

**STATE OF WASHINGTON  
WASHINGTON MEDICAL COMMISSION**

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

**MICHAEL J. GUNDLE, MD**  
License No. MD.MD.00024861

Respondent

**No. M2023-490**

**STIPULATION TO INFORMAL  
DISPOSITION**

Pursuant to the Uniform Disciplinary Act, Chapter 18.130 RCW, the Washington Medical Commission (Commission) issued a Statement of Allegations and Summary of Evidence (Statement of Allegations) alleging the conduct described below. Respondent does not admit any of the allegations. This Stipulation to Informal Disposition (Stipulation) is not formal disciplinary action and shall not be construed as a finding of unprofessional conduct or inability to practice.

**1. ALLEGATIONS**

1.1 On July 1, 1987, the state of Washington issued Respondent a license to practice as a physician and surgeon. Respondent's license is currently active. Respondent is board certified in psychiatry.

1.2 In December 2022, the Commission received a complaint documenting concerns about Respondent's inability to practice safely due to a progressing medical condition.

1.3 During the Commission's investigation, Respondent acknowledged his medical condition and indicated he was retiring on March 1, 2023, and had no plans to practice in the future.

1.4 Respondent regularly prescribed Lorazepam<sup>1</sup> to his wife, Person A, between 2019 and 2021. Respondent acknowledged writing the prescriptions and indicated they were for his wife's occasional insomnia. Respondent stated his wife was not his patient and he no longer writes prescriptions for her or for anyone else.

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<sup>1</sup> Lorazepam is a benzodiazepine that is typically prescribed to treat anxiety disorders.

## **2. STIPULATION**

2.1 The Commission alleges that the conduct described above, if proven, would constitute a violation of RCW 18.130.180(4).

2.2 The parties wish to resolve this matter by means of a Stipulation to Informal Disposition (Stipulation) pursuant to RCW 18.130.172(1).

2.3 Respondent agrees to be bound by the terms and conditions of this Stipulation.

2.4 This Stipulation is of no force and effect and is not binding on the parties unless and until it is accepted by the Commission.

2.5 If the Commission accepts the Stipulation, it 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.

2.6 The Statement of Allegations and this Stipulation are public documents. They will be placed on the Department of Health web site, disseminated via the Commission's electronic mailing list, and disseminated according to the Uniform Disciplinary Act (Chapter 18.130 RCW). They are subject to disclosure under the Public Records Act, Chapter 42.56 RCW, and shall remain part of Respondent's file according to the state's records retention law and cannot be expunged.

2.7 The Commission agrees to forego further disciplinary proceedings concerning the allegations.

2.8 Respondent agrees to successfully complete the terms and conditions of this informal disposition.

2.9 A violation Section 3 of this Stipulation, if proved, would constitute grounds for discipline under RCW 18.130.180 and the imposition of sanctions under RCW 18.130.160.

## **3. INFORMAL DISPOSITION**

The Commission and Respondent stipulate to the following terms:

3.1 **Voluntary Surrender.** Respondent agrees to voluntarily surrender his physician license and agrees not to resume the practice of medicine in the state of Washington, including any temporary, emergency or volunteer practice. In addition, Respondent shall refrain from providing an opinion as to professional practice or its application and from representing that Respondent is eligible to practice medicine.

Respondent acknowledges that he is ineligible to renew, reactivate, or to practice subject to a retired active license as a physician in the state of Washington.

**3.2 Return of License.** Within five (5) days of the effective date of the Stipulation, Respondent shall deliver Respondent's original license to practice medicine to Compliance Officer, Washington Medical Commission, P.O. Box 47866, Olympia, Washington 998504-7866.

**3.3 Washington State Medical Practice and Patients.** Respondent shall further comply with the directives within paragraph 3.3 if Respondent has patients in Washington state or has a financial interest in professional services related to medical care in Washington state.

**3.3.1** Within 15 days of the effective date of the Stipulation, Respondent shall notify all patients of the cessation of Respondent's medical practice and shall refer all patients to another licensed practicing physician for continued care, as appropriate. Respondent shall notify, in writing, each health care plan with which the Respondent contracts or is employed, and each hospital where Respondent has privileges, that Respondent has ceased medical practice. If Respondent has any such patients and hospitals in the state of Washington, Respondent shall provide the Commission with written documentation within 45 days of the Stipulation's effective date that all patients and hospitals have been notified of the cessation of Respondent's medical practice.

**3.3.2** Respondent shall make arrangements for the transfer and maintenance of all patient medical records, if any, in the state of Washington. If Respondent has any such records in the state of Washington, Respondent shall notify the Commission of these arrangements, including the name, address, and telephone number of an appropriate and acceptable contact person who shall have access to these records within 30 days of the effective date of this Stipulation. Original records shall be retained for at least six (6) years after the last date of service rendered to a patient or, in the case of a minor, for at least six (6) years after the last date of service or three (3) years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the

information in the record is kept confidential and is available only to authorized persons. When a patient or a patient's representative requests a copy of the patient's medical record, or requests that the original medical record be sent to another health care provider, a copy of the record shall be promptly provided or forwarded at a reasonable cost to the patient. Radiographic, sonographic and similar materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of an inability to pay.

**3.3.3** In the event that Respondent holds a Drug Enforcement Administration (DEA) certificate for the state of Washington, Respondent shall, within 15 days of the effective date of the Stipulation, advise the DEA, in writing, of the licensure action and shall surrender Respondent's DEA controlled substance privileges for the state of Washington to the DEA. Respondent shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 for the state of Washington to the DEA. All submissions to the DEA shall be addressed to Diversion Program Manager, U.S. Drug Enforcement Administration, 300 Fifth Avenue, Seattle, Washington 98104.

**3.3.4** Within 15 days of the Stipulation's effective date, Respondent shall destroy any unused state of Washington official prescription forms. If no other practitioner is providing services at Respondent's practice location, Respondent shall properly dispose of all medications.

**3.3.5** Within 15 days of the effective date of this Stipulation, Respondent shall remove from the public domain any representation that Respondent is eligible to practice medicine, including all related signs, advertisements, professional listings, web sites, professional stationery, or billings. Respondent shall not share, occupy, or use office space with another practitioner who provides health care services.

**3.3.6** Respondent shall not charge, receive or share any fee or distribution of dividends for professional services rendered by Respondent or others while Respondent is barred from engaging in the practice of medicine. Respondent may be compensated for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, prior to the effective date of this Stipulation.

**3.3.7** If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine, Respondent shall divest all financial interest in the professional services corporation, in accordance with Washington law. Such divestiture shall occur within 90 days. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within 90 days of the effective date of the Stipulation.

**3.3.8** Practicing medicine without a valid license may result in civil or criminal action. Under RCW 180.130.190(3), the practice of medicine without a license may result in the issuance of a cease-and-desist order and a civil fine in an amount not exceeding one thousand dollars for each day upon which the person engaged in unlicensed practice of a business or profession for which a license is required. Under RCW 18.130.190(7), the unlicensed practice of a profession is a gross misdemeanor for the first violation, and a Class C felony for each subsequent violation.

**3.4** **Effective Date.** The effective date of this Stipulation is the date the Adjudicative Clerk Office places the signed Stipulation into the U.S. mail.

#### **4. COMPLIANCE WITH SANCTION RULES**

**4.1** The Commission applies WAC 246-16-800, *et seq.*, to determine appropriate sanctions, including stipulations to informal disposition under RCW 18.130.172. WAC 246-16-800(2)(b)(iii) provides for surrender of a credential by a license holder as an alternative to imposing sanctions consistent with the sanction guidelines. Respondent has retired as a physician and has no future plans of returning to practice. Respondent is at the effective end of his practice and surrender alone is enough to protect the public.

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5. RESPONDENT'S ACCEPTANCE

I, MICHAEL J. GUNDLE , MD, Respondent, certify that I have read this Stipulation to Informal Disposition in its entirety; that my counsel of record, if any, has fully explained the legal significance and consequence of it; that I fully understand and agree to all of it; and that it may be presented to the Commission without my appearance. If the Commission accepts the Stipulation to Informal Disposition, I understand that I will receive a signed copy.

Michael J. Gundle, MD  
MICHAEL J. GUNDLE, MD  
RESPONDENT

8/23/2023  
DATE

\_\_\_\_\_, WSBA #  
ATTORNEY FOR RESPONDENT

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DATE

**6. COMMISSION'S ACCEPTANCE**

The Commission accepts this Stipulation to Informal Disposition. All parties shall be bound by its terms and conditions.

DATED: 10/05/2023

STATE OF WASHINGTON  
WASHINGTON MEDICAL COMMISSION

T. Murphy MD  
PANEL CHAIR

PRESENTED BY:

[Signature]  
JOEL DEFAZIO, WSBA NO. 48141  
COMMISSION STAFF ATTORNEY