

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF MEDICINE**

IN RE:

JOSEPH TARANTOLO, M.D.

License No.: MD8087

Respondent

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CONSENT ORDER

This matter comes before the District of Columbia Board of Medicine (the "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, Joseph Tarantolo, M.D., has been licensed to practice medicine in the District of Columbia since 1975. The following is a summary of the relevant and uncontested facts.

On February 10, 2015, Respondent performed psychiatric services for Patient A. Prior to the consultation, on February 2, 2015, Respondent informed Patient A that a 50-minute consultation would cost \$200. Following the appointment with Respondent, Patient A did not remit the fee. At the conclusion of the first consultation, Patient A scheduled a second appointment for February 17, 2015. Patient A failed to attend the second consultation on February 17.

Because Patient A missed the appointment and failed to remit the fee for professional services from the first appointment, Respondent sent a letter, dated February 17, 2015, to Patient A in which he used language offensive to Patient A. In addition to the letter, Respondent exchanged email correspondence with Patient A an email on February 18, 2015, in which he again used language that was offensive to Patient A. Respondent's use of language that was offensive to the patient constituted unprofessional conduct which does not conform to standards of acceptable conduct and prevailing practice for physicians.

On or about March 23, 2015, The Board received a complaint from Patient A regarding her out-of-office communications with Respondent summarized above. The Board determined the complaint to be legally sufficient and the Board issued an Order to Answer to Respondent. Based upon Patient A's complaint and after considering Respondent's answer, the Board issued a Notice of Intent to take Disciplinary Action (NOI) against his District of Columbia license to practice medicine. The NOI charged Respondent as follows.

Charge I:

You demonstrated 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, in violation of D.C. Official Code §3-1205.14(a)(28) (2012 Repl.), for which the Board may take the proposed action under D.C. Official Code §3-1205.14(c) (Repl.). On or about February 10, 2015, you met with a patient for the first and only time. The patient, [A], revealed certain information to you in a psychiatrist/patient relationship. Thereafter, the patient failed to make the next scheduled appointment. In a letter you sent to the patient, dated February 18, 2015 purportedly to ask about why the patient did not return, you used [language offensive to the patient]. On the next day, you sent the patient a confrontational e-mail wherein you referenced the patient's confidential information revealed to you in the therapeutic context in your one session, and again used [language offensive to the patient]. Additionally, you continued in an exchange of e-mails wherein you told the patient, "I don't believe you."

Charge II:

You failed to conform to standards of acceptable conduct and prevailing practice within a health profession, in violation of D.C. Official Code § 3-1205.14(a)(26) (2012 Repl.), for which the Board may take the proposed action under D.C. Official Code § 3-1205.14(c) (2012 Repl.).

In lieu of proceeding with the foregoing charges under the NOI, Respondent has agreed to the issuance of the instant Consent Order, based on the foregoing facts, and the Board now proceeds accordingly.

Conclusions of Law

In entering into this Consent Order, while the Board may proceed under both charges under the NOI, it is sufficient to proceed solely with the Charge II under D.C. Official Code § 3-1205.14 (a)(26). The Board may take action against a physician, subject to the right of a hearing, who "fails to conform to standards of acceptable conduct and prevailing practice within a health profession" or "violates any provision of [chapter 12 of title 3 of the D.C. Code] or rules and regulations issued pursuant to [chapter 12 of title 3 of the D.C. Code]" or "violates any District

of Columbia or federal law, regulation, or rule related to the practice of a health profession.” Furthermore, once the Board determines that the licensee committed any of the acts in D.C. Official Code § 3-1205.14 (a)(26), it may take disciplinary action against a licensee. D.C. Official Code § 3-1205.14 (c). Respondent’s use of language that was offensive to 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). Accordingly, Respondent’s conduct has provided the Board with a basis in law and fact to take disciplinary action stated herein against Respondent under the authority of D.C. Official Code § 3-1205.14(a)(3). *See Mannan*, 558 A.2d at 333.

ORDER

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

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

ORDERED, that, upon full and satisfactory compliance with this Consent Order, the Board may issue a Termination Order terminating the effect of the reprimand, PROVIDED, HOWEVER, that the record of the reprimand and its termination shall remain publicly available; and it is further

ORDERED, that Respondent shall complete SIX (6) hours of AMA/PRA Category I continuing medical education (CME) in professionalism and ethics within 60 days of the effective date of this Consent Order; and it is further

ORDERED, that the aforementioned CME may not be credited toward the CMEs required for renewing Respondent’s license upon expiration; and it is further

ORDERED, that Respondent shall, within sixty (60) days of the effective date of this Consent Order, remit a fine of FIVE HUNDRED DOLLARS (\$500.00), made payable to "D.C. Treasurer," and mailed to Lisa Robinson, Health Licensing Specialist, D.C. Board of Medicine, 899 North Capitol Street, NE, Second Floor, Washington, D.C. 20002; 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

11.25.15
Date

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

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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. JT
(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. JT (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. JT (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. JT (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. JT (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. JT (initial)

• 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. JT (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.

JT (initial)

11/12/15
Date

Joseph Tarantolo
Joseph Tarantolo, M.D., License No. MD8087

Sworn to and subscribed before me this 12th day of November, 2015.

Indya Wright
Notary Public (SEAL)
My Commission Expires: 10/14/2019



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