

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
SECRETARY OF HEALTH

In the Matter of

No. M2015-742

RICHARD MARSCHALL

Respondent

STIPULATED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND AGREED
ORDER TO CEASE AND DESIST

The Unlicensed Practice Program (Program), by and through Alexander H. Lee, Department of Health Staff Attorney, and, Respondent, represented by counsel, Seth Rosenberg, stipulate and agree to the following:

1. PROCEDURAL STIPULATIONS

1.1 On July 10, 2015, the Program served on Respondent a Notice of Intent to Issue Cease and Desist Order (Notice), which alleges that Respondent violated RCW 18.36A.030, RCW 18.71.021, and RCW 18.130.020(12) by engaging in conduct constituting the unlicensed practice of naturopathy and medicine.

1.2 Respondent understands that the State is prepared to proceed to a hearing on the allegations in the Notice.

1.3 Respondent understands that if the allegations are proven at a hearing, the Secretary of Health has the power and authority to issue a permanent Cease and Desist Order and impose a fine under RCW 18.130.190.

1.4 Respondent has the right to defend against the allegations in the Notice by presenting evidence at a hearing.

1.5 Respondent waives the opportunity for a hearing on the Notice provided that the Secretary of Health accepts this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order to Cease and Desist (Agreed Order).

1.6 The parties agree to resolve this matter by means of this Agreed Order.

1.7 Respondent understands that this Agreed Order is not binding unless and until it is signed by the health law judge and served by the Adjudicative Clerk Office.

1.8 The Agreed Order is a public document and is subject to public disclosure.

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1.9 If the Secretary of Health rejects this Agreed Order, Respondent waives any objection to the participation at hearing of the presiding officer who heard the Agreed Order presentation.

2. FINDINGS OF FACT

Respondent and the Program stipulate to the following facts:

2.1 Respondent's credential to practice as a naturopathic physician was indefinitely suspended in November 2013 and Respondent does not currently hold a credential to practice in the state of Washington.

2.2 On or about November 15, 2013, a Stipulated Findings of Fact, Conclusions of Law and Agreed Order (Agreed Order) was entered and approved in M2010-1493. The Agreed Order suspended Respondent's license to practice as a naturopathic physician, and the effective date of the Agreed Order was November 20, 2013. Respondent does not hold any other health care credential.

2.3 On or about September 12, 2014, a complaint was received indicating the Respondent was holding himself out as a practicing naturopath, soliciting patients and prescribing drugs, despite his suspended license. Attached to the complaint was a page from Respondent's website. The website advertised health care services provided by Respondent and included a telephone number to call for scheduling.

2.4 On or about October 15, 2014, a Department of Health investigator reviewed the website referenced in the complaint. The website was verified as active/operational. Under the heading "Natural Healing Clinic" was Respondent's picture and the following statement:

"My goal as a healthcare provider is to aid my patients in restoring their optimal health. I have been in practice for 27 years. I use careful state-of-the-art medical tests to diagnose patients and treat the root cause of their condition, not merely the symptoms. In addition to routine blood and urine testing, I have at my disposal saliva hormone tests, specialized stool tests, heavy metal toxicity screens, food allergy assays, vitamin assays and the CardioVision. Using the results from these tests, I prescribe natural foods, vitamin and minerals, bio-identical hormones, and biologics to help restore your body to optimal health."

The webpage provided a telephone number under the heading, "To Schedule, call the Natural Healing Clinic today!"

2.5 On or about October 15, 2014, additional web pages were reviewed and printed by a Department of Health investigator, verifying that Respondent's practice appeared to be active and included the utilization of growth hormone for patients.

2.6 On or about December 4, 2014, a Department of Health investigator conducted an unannounced visit to the "Natural Health Clinic." A wooden sign was posted on the lawn stating, "Dr. Richard Marshall, N.D. Naturopathic Medicine, Anti-Aging Medicine-Alternative Family Practice." There was also an "open" sign illuminated in the front window of the business. The investigator rang the doorbell and the Respondent permitted entry. Upon entry, the investigator saw an open room with bottled products displayed, and she obtained business cards and an HcG-Slim brochure. After some dialogue with Respondent, Respondent denied practicing and told the investigator to leave. Upon leaving the investigator noted a large billboard by the side of the road, advertising "healing" with an arrow pointing in the direction of Respondent's place of business.

2.7 In January and May 2015, Department investigators sent request letters to fifteen (15) pharmacies near Respondent's business requesting prescriptions written by Respondent after August 2013. The pharmacy prescription records showed Respondent wrote multiple prescriptions after November 20, 2013. The Department requested copies of the actual prescriptions, which verified that Respondent wrote approximately eighteen (18) prescriptions for patients after the effective date of his suspension.

2.8 On or about April 13, 2015, a signed statement was provided to the investigator from Respondent certifying under penalty of perjury that: "To my knowledge I have not prescribed medication during my suspension."

3. CONCLUSIONS OF LAW

Respondent and the Program agree to entry of the following Conclusions of Law:

3.1 The Secretary of Health, acting through the presiding officer, has jurisdiction over Respondent and over the subject matter of this proceeding.

3.2 Respondent has engaged in the unlicensed practice of naturopathy and medicine in violation of RCW 18.36A.030, RCW 18.71.021, and RCW 18.130.020(12).

3.3 The above violations provide grounds for the issuance of a permanent Cease and Desist Order under RCW 18.130.190.

4. AGREED ORDER

Based on the Findings of Fact and Conclusions of Law, Respondent agrees to entry of the following Agreed Order:

4.1 Respondent shall permanently **CEASE AND DESIST** from engaging in any and all conduct constituting the practice of naturopathic medicine in the state of Washington, unless Respondent has first obtained the requisite health care credential or otherwise meets an exception.

4.2 Respondent shall pay a civil fine in the amount of five thousand dollars (\$5,000.00) within eighteen (18) months of the effective date of this Agreed Order. The fine 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, Unlicensed Practice Program, PO Box 1099, Olympia, WA 98507-1099.

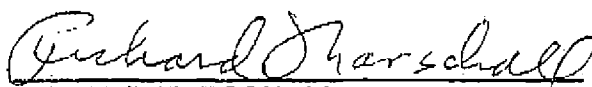
4.3 The effective date of this Agreed Order is the date the Adjudicative Clerk Office places the signed Agreed Order into the U.S. mail. If required, Respondent shall not submit any fees or compliance documents until after the effective date of this Agreed Order.

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5. ACCEPTANCE

I, RICHARD MARSCHALL, Respondent, have read, understand and agree to this Agreed Order. This Agreed Order may be presented to the Secretary of Health without my appearance. I understand that I will receive a signed copy if the Secretary of Health accepts this Agreed Order.



**RICHARD MARSCHALL
RESPONDENT**

9-21-15

DATE



**SETH ROSENBERG, WSBA #41660
ATTORNEY FOR RESPONDENT**

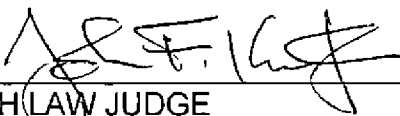
9-21-15

DATE


6. ORDER

The Secretary of Health accepts this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order to Cease and Desist. It is ordered that all parties shall be bound by the terms and conditions of Section 4.

DATED: September 23, 2015


HEALTH LAW JUDGE
PRESIDING OFFICER

PRESENTED BY:


ALEXANDER H. LEE, WSBA #35824
DEPARTMENT OF HEALTH STAFF ATTORNEY

Sept. 21, 2015
DATE