a single payment by cashier's check or money order payable to the Texas State Board of Medical Examiners and shall be submitted to the Director of Compliance for the Board for routing so as to be remitted to the comptroller of Texas for deposit in the general revenue fund.
3. Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board as provided for in the Act, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.
4. Inquiries which are made by any person or entity through any means to Respondent about the subject matter of this Order will be answered by accurate reference to this Order.
5. Respondent shall comply with all the provisions of the Medical Practice Act (TEX. OCC. CODE ANN. Subtitle B (Vernon 2000)), and other statutes regulating the practice of medicine, as is required by law for physicians licensed by the Board.
6. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within ten (10) days of the address change. This information shall be

submitted to the Verification Department and the Director of Compliance for the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to Sections 164.001, 164.051, 164.052 and 164.053 of the Act.

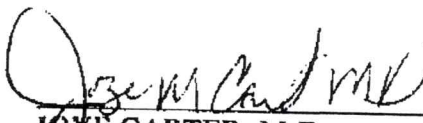
7. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute a basis for disciplinary action by the Board against Respondent pursuant to Sections 164.001, 164.051, 164.052 and 164.053 of the Act. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute evidence of unprofessional or dishonorable conduct likely to deceive or defraud the public or injure the public.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

I, JOYE CARTER, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: January 23, 2001

  
JOYE CARTER, M.D.  
RESPONDENT

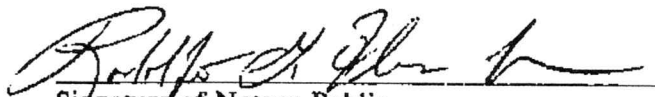


STATE OF TEXAS  
COUNTY OF HARRIS

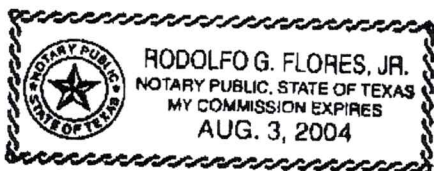
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BEFORE ME, the undersigned Notary Public, on this day personally appeared JOYE CARTER, M.D., known to me to be the person whose name is subscribed to this instrument, an Agreed Order, and who after being by me duly sworn, on oath, stated that she executed the same for all purposes expressed therein.

Given under my hand and official seal and office this 23<sup>rd</sup> day of January, 2001.

  
Signature of Notary Public

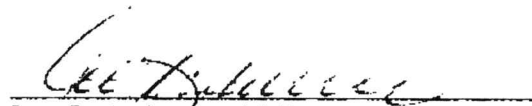
(Notary Seal)



Rodolfo G. Flores, Jr.  
Printed or typed name of Notary Public

My commission expires: Aug. 3, 2004

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 2nd day of February, 2001.

  
Lee S. Anderson, M.D.  
President, Texas State Board of  
Medical Examiners