



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
Olympia, Washington 98504

RE: John E. Pappenhein, MD  
Master Case No.: M2018-75  
Document: Default Order

Regarding your request for information about the above-named practitioner; attached is a true and correct copy of the document on file with the State of Washington, Department of Health, Adjudicative Clerk Office. These records are considered Certified by the Department of Health.

Certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **NONE**

If you have any questions or need additional information regarding the information that was withheld, please contact:

Customer Service Center  
P.O. Box 47865  
Olympia, WA 98504-7865  
Phone: (360) 236-4700  
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Privacy Officer, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

**STATE OF WASHINGTON  
MEDICAL QUALITY ASSURANCE COMMISSION**

In the Matter of the License to Practice  
as a Physician and Surgeon of:

**JOHN E. PAPPENHEIM, MD**  
License No. MD60621748

Respondent

**No. M2018-75**

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
FINAL ORDER OF DEFAULT  
(Failure to Respond)**

This matter comes before the Health Law Judge for final order of default. Based on the record, the Health Law Judge, on designation by the Medical Quality Assurance Commission (Commission) now issues the following.

**1. FINDINGS OF FACT**

1.1 On February 23, 2016, the state of Washington issued Respondent a license to practice as a physician and surgeon. Respondent is board certified in psychiatry and neurology. Respondent's license status is currently expired but subject to renewal.

1.2 The Commission has filed the Declaration of Staff Attorney Regarding Failure to Respond.

1.3 Effective August 3, 2017, the Alaska State Medical Board (Alaska Board) adopted the Consent Agreement and Decision and Order (Alaska Consent Agreement) publicly reprimanding Respondent for unlicensed practice and failing to notify the Alaska State Medical Board of a change in hospital privileges. In the Alaska Consent Agreement, Respondent admitted to the following facts:

1.3.1 On October 16, 2015, Respondent was a locums tenens physician at a psychiatric institute and was asked to leave for misrepresenting his hours by claiming more hours (for billing purposes) than he was in the hospital. Respondent's employer took action to revoke, suspend, or limit Respondent's privileges for disciplinary reasons. Respondent did not report his change in hospital privileges to the Alaska Board within thirty (30) days, as required by Alaska regulation.

1.3.2 On December 31, 2016, Respondent's Alaska license expired. Respondent continued to practice medicine from January 1, 2017, through February 24, 2017, without a license.

1.3.3 On February 1, 2017, Respondent was charged with a Driving Under the Influence misdemeanor charge.

1.3.4 On April 19, 2017, Respondent received a substance use assessment. Respondent was diagnosed with a substance use disorder. The assessment recommended weekly counseling, and participation in substance use programs and groups.

1.4 The terms of the Alaska Consent Agreement include:

1.4.1 Probation for a duration of five (5) years.

1.4.2 Periodic interviews with the Alaska Board.

1.4.3 A civil fine of four thousand dollars (\$4,000.00).

1.4.4 Psychotherapy counseling and quarterly reports by the psychotherapist.

1.4.5 Prohibition on consumption of impairing substances.

1.4.6 Substance use support group attendance at least three (3) times per week.

1.4.7 Health care provider support group participation.

1.4.8 Quarterly self-evaluation reports regarding his method of handling stress, mental and physical health, professional responsibilities and activities, and personal activities.

1.4.9 Random substance use testing.

1.4.10 Care by an Alaska Board-approved health care provider and primary pharmacist.

1.4.11 Restriction on Remote Employment.

1.4.12 Quarterly employer and hospital administrator reports.

1.5 On October 10, 2018, the Commission served Respondent with a copy of the following documents at Respondent's last known address:

A. Statement of Charges;

B. Notice of Your Legal Rights and Request for Interpreter; and

C. Answer to Statement of Charges form.

1.6 The Answer to the Statement of Charges was due in the Adjudicative Clerk Office by October 30, 2018.

1.7 To date, the Adjudicative Clerk Office has not received an answer to the Statement of Charges

1.8 The Commission has no reason to believe Respondent is now or was in active military service, or a dependent of a person in active military service at the time the Statement of Charges was served.

