

ORIGINAL

STATE OF WASHINGTON
MEDICAL DISCIPLINARY BOARD

In the Matter of Disciplinary Action
Concerning:

FREDERICK B. DAVIS, M.D.,

Respondent.

NO. 88-12-0024MD

STATEMENT OF CHARGES

The Medical Disciplinary Board of the State of Washington, having determined upon investigation that there is reason to believe that a violation of RCW 18.130.180 has occurred states and alleges as follows:

I.

At all times material to this Statement respondent has been licensed to practice medicine by the State of Washington.

II.

The names of the individual patients referred to herein are listed in the attached Confidential Schedule.

III.

Patient One, a minor, accused her father of molesting her. The father was criminally charged with committing indecent liberties on Patient One. In May 1988, respondent was retained by the attorney representing the father in the indecent liberties case to perform a

STATEMENT OF CHARGES - Page 1

forensic psychiatric evaluation of Patient One to assess Patient One's competency to testify at her father's trial. Respondent failed to properly explain the nature and purpose of and/or lack of confidentiality in the evaluation to Patient One.

IV.

Prior to the forensic psychiatric evaluation, Respondent did not properly inform Patient One that he was evaluating the patient for the purpose of testifying on her father's behalf at trial and intended to discuss the results of the evaluation with others. Respondent did not obtain the patient's consent to reveal information developed in the evaluation to others.

V.

Respondent saw Patient One in his office on approximately ten separate occasions. Respondent's evaluation of Patient One evolved into therapy. Respondent did not explain to Patient One the difference between the evaluation phase and the therapeutic phase.

VI.

During the evaluation/therapy of Patient One, Respondent permitted the father's attorney to attend and participate in a therapy session with Patient One without explaining the attorney's role as her father's advocate and/or without obtaining Patient One's consent for the attorney to participate.

VII.

During the forensic psychiatric evaluation of Patient One, Respondent confronted Patient One with a report from a physician who had conducted a physical examination of Patient One which was inconsistent with Patient One's allegations. Respondent then failed to be objective and neutral and failed to maintain a non-coercive atmosphere in the evaluative sessions with

STATEMENT OF CHARGES - Page 2

Patient One.

VIII.

Patient Two, a minor, accused her father of molesting her. The father was criminally charged with committing indecent liberties on Patient Two. In May 1988, Respondent performed a forensic psychiatric evaluation of Patient Two pursuant to a court order. The purpose of the evaluation was to assess Patient Two's competency to testify at her father's trial. Respondent failed to properly explain the nature and purpose of, and/or lack of confidentiality of the evaluation to Patient Two.

IX.

Respondent failed to explain to Patient Two the seriousness of the evaluation. Respondent failed to provide Patient Two with an adequate opportunity to demonstrate whether she could separate the evaluator's suggestions from her recollections. Respondent improperly questioned Patient Two concerning her allegations of sexual abuse by her father.

X.

The facts alleged in paragraphs IV and VI, if proved, constitute grounds for disciplinary action pursuant to RCW 18.130.180 (20) which defines unprofessional conduct as:

The willful betrayal of a practitioner-patient privilege as recognized by law.

XI.

The facts alleged in paragraphs III, IV, V, VI, VII, VIII, IX, if proved, constitute grounds for disciplinary action pursuant to RCW 18.130.180(4) which defines unprofessional conduct as:

STATEMENT OF CHARGES - Page 3

Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed.

XII.

The facts alleged in paragraphs III, IV, V, VI, VII, VIII, IX, if proved, constitute grounds for disciplinary action pursuant to RCW 18.130.180(24) which defines unprofessional conduct, in pertinent part, as:

Abuse of a patient or client.

XIII.

The conduct referred to in this Statement of Charges affects the public health, safety and welfare, and the Board directs that a notice be issued and served on Respondent as provided by law, giving Respondent the opportunity to defend against the allegations in this Statement of Charges. If Respondent fails to defend against these allegations, Respondent shall be subject to such discipline as is appropriate under RCW 18.130.160.

