



Chairman’s Message

The Medical Quality Assurance Commission is delighted to re-institute its newsletter after a several year hiatus. We hope to bring the newsletter to you quarterly in hardcopy and on-line. Of course, always wanting to use physicians’ and physician assistants’ licensing fees wisely, we would encourage you to subscribe to the on-line version if possible.

Washington State law states the purpose of the Medical Commission is *“to regulate the competency and quality of professional health care providers under its jurisdiction by establishing, monitoring, and enforcing qualifications for **licensing**, consistent **standards of practice**, **continuing competency mechanisms**, and **discipline**. **Rules, policies, and procedures** developed by the Commission must promote the delivery of quality health care to the residents of the state of Washington.”* The Commission strongly believes that to fulfill its purpose, education and rehabilitation must be emphasized.

To that end, the Commission has been engaged in an education and communication campaign to reach out not only to physicians and physician assistants, but to other governmental agencies, the legislature, professional societies, and academia. We have traveled the state bringing our message to many groups, and would be delighted for the opportunity to visit with you.

As many of you know, in 2008 the legislature passed, and the governor signed into law, Fourth Substitute House Bill 1103 that established a five-year pilot project giving both the medical and nursing commissions more authority over their budgets and personnel. Now, two and one half years into the pilot project, the Medical

Commission has been able to demonstrate significant improvement in many of its functions. We are confident that trend will continue and that the legislature will see fit to make this arrangement permanent.

We are devoting this first issue to reacquainting the 25,000 physicians and 2,500 physician assistants licensed in our state with the Commission and its work. We invite you to communicate with us and let us know what kinds of information you would like to see in the newsletter. I look forward to hearing from you,

Leslie M. Burger, MD, FACP, Chair
Washington State Medical Quality Assurance Commission

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Mission: The Medical Quality Assurance Commission protects public health and safety by assuring the competency and quality of physicians and physician assistants. The Commission establishes and monitors qualifications for licensure, and consistently enforces practice standards and professional conduct through discipline and continuing education.

Executive Director's Message

The Medical Quality Assurance Commission is Celebrating

This year, the Medical Quality Assurance Commission is celebrating 130 years of medical regulation. The Medical Practice Act of the Washington Territory founded the Medical Commission in 1881. In 1890, it was revised into law by the Territorial Legislature. The Commission is a member of the Century Club established in 1997 by the Federation of State Medical Boards (FSMB) of the United States. The club recognizes state medical and osteopathic boards established for 100 years or more.

Recently the FSMB contacted staff to obtain information on the history of the Commission, formerly the Board of medical Examiners and the Medical Disciplinary Board. We located a book "Saddlebags to Scanners" published by the Washington State Medical Association Education & Research Foundation in 1989 and sent it to the Federation library. If you find history fascinating, we suggest you read the book edited by Nancy Rockafellar, M.A. & James W. Haviland, M.D.

We continue to be interested in our history and encourage you to share copies of documents or photos you may have in your possession from the early days of medical regulation in this state. Send information to my e-mail address: maryella.jansen@doh.wa.gov, or by mail to MQAC Medical Library, Attention Maryella Jansen, PO Box 47866, Olympia WA 98504-7866.

Best Regards,

Maryella E. Jansen
Executive Director



This issue of the newsletter is dedicated to the memory of Commission staff attorney Peter Harris, who passed away in August 2010. Peter's intellect, sense of humor, and passion for the Commission's work will be greatly missed.

HEAL-WA (Health Evidence Resource for Washington State)

Physicians pay a portion of their license fee (\$50 per renewal) to enable access to the University of Washington (UW) library system. However, it is really not full access to the UW Health Sciences library, rather it is access to a separate website run by UW which allows physicians (and other licensed professionals, e.g., RNs) to access most (but not all) of the resources they would like to research to facilitate patient care.

Physicians should go to the following website:
<http://heal-wa.org/>

In the right hand column under "Access," they should click on the link titled "Getting started." When they follow that link, they will be asked to enter information, including their medical license, which will get them signed up to receive the necessary UW-net id. About 24 hours later, they should be able to login to the **heal-wa.org** web page and access the available information.