## 2. CONCLUSIONS OF LAW

2.1 The Commission has jurisdiction over Respondent and over the subject matter of this case, RCW 18.130.040.

2.2 Respondent did not file a response to the Statement of Charges within the time allowed. WAC 246-11-270(1)(a)(i) or WAC 246-11-270(3). Respondent is in default and the Commission may issue a final order based on the evidence presented, RCW 18.130.090(1) and RCW 34.05.440.

2.3 Based upon the Findings of Fact, Respondent has engaged in unprofessional conduct in violation of RCW 18.130.180(5).

2.4 Sufficient grounds exist to take disciplinary action against Respondent's license. RCW 18.130.160 and 18.130.180.

## 3. ORDER

The COMMISSION ORDERS:

3.1 Respondent's license to practice as a physician and surgeon in the state of Washington is INDEFINITELY SUSPENDED.

3.2 Respondent shall immediately return all licenses to the Commission within ten (10) days of receipt of this Order.

3.3 If Respondent violates any provision of this Order in any respect the Commission may take further action against Respondent's license.

3.4 The effective date of this Order is that date the Adjudicative Clerk Office places the signed order into the U.S. mail. Respondent shall not submit any fees or compliance documents until after the effective date of this Order.

## 4. COMPLIANCE WITH SANCTION RULES

4.1 The Commission applies WAC 246-16-800, *et seq.*, to determine appropriate sanctions in final orders pursuant to RCW 18.130.110. WAC 246-16-800(2)

and (3) require the Health Law Judge to apply sanctions based on the appropriate sanction schedule(s).

4.2 WAC 246-16-800(2)(b)(iv) provides that "indefinite suspension may be imposed in default and waiver of hearing orders." The sanction of indefinite suspension adequately addresses the facts of this case and is an appropriate sanction.

## 5. NOTICE TO PARTIES

This Order will be reported to the National Practitioner Data Bank (45 CFR Part 60), the Federation of State Medical Board's Physician Data Center and elsewhere as required by law. This Order is a public document. It will be placed on the Department of Health's website, disseminated via the Commission's listserv, and disseminated according to the Uniform Disciplinary Act (Chapter 18.130 RCW). It may be disclosed to the public upon request pursuant to the Public Records Act (Chapter 42.56 RCW). It will remain part of Respondent's file according to the state's records retention law and cannot be expunged.

Either Party may file a petition for reconsideration, RCW 34.05.461(3); 34.05.470. The petition must be filed within **ten (10) days** of service of this Order and sent to the each of the following addresses.

Adjudicative Clerk Office  
Adjudicative Service Unit  
P.O. Box 47879  
Olympia, WA 98504-7879

State of Washington  
Medical Quality Assurance Commission  
P.O. Box 47866  
Olympia, WA 98504-7866

The petition must state the specific grounds upon which reconsideration is requested and the relief requested. The petition for reconsideration is considered denied **twenty (20) days** after the petition is filed if the Adjudicative Clerk Office has not responded to the petition or served written notice of the date by which action will be taken on the petition.

A petition for judicial review must be filed and served within **thirty (30) days** after service of this Order. RCW 34.05.542. The procedures are identified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. A petition for reconsideration is

not required before seeking judicial review. If a petition for reconsideration is filed, however, the thirty-day period will begin to run upon the resolution of that petition, RCW 34.05.470(3).

The Order remains in effect even if a petition for reconsideration or petition for review is filed. "Filing" means actual receipt of the document by the Adjudicative Clerk Office, RCW 34.05.010(6). This Order was "served" upon you on the day it was deposited in the United States mail, RCW 34.05.010(19).

DATED:           October 21          , 2018.

STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
MEDICAL QUALITY ASSURANCE  
COMMISSION

  
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HEALTH LAW JUDGE