In determining what sanctions to impose, the Board may receive evidence of and consider the following: 1) prior disciplinary actions in this or any jurisdiction; 2) information developed by and/or actions relating to peer review activities; 3) prior malpractice actions; 4) other evidence of unprofessional conduct.

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STATEMENT OF CHARGES - Page 4

The Board reserves the right to amend this Statement of Charges, including the right to bring additional charges, in the event additional information is received supporting such amendment or addition.

DATED this 20 day of January, 1992.

JAN POLEK
Secretary, Washington State
Medical Disciplinary Board

Traci Troutman
By: Traci Troutman
Hearings Manager

Presented by:

Diane H. Cornell
Diane H. Cornell
Assistant Attorney General
900 Fourth Avenue, Suite 2000
Seattle, Washington 98164-1012
Telephone: (206) 464-6525

Marilyn Ward
Reviewing Board Member

Michael L. Farrell
Department of Health Staff Attorney

STATEMENT OF CHARGES - Page 5

STATE OF WASHINGTON
MEDICAL DISCIPLINARY BOARD

In the Matter of Disciplinary)	
Action Concerning	)	No. 88-12-0024MD
)	
FREDERICK B. DAVIS, M.D.,)	
	)	STIPULATION AND
Respondent.	)	AGREED ORDER
)	

The Medical Disciplinary Board (Board), by and through its counsel of record, Beverly Norwood Goetz, Assistant Attorney General, and Frederick B. Davis, M.D., Respondent, individually and by and through his counsel of record, WOLFE & RODIHAN, and John W. Wolfe, stipulate to the following:

I. PROCEDURAL STIPULATION

- 1.1 Frederick B. Davis, M.D. is a physician duly licensed to practice medicine and perform surgery in the State of Washington at all times relevant to this action.
- 1.2 On February 20, 1992 the Board issued a Statement of Charges regarding the professional practice of Respondent in evaluating victims of alleged sexual abuse.
- 1.3 The Statement of Charges alleges that Respondent committed unprofessional conduct as follows:

RCW 18.130.180(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed.

RCW 18.130.180(20): The willful betrayal of a practitioner-patient privilege as recognized by law;

RCW 18.130.180(24): Abuse of a client or patient

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- 1.4 Respondent understands that the State is prepared to proceed to a hearing upon the merits of the Statement of Charges.
- 1.5 Respondent understands that he has the right to defend himself against the allegations in the Statement of Charges by presenting evidence in his behalf at said hearing.
- 1.6 Respondent understands that, should the State in fact prove at hearing the allegations in the Statement of Charges, the Board has the power and authority to impose sanctions per RCW 18.130.160.
- 1.7 Respondent and the Board agree to expedite the resolution of this matter by means of a Stipulation and Agreed Order.
- 1.8 Respondent waives the opportunity for a hearing on the Statement of Charges based on the entry of the following Agreed Order.
- 1.9 Respondent acknowledges that said Agreed Order is not binding unless and until it is accepted by the Medical Disciplinary Board.
- 1.10 Respondent acknowledges that should this Stipulation and Agreed Order be accepted it will be subject to the reporting requirements of RCW 18.130.110 and interstate/national reporting including, but not limited to, the National Practitioner Data Bank per 45 CFR 60.
- 1.11 **WAIVER OF OBJECTION:** Respondent is informed and understands that:
 - a. At the presentation of this Stipulation and Agreed Order the Board may ask the parties for information regarding the facts of this case. The parties have the right to be present, ask and answer questions and make argument to the Board regarding the appropriateness of the Stipulation and Agreed Order.

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- b. Respondent waives any objection to the participation on a hearing panel of all or some of the Board members who heard the Stipulation presentation in the event that the Stipulation is rejected and this matter proceeds to a hearing.