If there are questions, the point person who oversees this program at UW is Valerie Lawrence:

Phone: 206-221-2452

E-mail: vjlawren@uw.edu



NOTICE OF RECRUITMENT

January 2011

The Department of Health is currently accepting applications to fill vacancies on the Washington State Medical Quality Assurance Commission. The Commission helps make sure physicians and physician assistants are competent and provide quality medical care.

We are looking for people willing to study the issues and make decisions in the best interest of the public. Our member selection reflects the diversity of the profession and provides representation throughout the state. The Commission has openings for:

- One physician representing Congressional District 1
- One physician representing Congressional District 9
- Two physicians at-large
- Two public members

The Commission consists of 21 members appointed by the governor. It meets about eight times a year, usually on Thursday and Friday every six weeks. Each member is expected to review multiple disciplinary cases between meetings, and to attend additional meetings or hearings as necessary.

Additional information on the Commission, along with a link to the governor’s application, is available on the Commission’s website:

www.doh.wa.gov/hsqa/MQAC/members.htm

Applications, along with a current resume, must be received by **March 1, 2011**.

If you have any questions about serving on the Commission, please contact:

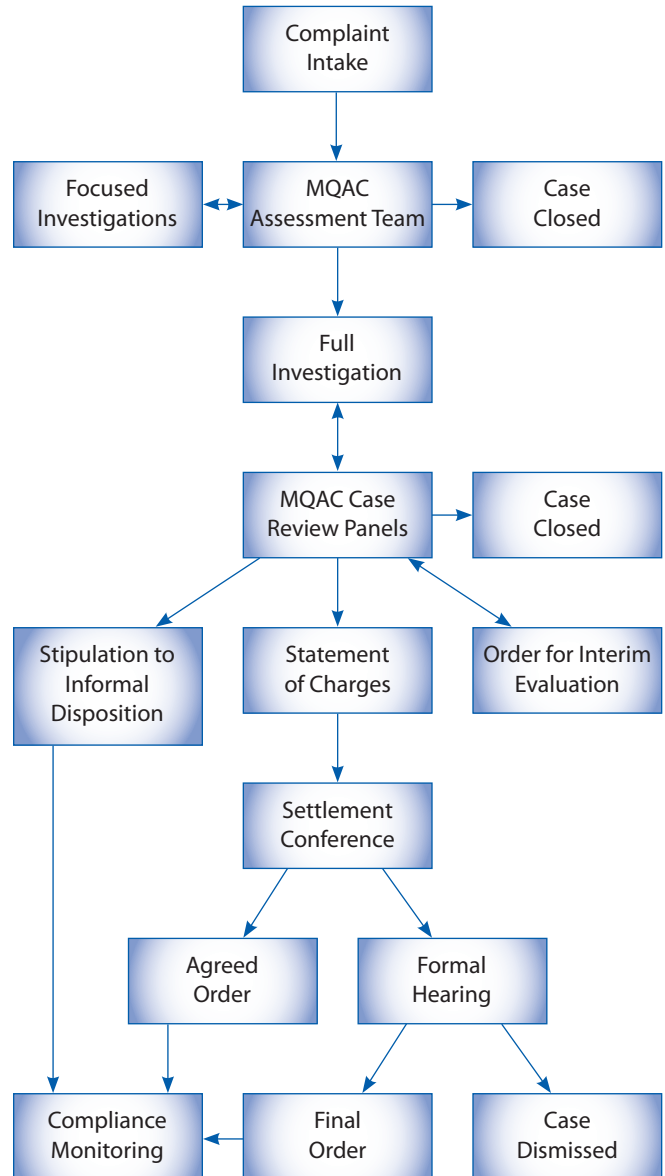
Julie Kitten, Program Manager
Washington State Department of Health
 P.O. Box 47866
 Olympia, WA 98504-7866

E-mail: julie.kitten@doh.wa.gov

Phone: 360-236-2757

Medical Commission Process: Discipline

For those who are curious about the details of the disciplinary process, below is a chart that identifies the anatomy of the complaint.



Do you have ideas or suggestions for future Medical Commission newsletters? Is there something specific that you think we should address or include?

Please submit suggestions to:
Micah.Matthews@doh.wa.gov

Summary of Sexual Misconduct Rules

The Commission adopted rules on sexual misconduct in 2006. The rules expand the long-standing prohibition against sexual contact with patients.

