

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL DISCIPLINARY BOARD**

In the Matter of the License to Practice)	OPS No. 93-03-08-035 MDB
Medicine and Surgery of:)	Prog. No. 89-12-0039MD
))
TIMOTHY TRUSCHEL, M.D.,)	ORDER ON COMPLIANCE AND
)	REMOVAL OF JURISDICTION
Respondent.))
_____))

THIS MATTER came before the State of Washington Medical Disciplinary Board (the Board) and Health Law Judge Michael T. Concannon, Presiding Officer for the Board, on April 14, 1994, at the Ramada Hotel in Olympia, Washington pursuant to a compliance review of Respondent. Members of the Board present and considering the matter were: Julian Ansell, M.D., Estelle Connolly, M.D., John Kemman, M.D., and Darrell Beers. The respondent, Timothy L. Truschel, M.D., attended the hearing and was represented by counsel, Jack G. Rosenow. Michael Farrell, Staff Attorney, represented the Department of Health and presented the history of the case. The proceedings were recorded by Jean M. Ericksen, court reporter. Based on consideration of the evidence presented at the hearing, the Board hereby issues the following:

I. PROCEDURAL HISTORY

1.1 A Statement of Charges was issued by the Board on February 16, 1993, alleging the Respondent, inter alia, had a sexual relationship with a then-married, former patient. On April 16, 1993, the Board and Respondent entered a Stipulation and Agreed Order (the Prior Order) providing for a five year probationary period on Respondent's ability to practice medicine requiring Respondent, inter alia, to: (i) notify certain parties of

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disciplinary restrictions imposed by the Board, including current and future female patients; and (ii) appear before the Board annually for compliance reviews, in addition to cooperating with annual, on-site practice reviews.

1.2 By a Notice to Appear for Hearing on Compliance/ Progress Review, dated March 1, 1994, the Board requested Respondent to appear for an annual compliance review at 1:15 p.m. on April 14, 1994. At the hearing, Exhibit 1 was admitted, which contained Respondent's Petition for Termination of Board's Jurisdiction, dated March 31, 1993 (the Termination Request). Respondent testified on his own behalf, and the Board considered the Respondent's compliance with the Prior Order and the Termination Request.

II. FINDINGS OF FACT

2.1 Respondent is a physician duly licensed to practice medicine in the state of Washington, and his license has been limited and/or restricted by the Prior Order.

2.2 Respondent is in continuing compliance with the requirements of the Prior Order.

2.3 Sections 4.8 and 4.9 of the Prior Order anticipates the possibility of a Respondent request for termination of Board jurisdiction in this matter as early as one year after its implementation.

2.4 Based on Respondent's testimony, the Board's January 1994 practice review of Respondent's office and procedures, the reports and recommendations regarding Respondent's activities at the Community Mental Health Clinic, and other evidence in the record, the Board finds it appropriate to grant the Termination Request.

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III. CONCLUSIONS OF LAW

3.1 The Board has jurisdiction over Respondent and over the subject matter herein.

3.2 As provided by RCW 18.72.154, the Uniform Disciplinary Action, RCW 18.130 (the UDA), governs the discipline of licensees by the Board.

3.3 Section 18.130.160 of the UDA permits the Board to fashion appropriate remedies in disciplining Respondent including, without limitation, imposing restrictions or limitations on Respondent's practice.

3.4 The Prior Order provides for restrictions and/or limitations on Respondent's practice, as permitted by Section 18.130.160 of the UDA.

3.5 The Respondent is in compliance with the Prior Order.

3.6 Based on the Findings of Fact, an order should be entered reflecting Respondent's compliance with the Prior Order, and terminating the Board's jurisdiction in this matter.

IV. ORDER

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

4.1 Timothy L. Truschel, M.D., Respondent, is in compliance with the Prior Order.

4.2 The Respondent's Termination Request is GRANTED, and therefore the conditions and limitations on Respondent's license imposed by the Prior Order are lifted,

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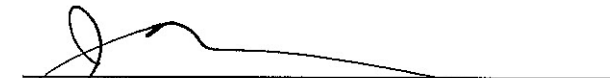
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the requirements of the Prior Order are terminated, and the Respondent is reinstated with an unrestricted license to practice medicine in the state of Washington, all effective as of April 17, 1994.

DATED THIS 27 DAY OF MAY, 1994.