II. STIPULATED FACTS

The State and the Respondent stipulate to the following facts:

- 2.1 Respondent was retained by Patient One's father's defense counsel to perform a forensic evaluation of Patient One, who had accused her father of committing indecent liberties. Patient One was twelve and thirteen years of age.
- 2.2 Respondent did not inform Patient One that he was evaluating her for the purpose of testifying on her father's behalf at her father's trial and intended to discuss the results of the evaluation with others. Respondent did not obtain Patient One's consent to reveal information developed in the evaluation with others. Respondent did discuss the purpose of the evaluation with Patient One's mother and did obtain the mother's consent to disclose the information learned during his sessions with Patient One. Patient One was, however, estranged from her mother who did not believe Patient One's accusations.
- 2.3 When Respondent's evaluation of Patient One evolved into therapy the difference between the evaluation phase and the therapeutic phase was not made clear to Patient One.
- 2.4 Respondent permitted the father's defense counsel to attend a therapy session with Patient One and ask Patient One questions without explaining the attorney's role to Patient One and/or without obtaining Patient One's consent although, again, Patient One's mother's consent was obtained.

STIPULATION & AGREED ORDER - 3

(etip&ord.mdb - 2/82)

- 2.5 Respondent confronted Patient One with a report from a physician which was inconsistent with Patient One's allegations.
- 2.6 Respondent was hired to do a forensic evaluation of Patient Two, a three-year-old, who had accused her father of sexual abuse. Respondent did not properly explain the nature and purpose of the evaluation and/or its lack of confidentiality to Patient Two. Respondent did explain the nature and purpose of the evaluation to Patient Two's mother and received her permission to disclose his evaluation findings.
- 2.7 Respondent failed to explain the seriousness of the evaluation and its potential consequences to Patient Two.
- 2.8 Respondent failed to provide Patient Two with an adequate opportunity to demonstrate whether she could separate his suggestions from her recollections.

III. STIPULATED CONCLUSIONS OF LAW

Based on the above Procedural and Factual Stipulations, the parties stipulate to the following Conclusions of Law:

- 3.1 The Board has jurisdiction over Respondent and over the subject matter of this proceeding.

- 3.2 The above facts constitute a commission of unprofessional conduct as follows:

RCW 18.130.180(4): Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed;

and, pursuant to Stipulated Fact 2.4,

RCW 18.130.180(20): The willful betrayal of a practitioner-patient privilege as recognized by law;

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STIPULATION & AGREED ORDER - 4

(stip&ord.mdb - 2/92)

- 3.3 The above facts, constitute grounds for discipline pursuant to RCW 18.130.160 (3), and (8).

IV. AGREED ORDER

Based on the above Stipulated Facts and Conclusions of Law, the Board hereby orders:

- 4.1 Respondent's license to practice in Washington shall be subject to the following limitations and restrictions:
- a. Respondent shall not perform evaluations of either alleged victims or alleged perpetrators in any sexual abuse case.
 - b. Respondent shall not treat victims of sexual abuse under the age of twenty-one (21) unless the perpetrator has admitted that the sexual abuse occurred.
 - c. Respondent shall provide a copy of this Stipulation and Agreed Order to all parties, including his clients/patients, and their attorneys, in any legal proceeding in which he is asked to render an expert opinion and/or to give testimony.
- 4.2 Respondent shall ensure that all care delivered to patients falls within acceptable standards of medical practice.
- 4.3 COMPLIANCE:
- a. Respondent shall appear before the Board one year from the date this Agreed Order is signed by the Board, or as soon thereafter as the Board's schedule permits, and present proof that he is complying with the Order. He shall continue to make such compliance appearances annually or as soon thereafter as the Board's schedule permits, until the limitations and restrictions are lifted by the Board.
 - b. In order to monitor compliance with the Order Respondent agrees that a representative of the Board may make announced or unannounced visits annually to Respondent's practice to:
 - (1) Inspect office and or medical records;

- (2) Interview office staff or Respondent's supervisors;
 - (3) Review other aspects of Respondent's practice.
 - c. All costs of compliance shall be borne by the Respondent.
 - d. If Respondent violates the terms/conditions of the Board's Order in any respect the Board may:
 - (1) Summarily suspend Respondent's license to practice under RCW 18.130.050(7);
 - (2) Impose conditions as appropriate under RCW 18.130.160 to protect the public, following notice to the Respondent and the opportunity to be heard; and/or
 - (3) Issue charges of unprofessional conduct under RCW 18.130.180.
- 4.4 Respondent may petition the Board for a change in the terms/conditions of the Order no sooner than five (5) years from the date it is signed by the Board.
- 4.5 RESIDENCE:
 - a. Respondent shall inform the Board, in writing, of changes in his practice and residence address.
 - b. In the event Respondent leaves the State of Washington to reside or to practice outside the State of Washington, Respondent must notify the Board in writing of the dates of departure and return.
- 4.6 Pursuant to RCW 18.130.160(8) Respondent shall pay a \$1000.00 fine within ninety (90) days of the effective date of this Order. The fine shall be payable to the State