The rules list behaviors that constitute sexual misconduct with patients. This includes not only sexual contact or sexual relations with a patient, but kissing a patient in a romantic or sexual manner, soliciting a date from a patient, not allowing a patient the privacy to undress, and examining a patient's genitals without gloves as well.

The rules prohibit sexual relationships or misconduct with key third parties. This includes persons in a close personal relationship with patients, such as spouses, partners, parents, siblings, and children.

Further, the rules prohibit sexual relationships with former patients if the practitioner exploits the trust, privileged knowledge, or emotions derived from the professional relationship.

Practitioners should be aware it does not matter who initiated the relationship or whether the conduct occurred inside or outside the office. The rules make it clear the Commission does not prohibit conduct required for medically recognized diagnostic or treatment purposes, if the conduct meets the standard of care appropriate to the diagnostic or treatment situation.

For a complete copy of the new rules, please see:

Physicians: <http://bit.ly/SexRulesMD>

Physician Assistants: <http://bit.ly/SexRulesPA>

Administrative Actions: October 1, 2010 – December 31, 2010

Below are summaries of interim suspensions and final actions taken by the Commission last quarter. We did not list Statements of Charges, Notices of Decision on Application, Modifications to Orders, and Termination Orders. You can find all orders on the Commission's website: www.doh.wa.gov/hsqa/mqac/default.htm

Crawford, James V., MD (MD00046055) **Pierce County, WA**

Stipulation to Informal Disposition. Respondent allegedly performed ear surgery on a patient's wrong ear. Respondent did not admit to unprofessional conduct. Respondent agreed to a probationary period during which he will complete CME in patient safety in surgical settings, submit a personal report of wrong-site surgeries and pay costs. Respondent may petition to terminate the probation once he completes the requirements. October 14, 2010.

Huffine, Charles W. (MD00013207) **King County, WA**

Findings of Fact, Conclusions of Law and Final Order. Respondent failed to meet the standard of care in treating an adolescent psychiatric patients. The Commission placed Respondent's license on probation for five years and restricted Respondent from providing treatment to adolescents with chemical dependency issues, work with a preceptor, undergo a skills assessment from CPEP. December 15, 2010.

Jackson, George F., MD (MD00039825) **Pierce County, WA**

Stipulation to Informal Disposition. Respondent allegedly failed to meet the standard of care in treating and documenting the treatment of a psychiatric patient. December 9, 2010.

Reddy, Chandra, MD (MD00043121) **Wisconsin**

Stipulated Findings of Fact, Conclusions of Law and Agreed Order. Respondent failed to conform to the standard of care in examining and communicating with three patients. Respondent was placed on probation for one year and required to observe ten heart and lung examinations, offer a gown and chaperone to patients undergoing physical examinations, and take an ethics course. November 5, 2010.

Reedy, R. Graham, MD (MD00014991)
King County, WA

Stipulated Findings of Fact, Conclusions of Law and Agreed Order. Respondent failed to conform to the standard of care in examining and communicating with five patients. Respondent was placed on probation for three years and required to conduct appropriate physical examinations, including offer a gown and chaperone to patients, and take an ethics course. December 4, 2010.

Shideler, Blynn, MD (MD00045810)
California

Stipulation to Informal Disposition. Respondent allegedly failed to appropriately document his cosmetic surgeries and permitted a medical assistant to operate a laser. Respondent's license is on probation for at least two years; he must take CME in documentation, maintain a complete medical record of each patient, take an ethics course, and submit to practice reviews. December 9, 2010.

Steinhilber, Ernest J., MD (MD00039123)
Georgia

Findings of Fact, Conclusions of Law and Final Order (Waiver of hearing). Respondent's license to practice medicine in New York was revoked. Respondent surrendered his licenses to practice medicine in Alaska. Respondent waived his right to a hearing in Washington. The Commission suspended Respondent's license to practice medicine in the state of Washington for an indefinite period of time. December 3, 2010.

Stevens, Virginia T., MD (MD00030208)
King County, WA

Stipulated Findings of Fact, Conclusions of Law and Agreed Order. Respondent violated a Commission order in which she agreed not to practice medicine, abuse alcohol, have a sexual relationship with a patient, and fail to adequately supervise auxiliary staff while serving as the medical director of a medical spa. Respondent's license is suspended indefinitely; she may petition to practice only after the Washington Physicians Health Program (WPHP) can endorse her ability to practice medicine safely. Then Respondent's license will be placed on probation and will be required to comply with several conditions, including being restricted from serving as the medical director of a medical spa unless she practices

there on a full-time basis, being restricted from performing surgery other than office-based surgery using minimal sedation, taking an ethics course and a record-keeping course, and undergoing a skills evaluation at the Center for Personalized Education for Physicians in Colorado. October 14, 2010.

Teiman, Peter, MD (MD00043516)
Connecticut

Stipulated Findings of Fact, Conclusions of Law and Agreed Order. Respondent entered into a voluntary agreement in the state of Connecticut not to renew his Connecticut license. Respondent agreed not to renew or seek reinstatement of his expired license in the state of Washington. October 14, 2010.

Washington, William J., MD (MD00046967)
King County, WA

Stipulated Findings of Fact, Conclusions of Law and Agreed Order. Respondent's license to practice medicine in the state of Ohio was revoked. After initially suspending Respondent's license to practice medicine in the state of Washington, the Commission removed the suspension, and placed Respondent's license on probation, requiring him to, among other things, submit to random fluid testing, keep a medication log, and take an ethics course. December 9, 2010.

Definitions:

Stipulated Findings of Fact, Conclusions of Law and Agreed Order — a settlement resolving a Statement of Charges. This order is an agreement by a licensee to comply with certain terms and conditions to protect the public.

Stipulated Findings of Fact, Conclusions of Law and Final Order — an order issued after a formal hearing before the Commission.

Stipulation to Informal Disposition (STID) — a document stating allegations have been made, and containing an agreement by the licensee to take some type of remedial action to resolve the concerns raised by the allegations.

Ex Parte Order of Summary Suspension — an order summarily suspending a licensee's license to practice. The licensee will have an opportunity to defend against the allegations supporting the summary action.

Commission Member Spotlight

Commission Leadership

On July 17, 2009, the Commission elected the following officers: Leslie M. Burger, MD, FACP, as Chair; Marilyn (Mimi) Pattison, MD, as First Vice-Chair; and Frank Hensley, Public Member as Second Vice-Chair. Samuel Selinger, MD, is the Immediate Past Chair.

Leslie M. Burger, MD, FACP has been a licensed physician in Washington State since 1985. He was appointed to the Medical Commission in 2006. Dr. Burger practiced most of his career as an Army Medical Corps officer and in the US Department of Veterans Affairs in Vancouver, Washington. He specialized in general internal medicine and infectious diseases in both federal government and private settings. As a practitioner, Dr. Burger chaired committees that included credentialing, risk management, quality assurance, graduate education and institutional review. He was a clinical department chair, a teacher in academic medical centers, and a chief medical officer and CEO of hospitals and organizations.

Mimi Pattison, MD has been a licensed physician in Washington State since 1989. Dr. Pattison was appointed to the Commission in 2008. She was born and raised in Montana. She graduated from the University of Washington School of Medicine and completed a residency and fellowship at University of Arizona. She is Board certified in Internal Medicine, Nephrology, and Hospice and Palliative medicine. Dr. Pattison has practiced with the Franciscan Health System in Tacoma for 20 years and is currently the Medical Director for Hospice and Palliative Medicine. Dr. Pattison received the prestigious 2010 Sojourns Award from the Regence Foundation, Regence Health Plan. The award came with a \$50,000 grant that Dr. Pattison donated to the Franciscan Hospice and Palliative Care organization; the money will support a program for people with mental illness who need palliative medicine and end-of-life care.

Frank Hensley, Public Member was appointed to the Medical Commission in 2006. He has an extensive background on the legislative staff as a performance auditor, reviewing the effectiveness and efficiency of various state programs and organizations for the

Legislative Budget Committee. Mr. Hensley has been involved in the Commission's major transition into the pilot project, specifically chairing the task group creating the interim Memorandum of Understanding, a forerunner to a Joint Operating Agreement upon which his committee is currently working. He has been active with formal hearings and policy formulation. He was appointed by the Governor to the Governor's Veterans Affairs Advisory Committee. Mr. Hensley holds a Master's Degree in Business Administration and the rank of Captain in the Naval Reserve. He runs his own successful business financing real estate construction and development.

What is "Unprofessional Conduct?"

