



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Jackson L. Haverly, MD
Master Case No.: M2017-655
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:

JACKSON L. HAVERLY, MD
License No. MD00030718

Respondent.

No. M2017-655

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

The Findings of Fact, Conclusions of Law, and Final Order of Default dated November 2, 2017, contained a typographical error at Paragraph 2.3; the statutory violation cited should be RCW 18.130.180(9). 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) enters the following Corrected Findings of Fact, Conclusions of Law, and Final Order of Default (Corrected Default Order).

1. FINDINGS OF FACT

1.1 On April 7, 1993, the state of Washington issued Respondent a license to practice as a physician and surgeon. Respondent's license is currently suspended.

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

1.3 On July 20, 2015, the Commission received a complaint alleging unprofessional conduct regarding Respondent's treatment of a patient.

1.4 On November 13, 2015, the Commission sent a letter of cooperation to Respondent requesting that he provide a response to the complaint, produce a copy of patient records, and submit other information. Respondent did not respond to the letter of cooperation.

1.5 On December 14, 2015, the Commission sent another letter to Respondent by registered mail notifying him that his response to the letter of cooperation had not been received, and requesting that he submit the requested information within three days.

1.6 On December 25, 2015, Respondent submitted a brief response to the complaint and stated that he would provide a more complete explanation, produce

patient records and submit other information to the Commission on or about December 28, 2015. Respondent did not provide a more complete explanation, produce patient records or submit other information to the Commission as indicated.

1.7 On May 27, 2016, the Commission served a Statement of Charges to Respondent via United States Postal Service alleging violations of RCW 18.130.180(4) (standard of care) and (8)(a) and (b) (failure to cooperate with an authorized investigation). Respondent failed to file an Answer to the Statement of Charges and the Adjudicative Clerk Office issued a Notice of Failure to Respond on June 11, 2016.

1.8 On June 30, 2016, the Commission entered Findings of Fact, Conclusions of Law, and Final Order of Default (Default Order) suspending Respondent's license to practice medicine.

1.9 On July 11, 2016, Respondent contacted Commission staff and stated that he now wanted to provide the additional information that was due on December 28, 2015. Respondent stated that he had been depressed and had stopped opening his mail. Respondent was informed that his license was suspended. Respondent subsequently submitted a petition for reinstatement.

1.10 Respondent continued to treat patients and prescribed controlled substances both subsequent to service of the Default Order and subsequent to receiving actual notice that he was suspended.

1.11 On October 3, 2017, 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;

1.12 The Answer to the Statement of Charges was due in the Adjudicative Clerk Office by October 25, 2017. The Commission made additional efforts to locate Respondent without success.

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

1.14 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(9).

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 SUSPENDED for not less than five (5) years from the effective date of this Default Order.

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

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

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

5.1 This Corrected Default 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 Corrected Default 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.

5.2 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 Corrected Default Order with Adjudicative Clerk Office, Adjudicative Service Unit, P.O. Box 47879, Olympia, Washington 98504-7879. A copy must also be sent to State of Washington Medical Commission, P.O. Box 47866, Olympia, Washington 98504-7866.

5.3 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.

5.4 A petition for judicial review must be filed and served within thirty (30) days after service of this Corrected Default 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 (30) day period will begin to run upon the resolution of that petition, RCW 34.05.470(3).

5.5 The Corrected Default 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 Corrected Default Order was "served" upon you on the day it was deposited in the United States mail, RCW 34.05.010(19).

DATED: NOVEMBER 8, 2017.

STATE OF WASHINGTON
MEDICAL QUALITY ASSURANCE COMMISSION


HEALTH LAW JUDGE