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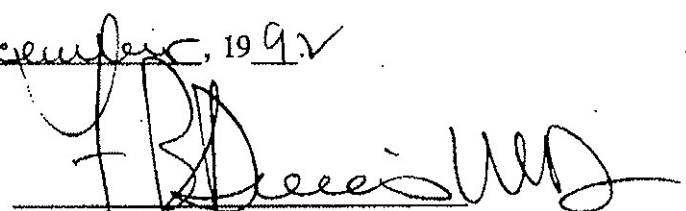
Treasurer and sent to the following address:

Executive Secretary
Medical Disciplinary Board
1300 SE Quince Street, M/S EY 25
Post Office Box 47866
Olympia, Washington 98504-7866

- 4.7 Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Washington. Respondent shall adhere to the Principles of Medical Ethics With Annotations Especially Applicable to Psychiatry of the American Psychiatric Association.
- 4.8 The Board shall have continuing jurisdiction over the Respondent. Respondent may petition for termination of the Board's jurisdiction, in writing. In determining whether to grant Respondent's petition to terminate the Board's jurisdiction the Board may require the Respondent to appear personally before it; termination of the Board's jurisdiction shall be by written order of the Board.
- 4.9 This Stipulation and Agreed Order will be subject to the reporting requirements of RCW 18.130.110 and interstate/national reporting including, but not limited to, the National Practitioner Data Bank, 45 CFR 60.
- 4.10 This Stipulation and Agreed Order is not binding on Respondent or the Board unless accepted by the Board.
- 4.11 This Stipulation and Agreed Order shall become effective ten (10) days from the date the Order is signed by the Board chair, or upon service of the Order on the Respondent, whichever date is sooner.

I, FREDERICK B. DAVIS, M.D., hereby certify that I have read this Stipulation and

Agreement in its entirety, that my counsel of record has fully explained the legal significance and consequence thereof; that I fully understand all of the same, and in witness whereof I affix my signature this 3 day of December, 1992


FREDERICK B. DAVIS, M.D.

SUBSCRIBED AND SWORN to before me this _____ day of _____

_____, 19____.

Notary Public in and for the
State of _____ residing
at _____
My Commission expires: / /

V. ORDER

The Board accepts the stipulation as stated in the preceding paragraphs. Respondent is ORDERED to comply with the condition stated in paragraph 4.1 above. IT IS FURTHER

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ORDERED that all parties shall be bound by the terms and conditions of section IV above.

DATED this 18th day of December, 1992.


WASHINGTON STATE MEDICAL
DISCIPLINARY BOARD

By: 

LARRY T. BRICE M.D.,
~~VICE CHAIR~~

Acting Chair

PRESENTED BY:

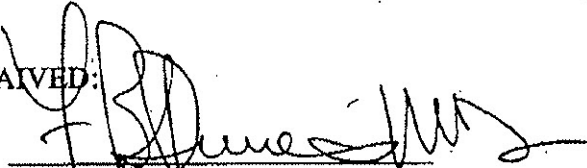


Beverly Norwood Goetz
Assistant Attorney General

APPROVED AS TO FORM
NOTICE OF PRESENTATION WAIVED:

 8028

By: John W. Wolfe
Attorney for Respondent



Frederick B. Davis, M.D.
Respondent

STATE OF WASHINGTON
MEDICAL DISCIPLINARY BOARD

In the Matter of the Disciplinary)	
Action Concerning	)	No. 88-12-0024MD
)	
FREDERICK B. DAVIS, M.D.,	)	FINDINGS OF FACT
	)	CONCLUSIONS OF LAW, AND
Respondent.	)	ORDER ON COMPLIANCE REVIEW