According to [RCW 18.130.180](#), there are 25 items in the Uniform Disciplinary Act (UDA) that constitute unprofessional conduct. It is the following 25 items that may trigger an investigation and/or discipline of a licensed practitioner in Washington State.

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder under the jurisdiction of this chapter:

- (1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;*
- (2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;*
- (3) All advertising which is false, fraudulent, or misleading;*
- (4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;*
- (5) Suspension, revocation, or restriction of the individual's license to practice any health care 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;*
- (6) Except when authorized by [RCW 18.130.345](#), the possession, use, prescription for use, or distribution of controlled substances*

What is “Unprofessional Conduct?”

(continued from page 6)

or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers, documents, records, or other items;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority;

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding; or

(d) Not providing reasonable and timely access for authorized representatives of the disciplining authority seeking to perform practice reviews at facilities utilized by the license holder;

(9) Failure to comply with an order issued by the disciplining authority or a stipulation for informal disposition entered into with the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Violations of rules established by any health agency;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficient drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The willful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW;

(22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining

authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action, or by the use of financial inducements to any patient or witness to prevent or attempt to prevent him or her from providing evidence in a disciplinary proceeding;

(23) Current misuse of:

(a) Alcohol;

(b) Controlled substances; or

(c) Legend drugs;

(24) Abuse of a client or patient or sexual contact with a client or patient;

(25) Acceptance of more than a nominal gratuity, hospitality, or subsidy offered by a representative or vendor of medical or health-related products or services intended for patients, in contemplation of a sale or for use in research publishable in professional journals, where a conflict of interest is presented, as defined by rules of the disciplining authority, in consultation with the department, based on recognized professional ethical standards.

Medical Quality Assurance Commission Meetings 2011–2012

Date	Activity	Location
January 20 – 21, 2011	Regular Meeting	Holiday Inn Seattle-Renton One South Grady Way Renton, WA 98057
March 3 – 4	Regular Meeting	DOH – Point Plaza East 310 Israel Road SE Tumwater, WA 98501
June 2 – 3	Regular Meeting	DOH – Point Plaza East (address above)
July 21 – 22	Regular Meeting	Puget Sound Educational Service District (PSESD) Blackriver Training & Conference Center 800 Oakesdale Ave SW Renton, WA 98057
August 24 – 26	Workshop	DOH – Point Plaza East (address above)
September 29 – 30	Regular Meeting	Puget Sound PSESD (address above)
November 17 – 18	Regular Meeting	DOH – Point Plaza East (address above)
January 12 – 13, 2012	Regular Meeting	Puget Sound PSESD (address above)

Other Meetings

April 28 – 30, 2011	Federation of State Medical Boards	Seattle, WA
September 9 – 11, 2011	WSMA Annual Meeting	Spokane, WA

All meetings are open to the public.



Washington State Department of Health
 Medical Quality Assurance Commission
 PO Box 47866
 Olympia, WA 98504-7866

The law requires each practitioner to maintain a current name and address with the department. Please submit address changes and appropriate documentation for name changes to:

Medical.Commission@doh.wa.gov

Medical Quality Assurance Commission

Applications/Renewals:	A-L	360-236-2766
	M-Z	360-236-2767
Continuing Education:		360-236-2766
Complaints:		360-236-2762
Complaint Form:		http://bit.ly/MDPAcomplaints
Discipline:		360-236-2764
Investigations:		360-236-2770
Fax:		360-236-2795
E-mail:		Medical.Commission@doh.wa.gov
Website:		http://doh.wa.gov/hsqa/MQAC
Public Disclosure:		PDRC@doh.wa.gov
Provider Credential Search:		https://bit.ly/WADoHcredsearch
Listserv Sign-up Links:		
Minutes and Agendas:		http://bit.ly/MQACminutes
Rules:		http://bit.ly/MQACruleslist
Legal Actions:		http://bit.ly/MQAClegal
Newsletter:		http://bit.ly/MQACnewsletters

Medical Quality Assurance Commission Members

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 Mimi E. Pattison, MD – 1st Vice Chair
 Frank M. Hensley – 2nd Vice Chair

Bruce J. Anderson, MD
 Richard D. Brantner, MD
 Athalia Clower, PA-C
 Michael T. Concannon, JD
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 Thomas M. Green, MD
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Washington State Medical Quality Assurance Commission Newsletter – Spring 2011

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