Medical Disciplinary Board



JULIAN S. ANSELL, M.D., Panel Chair

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STATE OF WASHINGTON
MEDICAL DISCIPLINARY BOARD

In the Matter of Disciplinary)	
Action Concerning)	No. 89-12-0039MD
)	
TIMOTHY L. TRUSCHEL, M.D.,)	STIPULATION AND
)	AGREED ORDER
Respondent.)	
_____)	

The Medical Disciplinary Board (Board), by and through Eric B. Schmidt, Department of Health Staff Attorney, and the Board's counsel of record, Maureen A. Mannix, Assistant Attorney General, and Timothy L. Truschel, M.D., Respondent, individually and by and through his counsel of record, Jack G. Rosenow, stipulate to the following:

I. PROCEDURAL STIPULATION

- 1.1 Timothy L. Truschel, 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 or about February 16, 1993, the Board issued a Statement of Charges regarding the professional practice of Respondent in his commencement of an intimate relationship with a woman Respondent met as a patient within two weeks after the asserted termination of psychiatric treatment.
- 1.3 The Statement of Charges alleges that Respondent committed unprofessional conduct pursuant to RCW 18.130.180(1), (4), and (24). Respondent contests the applicability of

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all three of these subsections to his actions.

- 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 is prepared to defend him 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, and remove the uncertainties each may face in a hearing, by means of a Stipulation and Agreed Order.
- 1.8 Respondent and the Board waive 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 the 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 hear 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 agrees that Respondent formed a physician-patient relationship with a patient identified as patient No. 1 in the Confidential Schedule attached to the Statement of Charges, that Respondent treated patient No. 1 for bipolar disorder and depression for a total of eight visits, and that within two weeks of their last therapy session, Respondent began an intimate relationship with the then-married, but separated, patient No. 1.
- 2.2 Respondent agrees that on November 3, 1990, patient No. 1 became Respondent's wife, and that they are now and ever since have been married. Respondent further agrees that as a result of said marriage a child has been born to them.

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, if proved at a hearing, constitute a commission of unprofessional conduct as defined by RCW 18.130.180(24).
- 3.3 The above facts, if proved at a hearing, constitute grounds for discipline pursuant to RCW 18.130.160.

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IV. AGREED ORDER

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

- 4.1 Respondent's license to practice medicine and surgery shall be placed on probation for a period of five (5) years, during which Respondent shall comply with the following terms and conditions:
- a. Respondent shall have no personal or intimate contact with any past, current or future female patients, other than his wife.
 - b. Respondent shall notify all case managers, therapists and other mental health professionals involved in referring patients to Respondent that he is under disciplinary restrictions imposed by the Washington State Medical Disciplinary Board.
 - c. For all of Respondent's current and future female patients, Respondent shall take one of the following steps:
 - (1) Respondent shall provide written notice, in the form of the notice attached as Exhibit A to this Stipulation and Agreed Order, that he is under disciplinary restrictions imposed by the Washington State Medical Disciplinary Board, shall ensure that the patient reads and signs the notification, and shall place the signed notification in the patient's chart; or
 - (2) Respondent shall have a case manager, therapist or other mental health professional present at all times when the Respondent sees the patient, and shall have that person sign the patient's chart for each patient visit; or
 - (3) If exigent circumstances prevent Respondent from doing either (1) or (2) above, then Respondent shall place an explanation of those exigent circumstances in the patient's chart and have that explanation counter-signed by another mental health professional.
- 4.2 Respondent shall ensure that all care delivered to patients falls within acceptable standards of medical practice.
- 4.3 COMPLIANCE:

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- 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 probation is lifted by the Board.
- b. In order to monitor compliance with the Order Respondent agrees that a representative of the Board may make announced 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 and 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 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.

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- c. The period of probation shall be tolled for any time period during which Respondent resides and/or practices outside the State of Washington.

4.5 CONTINUING MEDICAL EDUCATION (CME):

- a. Respondent shall complete a total of 25 course hours of CME in the areas of appropriate physician-patient relationships, transference and counter-transference, and/or medical ethics.
- b. Said CME course hours shall be in addition to the CME course hours required for licensure.
- c. Said CME course hours must be approved by the Board or the Board's designee in advance.
- d. Said CME course hours shall be completed by within two years of the date of this Order. Proof of completion shall be submitted to the following address:

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

- 4.6 Pursuant to RCW 18.130.160(8), Respondent shall pay a \$500 fine within ninety (90) days of the effective date of this Order. The fine shall be payable to the State 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. Traffic violations that may occur in the future are not a basis for action by the Board.

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- 4.8 Respondent may petition the Board for a change in the terms and conditions of this Order no sooner than 1 year from the date it is signed by the Board chair.
- 4.9 The Board's jurisdiction over Respondent shall continue until Respondent files a written petition for termination of the Board's jurisdiction and, if the Board so requests, appears personally before the Board. Termination of the Board's jurisdiction shall be by written order of the Board.
- 4.10 This Stipulation and Agreed Order will be subject to the reporting requirements of RCW 18.130.110 and the National Practitioner Data Bank, 45 CFR 60.
- 4.11 This Stipulation and Agreed Order is not binding on Respondent or the Board unless accepted by the Board.
- 4.12 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, Timothy L. Truschel, M.D., hereby certify that I have read this Stipulation and Agreed Order 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 15th day of April, 1993.