THIS MATTER came before the State of Washington Medical Disciplinary Board on December 17, 1993 at the Tacoma Sheraton Hotel, Tacoma, Washington for a compliance review pursuant to the Stipulation and Agreed Order, dated December 18, 1992. Respondent, Frederick B. Davis, M.D., appeared personally and without counsel. Michael L. Farrell, Department of Health Staff Attorney, presented the history of the case. The Board heard the testimony, reviewed the record, and now makes the following Findings of Fact:

I. FINDINGS OF FACT

1.1 Respondent, Frederick B. Davis, M.D., is licensed to practice medicine and surgery in the State of Washington.

1.2 Respondent's license was restricted with Respondent required to comply with the terms and conditions enumerated in the December 18, 1992 Stipulation and Agreed Order.

1.3 The December 18, 1992 Stipulation and Agreed Order required Respondent to make compliance appearances every 12 months from that date of that Order.

1.4 Respondent has been in compliance with the terms of the

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER ON COMPLIANCE REVIEW - 1

ORIGINAL

12-17-93

December 18, 1992 Stipulation and Agreed Order.

II. CONCLUSIONS OF LAW

From the foregoing Findings of Fact, the Board makes the following Conclusions of Law:

2.1 The Board has jurisdiction over Respondent, Frederick B. Davis, M.D., and the subject matter herein.

2.2 An Order should be entered reflecting Respondent's compliance with the terms of the December 18, 1992, Stipulation and Agreed Order.

III. ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Board hereby ORDERS that Frederick B. Davis, M.D., is in compliance with the December 18, 1992, Stipulation and Agreed Order and Respondent shall continue to comply with the terms of that Order; and further

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FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER ON COMPLIANCE REVIEW - 2

ORDERS that Respondent shall appear before the Board at the December 1994 meeting for a compliance review or as soon thereafter as the Board's calendar will allow.

DATED this 17th day of December, 1993.

STATE OF WASHINGTON
MEDICAL DISCIPLINARY BOARD

By: Don Miller, M.D.
DON MILLER, M.D.
Chair

PRESENTED BY:

Michael L. Farrell
Michael L. Farrell WSBA 16022
Department of Health Staff Attorney

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER ON COMPLIANCE REVIEW - 3

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION**

in the Matter of the License to	)	Docket No. 97-12-A-1004MD
Practice Medicine and Surgery of:)	
)	
FREDERICK B. DAVIS, M.D.,)	ORDER DENYING REQUEST
)	FOR RELEASE FROM
Respondent.)	COMMISSION ORDER
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THIS matter came before the Washington Medical Quality Assurance Commission (the Commission), and Health Law Judge Brian D. Peyton, Presiding Officer for the Commission, on November 6, 1997, at the SeaTac Hilton Hotel in SeaTac, Washington, on Respondent's request for release from the limitations on his license to practice medicine. Members of the Commission present and considering the matter were: Anna H. Chavelle, M.D.; Hampton Irwin, M.D.; John F. Kemman, M.D.; William Marineau, M.D.; Robert C. Newell, M.D.; Janice Paxton, PA-C; Laura L. Roderick, M.D.; and Juanita Wagner, J.D., Ph.D., Public Member.

Respondent Frederick B. Davis, M.D. appeared pro se. Michael Farrell, Staff Attorney, represented the Department of Health (the Department).

Based on consideration of the evidence presented at the hearing and the files and records herein, the Commission hereby issues the following:

I. PROCEDURAL HISTORY

1.1 On February 20, 1992, the Medical Disciplinary Board (the Board),

ORDER DENYING REQUEST FOR RELEASE
FROM COMMISSION ORDER - Page 1

OPS No. 92-04-24-098 MDB
Prog. No. 88-12-0024MD

predecessor in interest to the Commission, issued a Statement of Charges alleging that Respondent had committed unprofessional conduct as defined by RCW 18.130.180(4) and (20). The charges related to Respondent's alleged misconduct in his evaluation of two minors who had accused their fathers of molesting them.

1.2 On December 18, 1992, the Board and Respondent entered into a Stipulation and Agreed Order (the Agreed Order) which placed limitations and restrictions on Respondent's license to practice medicine. Respondent was prohibited from performing evaluations of alleged victims or perpetrators in sexual abuse cases, and from treating victims of sexual abuse under the age of 21 unless the perpetrator had admitted to the abuse. The Agreed Order also required, inter alia, that Respondent appear annually before the Commission to establish his compliance with the Agreed Order. The Agreed Order provided that he could seek modification no sooner than five years from the date of entry of the Order.

1.3 Respondent appeared before the Board on December 17, 1993, and before the Commission on December 15, 1994, November 16, 1995, October 2, 1996 and September 25, 1997 for compliance hearings, after each of which he was found to be in compliance with the Agreed Order.

1.4 At the hearing, Mr. Farrell presented a history of the case. Respondent testified regarding his current practice and his compliance with the Agreed Order.

II. FINDINGS OF FACT

2.1 Respondent is a physician licensed to practice in the state of Washington. His license has been subject to the limitations and restrictions imposed by the Agreed Order.

2.2 In the Agreed Order, Respondent stipulated that, in performing evaluations of two minors who were alleged victims of sexual abuse by their fathers, he did not disclose to them that he was conducting the evaluations for the purpose of testifying on behalf of the alleged abusers. He did not obtain permission to disclose the information he obtained. With regard to Patient 1, he allowed the father's lawyer to attend a therapy session, without explaining the lawyer's role to Patient 1.

2.3 The Commission finds that the testimony and the record demonstrate that the Respondent has complied with the terms and conditions of the Agreed Order.

2.4 In his testimony, the Respondent did not demonstrate a full understanding of why his actions constituted unprofessional conduct. He did not present the Commission with a practice plan or other strategy to prevent a reoccurrence of his conduct. Because of the lack of safeguards to protect the public from a reoccurrence of Respondent's unprofessional conduct, the Commission finds that his request for release from the limitations and restrictions of the Agreed Order should be denied.

III. CONCLUSIONS OF LAW

3.1 The Commission has jurisdiction over Respondent and the subject matter herein. RCW 18.71.070.

3.2 The Respondent is in compliance with the Agreed Order.

3.4 The Commission concludes that the record does not justify entry of an order removing the restrictions imposed by the Agreed Order at this time.

IV. ORDER

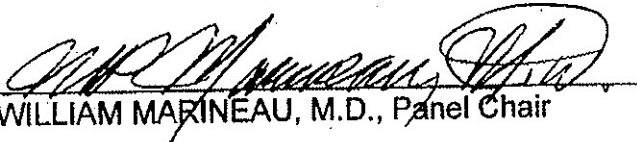
Based on the foregoing Procedural History, Findings of Fact, and Conclusions of Law, the Commission enters the following ORDER:

4.1 Respondent Frederick B. Davis, M.D., is in compliance with the terms of the Agreed Order.

4.2 Respondent's request for release from the limitations and restrictions of the Agreed Order is hereby DENIED.

DATED THIS 4 DAY OF DECEMBER, 1997.

Medical Quality Assurance Commission

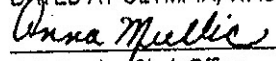

WILLIAM MARINEAU, M.D., Panel Chair

DECLARATION OF SERVICE BY MAIL

I declare that today I served a copy of this document upon the following parties of record:

FREDERICK DAVIS, M.D., AND MICHAEL FARRELL by mailing a copy properly addressed with postage prepaid.

DATED AT OLYMPIA, WASHINGTON THIS 9 DAY OF DECEMBER, 1997.


Adjudicative Clerk Office

cc: MARYELLA JANSEN

ORDER DENYING REQUEST FOR RELEASE
FROM COMMISSION ORDER - Page 4

OPS No. 92-04-24-098 MDB
Prog. No. 88-12-0024MD

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION**

in the Matter of the License to)	
Practice Medicine and Surgery of:	)	Docket No. 97-12-A-1004MD
)	
FREDERICK B. DAVIS, M.D.,	)	ORDER ON COMPLIANCE
	)	REVIEW AND REQUEST FOR
Respondent.	)	RELEASE FROM COMMISSION
	)	ORDER

THIS MATTER came before the State of Washington Medical Quality Assurance Commission (Commission), successor to the Washington State Medical Disciplinary Board (the Board), and Health Law Judge Suzanne C. Johnson, Presiding Officer for the Commission, on May 28, 1998, at the SeaTac Hilton Hotel in SeaTac, Washington, pursuant to the terms of the Stipulation and Agreed Order issued December 18, 1992. Members of the Commission present and considering the matter were: Gilbert M. Roderiguez, M.D.; James M. Garrison, Jr., M.D.; Linda C. Wells, Public Member; M. Estelle Connolly, M.D.; Wendy F. Hamai, PA-C; Jan Polek, Public Member, Panel Chair; David W. Williams, M.D.; Julian Ansell, M.D.; Steven M. Juergens, M.D.; and Richard P. Bunch, M.D..

Frederick B. Davis, M.D. (Respondent), appeared pro se. Michael Farrell, Staff Attorney, appeared on behalf of the Department of Health (the Department). The proceedings were recorded by Cynthia LaRose, court reporter.

Based on consideration of the evidence presented at the hearing and the files and records herein, the Commission hereby issues the following:

ORDER ON COMPLIANCE REVIEW, AND REQUEST
FOR RELEASE FROM COMMISSION ORDER - Page 1

I. PROCEDURAL HISTORY

1.1 On February 20, 1992, the Board issued a Statement of Charges alleging that Respondent had committed unprofessional conduct as defined by RCW 18.130.180(4) and (20). The charges related to Respondent's alleged misconduct in his evaluation of two minors who had accused their fathers of molesting them.

1.2 On December 18, 1992, the Board and Respondent entered into a Stipulation and Agreed Order (the Agreed Order) which placed limitations and restrictions on Respondent's license to practice medicine. Respondent was prohibited from performing evaluations of alleged victims or perpetrators in sexual abuse cases, and from treating victims of sexual abuse under the age of 21 unless the perpetrator had admitted to the abuse. The Agreed Order also required, inter alia, that Respondent appear annually before the Commission to establish his compliance with the Agreed Order. The Agreed Order provided that he could seek modification no sooner than five years from the date of entry of the Order.

1.3 Respondent appeared before the Board on December 17, 1993, and before the Commission on December 15, 1994, November 16, 1995, October 2, 1996, and September 25, 1997, for compliance hearings, after each of which he was found to be in compliance with the Agreed Order.

1.4 On December 4, 1997, the Commission issued Order Denying Request for Release from Commission Order, finding that Respondent did not demonstrate a full

understanding of why his actions constituted unprofessional conduct and did not have a plan or other strategy to prevent a recurrence of his conduct.

1.5 On March 17, 1998, Respondent again petitioned for release from the Agreed Order.

1.6 On April 23, 1998, the Adjudicative Clerk office issued a Notice to Appear for Hearing on Release From Commission Order on May 28, 1998.

1.7 At the hearing, Mr. Farrell presented a history of the case. The Department submitted documents for the Commission's review including March 17, 1998, Compliance Review from Bill Crowell, Investigator. Respondent testified on his own behalf regarding his compliance with the Agreed Order, his request for release from the Agreed Order, his current practice, and strategies for preventing recurrence of unprofessional conduct. Ms. Marilyn Ward, the reviewing Commission member, also testified.

II. FINDINGS OF FACT

2.1 Respondent is a physician licensed to practice in the state of Washington. His license has been subject to the limitations and restrictions imposed by the Agreed Order.

2.2 The Compliance Review by Bill Crowell shows that Respondent is in compliance with terms and conditions of the Agreed Order.

2.3 Respondent testified that he is in compliance with the Agreed Order. He practices general psychiatry on an out-patient basis. He also provides supervision seminars to non-medical therapists three times a week. He no longer engages in forensic evaluations. He sees few children in his practice.

Respondent further testified that he reviewed the December 4, 1994, Order at length with his therapist and has come to a greater understanding of issues surrounding the incidents of unprofessional conduct. He understands and sincerely regrets the damage done to the two minor patients by his conduct.

If released from the Agreed Order, his practice would not change. He would not solicit forensic work. If he becomes highly stressed, as he was around the time of the incidents charged, or if sexual abuse becomes an issue for a patient he is treating, he would seek consultation.

2.4 Ms. Ward testified that Respondent is in compliance with the Agreed Order, and she supports Respondent's release from the Agreed Order at this time.

2.5 The Commission finds that Respondent has complied with the terms and conditions of the Agreed Order and that Respondent's request for release from the Agreed Order should be granted.

III. CONCLUSIONS OF LAW

3.1 The Commission has jurisdiction over Respondent and over the subject matter herein. RCW 18.130 and 18.71.085.

3.2 The Uniform Disciplinary Act, (UDA) RCW 18.130, governs the discipline of licensees by the Commission. RCW 18.71.019.

3.3 RCW 18.130.160 of the UDA permits the Commission to fashion appropriate remedies in disciplining Respondent including, without limitation, imposing restrictions or limitations on Respondent's practice. The Commission has the right to grant or deny all or part of Respondent's request for release from the Agreed Order, as permitted by RCW 18.130.160 of the UDA.

ORDER ON COMPLIANCE REVIEW, AND REQUEST
FOR RELEASE FROM COMMISSION ORDER - Page 4

3.4 The Agreed Order provides for terms and conditions of corrective action, as permitted by RCW 18.130.160.

3.5 Based on the Findings of Fact, the Commission concludes that an order should be entered reflecting Respondent's compliance with the Agreed Order and granting Respondent's request for release from the Agreed Order.

IV. ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Commission hereby makes the following ORDER:

4.1 Frederick B. Davis, M.D. is in compliance with the Stipulation and Agreed Order issued December 18, 1992.

4.2 Respondent's request for release from the terms and conditions of the Agreed Order is hereby GRANTED. The Agreed Order is terminated and Respondent is hereby granted an UNRESTRICTED LICENSE.

As provided in RCW 34.05.461(3) and RCW 34.05.470, and WAC 246-11-580 either party may file a petition for reconsideration. The petition must be filed within ten (10) days of service of this Order with the Adjudicative Clerk Office, 2413 Pacific Avenue, P.O. BOX 47879, Olympia, WA 98504-7879. The petition must state the specific grounds upon which reconsideration is requested and the relief requested.

The petition for reconsideration shall not stay the effectiveness of this Order. The petition for reconsideration is deemed to have been denied twenty (20) days after the petition is filed if the Adjudicative Clerk Office has not acted on the petition or served written notice of the date by which action will be taken on the petition.

Proceedings for judicial review may be instituted by filing a petition in the Superior Court in accord with the procedures specified in chapter 34.05 RCW, Part V,

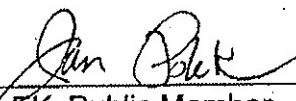
ORDER ON COMPLIANCE REVIEW, AND REQUEST
FOR RELEASE FROM COMMISSION ORDER - Page 5

Judicial Review and Civil Enforcement. The petition for judicial review must be filed within thirty (30) days after service of this Order, as provided in RCW 34.05.542.

"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(18).

DATED THIS 15th DAY OF JUNE, 1998.

Medical Quality Assurance Commission

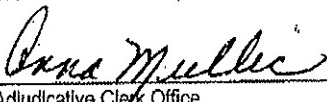


JAN POLEK, Public Member,
Panel Chair

DECLARATION OF SERVICE BY MAIL

I declare that today I served a copy of this document upon the following parties of record:
FREDERICK DAVIS, M.D., by mailing a copy properly addressed with postage prepaid.

DATED AT OLYMPIA, WASHINGTON THIS 17 DAY OF JUNE, 1998.



Adjudicative Clerk Office

cc: MARYELLA JANSEN
MICHAEL FARRELL

FOR INTERNAL USE ONLY: (Internal tracking numbers) OPS No. 92-04-24-098 MDB Program No. 88-12-0024MD
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Redaction Summary (0 redactions)

0 Privilege / Exemption reason used:

Redacted pages: