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Adjudicative Clerk
Office

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
SECRETARY OF HEALTH
NATUROPATHY PROGRAM

In the Matter of the License to Practice as a Naturopathic Physician of)	
)	Docket No. 97-09-B-1045 NT
)	
RICHARD A. MARSCHALL, NT532,)	STATEMENT OF CHARGES
Respondent.)	

Vicki Brown, Program Manager of the Naturopathy Program of the Department of Health, on designation by the Secretary of Health, makes the allegations below. Any patients or clients referred to in this Statement of Charges are identified in an attached Confidential Schedule.

Section 1: ALLEGED FACTS

1.1 Richard A. Marschall, Respondent, was issued a license to practice as a Naturopathic physician in the State of Washington in August 1986 and was licensed at all times material hereto.

1.2 In January 1994, Respondent "met" patient A, a resident of California, through an "on-line" computer service and they discussed Patient A's health concerns via the "on-line" service.

1.3 Soon thereafter, Respondent mailed Patient A a Personal History form, a fee schedule, a Patient/Physician contract to read and sign, and instructions on how to take her temperatures.

1.4 After reading Patient A's completed Personal History form and temperature log, Respondent diagnosed Patient A as suffering from "functional hypothyroidism", also known as "Wilson's Syndrome", and determined treatment for that diagnosis in a telephone conversation with Patient A.

1.5 Respondent never performed a physical examination of Patient A and did not order or perform any laboratory tests during his diagnosis of her functional hypothyroidism.

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1.6 On or about January 20, 1994, Respondent prescribed liothyronine, a synthetic thyroid hormone, for Patient A. The liothyronine was mailed to Patient A in California from Bellegrave Pharmacy in Bellevue, Washington.

1.7 In 1995, Respondent diagnosed and treated between 75 to 100 long distance patients for functional hypothyroidism solely via telephone, on-line computer services, and/or mail.

1.8 Respondent treated and prescribed liothyronine for at least five patients (Patients B, C, D, E, and F) who resided in states other than Washington.

1.9 The standard recommended dosage of liothyronine is between 25-75 mcg per day.

1.10 Overingestion of liothyronine is hazardous and can result in the death of the patient.

1.11 Respondent prescribed liothyronine in doses as great as 300 mcg per day to treat functional hypothyroidism; approximately twenty-five percent of his functional hypothyroidism patients received doses of greater than 200 mcg per day.

Section 2: ALLEGED VIOLATIONS

2.1 The violations alleged in this section constitute grounds for disciplinary action pursuant to RCW 18.130.180 and the imposition of sanctions under RCW 18.130.160.

2.2 The facts alleged in paragraphs 1.2 through 1.11 constitute unprofessional conduct in violation of RCW 18.130.180, which provides in part:

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

...

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

...

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service[.]

RCW 18.130.180.

Section 3: NOTICE TO RESPONDENT

The charges in this document affect public health, safety, and welfare and constitute a probability of death or bodily harm. Vicki Brown, Program Manager of the Naturopathy Program of the Department of Health, directs that a notice be issued and served on Respondent as provided by law, giving Respondent the opportunity to defend against these charges. If Respondent fails to defend against these charges, Respondent shall be subject to discipline pursuant to RCW 18.130.180 and the imposition of sanctions under RCW 18.130.160.

DATED this 30 day of Sept, 1997.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NATUROPATHY PROGRAM

Vicki Brown
Vicki Brown, Program Manager

Alan D. Copsey
Alan D. Copsey, WSBA #23305
Assistant Attorney General