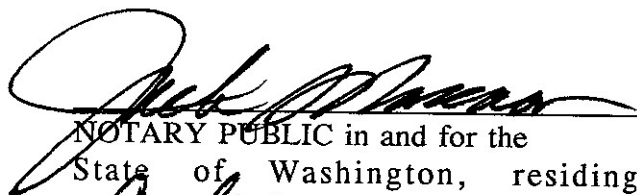


Timothy L. Truschel, M.D.

SUBSCRIBED AND SWORN to before me this 16th day of April, 1993.

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NOTARY PUBLIC in and for the
State of Washington, residing:
Oakburn
My Commission expires: 12-4-94

V. ORDER

The Board accepts the stipulation as stated in the preceding paragraphs. Respondent is ORDERED to comply with the terms and conditions stated in paragraphs 4.1 through 4.7 above. IT IS FURTHER ORDERED that all parties shall be bound by the terms and conditions of section IV above.


DATED this 16 day of April, 1993.

WASHINGTON STATE MEDICAL
DISCIPLINARY BOARD

By: 
Harry T. Brice, M.D., CHAIR

Acting Chairman

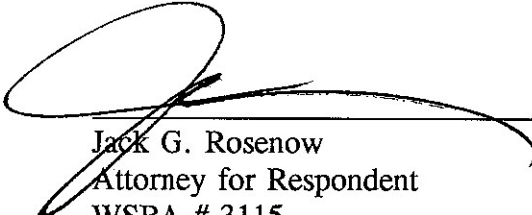
PRESENTED BY:


Eric B. Schmidt
Department of Health Staff Attorney
WSBA # 15403


Maureen A. Mannix
Assistant Attorney General
WSBA # 12521

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APPROVED AS TO FORM,
NOTICE OF PRESENTATION WAIVED:



Jack G. Rosenow
Attorney for Respondent
WSBA # 3115



Timothy L. Truschel, M.D.
Respondent

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STATE OF WASHINGTON
MEDICAL DISCIPLINARY BOARD
DISCLOSURE TO PATIENTS


I certify that I have been informed by Timothy L. Truschel, M.D., that he has entered into a Stipulation and Agreed Order with the Washington State Medical Disciplinary Board, the terms of which prohibit Dr. Truschel from having personal contact with current or former patients. I understand that the Board has taken this action because Dr. Truschel became involved with, and is now married to, a former patient.

Patient Name

Patient Signature

Date

EXHIBIT A


EBS



STATE OF WASHINGTON
MEDICAL DISCIPLINARY BOARD

In the Matter of Disciplinary)
Action Concerning) No. 89-12-0039MD
TIMOTHY L. TRUSCHEL, M.D.,)
Respondent.)
_____)

The Medical Disciplinary Board of the State of Washington (Board), 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.

On or about August 7, 1989 Respondent formed a physician patient relationship with a patient identified as patient No. 1 on the Confidential Schedule, attached hereto and by this reference incorporated herein. The patient presented with a diagnosis in 1987 of Bipolar Disorder and Depression. Respondent continued to treat the patient for therapy for a total of eight visits into October 1989. Within two weeks of terminating therapy, Respondent began a sexual relationship with the then married patient.

The patient has since divorced her husband and has married Respondent.

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III.

The alleged facts and conduct specified in paragraph II above, if proved, constitute grounds for disciplinary action pursuant to RCW 18.130.180(1) which defines unprofessional conduct as:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not....

IV.

The alleged facts and conduct specified in paragraph II above, if proved, constitute grounds for disciplinary action pursuant to RCW 18.130.180(4) which defines unprofessional conduct as:

(4) Incompetence, negligence, nor malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed.

V.

The alleged facts and conduct specified in paragraph II above, if proved, constitute grounds for disciplinary action pursuant to RCW 18.130.180(24) which defines unprofessional conduct as:

(24) Abuse of a client or patient or sexual contact with a client or patient.

VI.

It is further alleged that 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 the 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.

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 16th day of February, 1993.

JAN POLEK
Secretary, Washington State
Medical Disciplinary Board

By:


KRISTIN HAMILTON
HEARINGS MANAGER

Presented by:



Maureen A. Mannix, WSBA No. 12521
Assistant Attorney General
900 Fourth Avenue, Suite 2000
Seattle, Washington 98164
Telephone No. (206) 464-5333

Eric B. Schmidt, WSBA No. 15403
Staff Attorney

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Redaction Summary (0 redactions)

0 Privilege / Exemption reason used:

Redacted pages: