



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Howard F. Harrison, MD
Master Case No.: M2012-111
Document: Statement of Allegations

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
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION**

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

HOWARD F. HARRISON, MD
License No. MD00035347

Respondent

No. M2012-111

**STATEMENT OF ALLEGATIONS
AND SUMMARY OF EVIDENCE**

The Disciplinary Manager of the Medical Quality Assurance Commission (Commission), on designation by the Commission, makes the allegations below, which are supported by evidence contained in program file number 2011-161305. The patient referred to in this Statement of Allegations and Summary of Evidence is identified in the attached Confidential Schedule.

1. ALLEGATIONS

1.1 On August 13, 1997, the state of Washington issued Respondent a license to practice as a physician and surgeon. Respondent is board-certified in Psychiatry. Respondent's license is currently active.

1.2 On May 24, 2011 Respondent unlawfully possessed 25 Oxycodone tablets without a valid prescription. Oxycodone is an opioid analgesic listed in Schedule II as a controlled substance with a high potential for abuse and requires a prescription.

1.3 On May 24, 2011 Respondent unlawfully possessed 23 NuVigil tablets without a valid prescription. NuVigil tablets contain armodafinil, a stimulant which is a Schedule IV controlled substance with some potential for abuse and requires a prescription.

2. SUMMARY OF EVIDENCE

2.1 Investigative report attachments gathered by the investigator for the Commission in this matter.

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3. ALLEGED VIOLATIONS

3.1 The facts alleged in Section 1, if proven, would constitute unprofessional conduct in violation of RCW 18.130.180(6) which provides in part:

RCW 18.130.180 Unprofessional conduct. The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(6) The possession, use, prescription for use, or distribution of controlled substances 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;

4. NOTICE TO RESPONDENT

4.1 The Commission has determined that this case may be appropriate for resolution through a Stipulation to Informal Disposition pursuant to RCW 18.130.172(2). A proposed Stipulation to Informal Disposition is attached, which contains the disposition the Commission believes is necessary to address the conduct alleged in this Statement of Allegations and Summary of Evidence.

4.2 If Respondent agrees that the disposition imposed by the Stipulation to Informal Disposition is appropriate, Respondent should sign and date the Stipulation to Informal Disposition and return it within fourteen (14) days to the Medical Quality Assurance Commission at PO Box 47866, Olympia, WA 98504-7866.

4.3 If Respondent does not agree that the terms and conditions contained in the Stipulation to Informal Disposition are appropriate, Respondent should contact Teresa Landreau, Staff Attorney for the Medical Quality Assurance Commission, PO Box 47866, Olympia, WA 98504-7866, (360) 236-2769 within fourteen (14) days.

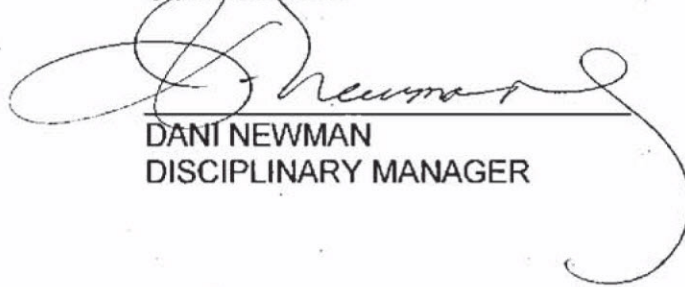
4.4 If Respondent does not respond within fourteen (14) days, the Commission will assume Respondent has declined to resolve the allegations by means of a Stipulation to Informal Disposition.

4.5 If Respondent declines to resolve the allegations by means of a Stipulation to Informal Disposition pursuant to RCW 18.130.172(2), the Commission may proceed to formal disciplinary action against Respondent by filing a Statement of Charges, pursuant to RCW 18.130.172(3).

4.6 The cover letter enclosed with this Statement of Allegations and Summary of Evidence was mailed to the name and address currently on file for Respondent's license. Respondent must notify, in writing, the Commission if Respondent's name and/or address changes.

DATED: June 5, 2012.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
COMMISSION



DANI NEWMAN
DISCIPLINARY MANAGER



TERESA LANDREAU, WSBA #9591
DEPARTMENT OF HEALTH STAFF ATTORNEY



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Howard F. Harrison, MD
Master Case No.: M2012-111
Document: Stipulation to Informal Disposition

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.

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

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

HOWARD F. HARRISON, MD
License No. MD00035347

Respondent

No. M2012-111

**STIPULATION TO INFORMAL
DISPOSITION**

Pursuant to the Uniform Disciplinary Act, Chapter 18.130 RCW, the Medical Quality Assurance 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 August 13, 1997, the state of Washington issued Respondent a license to practice as a physician and surgeon. Respondent is board-certified in Psychiatry. Respondent's license is currently active.

1.2 On May 24, 2011 Respondent unlawfully possessed 25 Oxycodone tablets without a valid prescription. Oxycodone is an opioid analgesic listed in Schedule II as a controlled substance with a high potential for abuse which requires a prescription.

1.3 On May 24, 2011 Respondent unlawfully possessed 23 NuVigil tablets without a valid prescription. NuVigil tablets contain armodafinil, a stimulant which is a Schedule IV controlled substance with some potential for abuse which requires a prescription.

2. STIPULATION

2.1 The Commission alleges that the conduct described above, if proven, would constitute a violation of RCW 18.130.180(6).

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 Health Integrity and Protection Databank (HIPDB)(45 CFR Part 61), the Federation of State Medical Board's Physician Data Center, and elsewhere as required by law. HIPDB will report this Stipulation to the National Practitioner Data Bank (45 CFR Part 60).

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 of the provisions of 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 **Probation.** Respondent shall be on probation for at least two (2) years from the effective date of his monitoring contract with WPHP, which was August 4, 2011.

3.2 **Compliance with Criminal Probation.** Respondent shall fully comply with all requirements imposed upon him by the Circuit Court of the State of Oregon for the County of WASCO.

3.3 **Substance Abuse Treatment and Monitoring.** Respondent shall successfully complete all requirements for substance abuse treatment and monitoring imposed by Washington Physician's Health Program (WPHP). Respondent further agrees that the Commission and its representatives may discuss Respondent with, and obtain records from, WPHP and from any provider to which WPHP might refer Respondent. Failure to cooperate with WPHP or comply with the WPHP contract will constitute noncompliance with this Stipulation.

3.4 **Compliance appearances.** Respondent shall appear before the Commission three (3) months from the effective date of this Stipulation to Informal Disposition, or as soon thereafter as the Commission's schedule permits, and present proof that he is complying with this Stipulation. After the first appearance, Respondent shall continue to make compliance appearances every twelve (12) months unless otherwise instructed in writing by the Commission or its representative.

3.5 **Modification following completion of criminal court requirement.** Respondent may not petition for release from this Stipulation and his probation prior to two (2) years from the effective date of this Stipulation. As a prerequisite to petitioning for release from this Stipulation, Respondent must provide all of the following:

A. Proof of success completion of all requirements of the Judgment entered in Case No. CR11-125 on November 2, 2011 in the Circuit Court of Oregon for Wasco County.

B. Proof of successful completion of Respondent's contract with WPHP, and an endorsement from WPHP of Respondent's current ability to practice medicine with reasonable skill and safety.

C. Proof of full compliance with this Stipulation. The Commission will decide on any such petition based on all relevant evidence. The Commission may require Respondent to appear on any petition for release. If Respondent and the Commission do not reach an agreement on such a petition, the Commission will decide on the petition following a hearing.

3.6 **Costs.** Respondent shall reimburse costs to the Commission in the amount of one thousand dollars (\$1,000) which must be received by the Commission within ninety (90) days of the date of entry of this Stipulation to Informal Disposition.

The reimbursement shall be paid by certified or cashier's check or money order, made

payable to the Department of Health and mailed to the Department of Health, Medical Quality Assurance Commission at PO Box 1099, Olympia, Washington 98507-1099.

3.7 **Obey Laws.** Respondent must obey all federal, state and local laws and all administrative rules governing the practice of the profession in Washington.

3.8 **Costs.** Respondent must assume all costs that he may incur in complying with this Stipulation.

3.9 **Violations.** If Respondent violates any provision of this Stipulation in any respect, the Commission may initiate further action against Respondent's license.

3.10 **Change of Address.** Respondent must inform the Commission and the Adjudicative Clerk Office in writing, of changes in Respondent's residential and/or business address within thirty (30) days of such change.

3.11 **Effective Date.** The effective date of this Stipulation to Informal Disposition is the date the Adjudicative Clerk Office places the signed Stipulation into the U.S. mail. If required, Respondent shall not submit any fees or compliance documents until after the effective date of this Stipulation.

4. COMPLIANCE WITH SANCTION RULES

4.1 The Commission applies WAC 246-16-800, *et seq.*, to determine appropriate sanctions. Tier A of the "Substance Abuse" schedule, WAC 246-16-850, applies to cases where misuse of drugs or alcohol results in no or minimal patient harm or risk of patient harm. Respondent's illegal possession of controlled substances was revealed during a traffic stop, and there is no evidence indicating Respondent was impaired while providing patient care. Schedule A therefore applies. WAC 246-16-860, the sanction schedule for criminal convictions, is not applicable to this matter because Respondent was granted deferral of a finding of guilty in his criminal case on condition of his successful completion of probation in that matter.

4.2 Tier A suggests the imposition of sanctions ranging up to five years of oversight. Under WAC 246-16-800(3)(d), the starting point for the duration of the sanctions is the middle of the range. The Commission uses aggravating and mitigating factors to move towards the maximum or minimum ends of the range.

4.3 The aggravating and mitigating factors in this case, listed below, justify moving toward the minimum end of the range. The sanctions in this case include probation, successful completion of substance abuse treatment and monitoring to the satisfaction of WPHP and the Circuit Court of Oregon, compliance appearances to the Commission, and other requirements designed to protect the public.

4.4 These sanctions are appropriate within the Tier A range given the facts of the case and the following aggravating and mitigating factors:

A. As an aggravating factor, Respondent was indicted and pled guilty to a Class C felony crime as a result of the misconduct described herein.

B. As an aggravating factor, Respondent's misconduct involved possessing more than one kind of illegal substance.

C. As a mitigating consideration, Respondent entered into a diagnostic monitoring contract with WPHP on August 4, 2011 for a six month period and is reported to have successfully completed all terms of this contract.

D. As a mitigating consideration, Respondent self-reported this incident.

E. As a mitigating consideration, Respondent has no prior history of discipline with the Commission.

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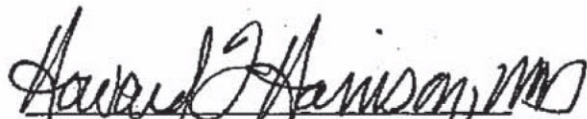
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5. RESPONDENT'S ACCEPTANCE

I, HOWARD F. HARRISON, 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.


HOWARD F. HARRISON, MD
RESPONDENT

06/27/2012
DATE

WSBA #
ATTORNEY FOR RESPONDENT

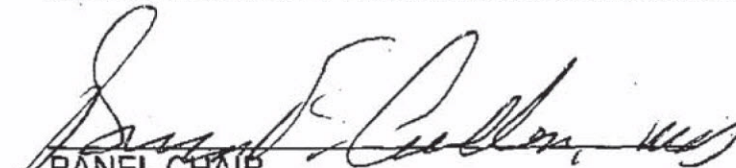
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6. COMMISSION'S ACCEPTANCE

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

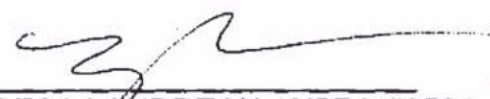
DATED: 28 June, 2012.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION



PANEL CHAIR

PRESENTED BY:



TERESA LANDREAU, WSBA #9591
DEPARTMENT OF HEALTH STAFF ATTORNEY