

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
BOARD OF OSTEOPATHIC MEDICINE AND SURGERY**

In the Matter of

ANN B. MCCOMBS
Credential No. DO.OP.00001238

Respondent

No. M2008-118519

**STIPULATION TO INFORMAL
DISPOSITION**

1. STIPULATION

1.1 The Executive Director of the Board of Osteopathic Medicine and Surgery (Board), on designation by the Board, has made the following allegations.

A. On July 14, 1989, the state of Washington issued Respondent a credential to practice as a doctor of osteopathic medicine and surgery.

Respondent's credential is currently active.

B. Patient A was treated from December 13, 2005, through May 1, 2006. During that time, Respondent allowed Employee A to draw blood, inject patients, and perform intravenous therapies, but he had no health care credential during that time.

C. At times pertinent hereto, Respondent has advertised that she is board certified in pain management. Respondent has never been certified in pain management by a board recognized by either the American Osteopathic Association or the American Medical Association.

1.2 Respondent admits the allegations in Paragraph 1.1.A. Respondent does not admit the allegations in paragraph 1.1.B and 1.1.C. This Stipulation to Informal Disposition (Stipulation) shall not be construed as a finding of unprofessional conduct or inability to practice.

1.3 Respondent acknowledges that a finding of unprofessional conduct or inability to practice based on the above allegations, if proven, would constitute grounds for discipline under RCW 18.130.180(3), (4), (7), (10) and (14) and WAC 246-853-100(1).

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1.4 Respondent agrees that pursuant to RCW 18.130.172 any sanction as set forth in RCW 18.130.160, except subsections (1), (2), (6), and (8), may be imposed as part of this stipulation, but the Respondent may agree to reimburse the disciplinary authority the costs of investigation and processing the complaint up to an amount not exceeding one thousand dollars per allegation.

1.5 The parties wish to resolve this matter by means of this Stipulation pursuant to RCW 18.130.172(1).

1.6 This Stipulation is of no force and effect and is not binding on the parties unless and until it is accepted by the Board.

1.7 This Stipulation is not formal disciplinary action. However, if the Board accepts this Stipulation, it will be reported to the Health Integrity and Protection Databank (45 CFR Part 61), and elsewhere as required by law. It is a public document and will be placed on the Department of Health's website and otherwise disseminated as required by the Public Records Act (Chap. 42.56 RCW).

1.8 The Board agrees to forego further disciplinary proceedings concerning the allegations.

1.9 Respondent agrees to successfully complete the terms and conditions of this informal disposition.

1.10 Respondent understands that a violation of this Stipulation, if proven, would constitute grounds for discipline under RCW 18.130.180 and the imposition of sanctions under RCW 18.130.160.

2. COMPLIANCE WITH SANCTION RULES

2.1 The disciplinary authority applies WAC 246-16-800, *et seq.*, to determine appropriate sanctions. WAC 246-16-800(2)(c) requires the disciplinary authority to impose terms based on a specific sanction schedule unless "the schedule does not adequately address the facts in a case."

2.2 Respondent's alleged conduct falls in Tier A of the "Practice Below Standard of Care" schedule, WAC 246-16-810. The sanction range associated with that tier does adequately address the alleged facts of this case.

2.3 The disciplinary authority considered the following aggravating factors:

A. Experience in practice.

2.4 The disciplinary authority considered the following mitigating factors:

- A. Patient A was not injured.
- B. Inadvertent rather than intentional act.
- C. No past disciplinary record.
- D. Potential for successful rehabilitation.
- E. Present competence to practice.

3. INFORMAL DISPOSITION

The parties agree to the following:

3.1 Respondent's credential to practice as a doctor of osteopathic medicine and surgery in the state of Washington shall be placed on **PROBATION** for at least one (1) year commencing on the effective date of this Stipulation. During the course of probation, Respondent shall comply with all of the following terms and conditions.

3.2 Respondent shall reimburse costs to the Board in the amount of two thousand dollars (\$2,000.00) which must be received by the Board within one (1) year of the effective date of this Stipulation. 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, Board of Osteopathic Medicine and Surgery at PO Box 1099, Olympia, Washington 98507-1099. Credit or Debit cards can also be used for payment at the front counter of the Department of Health building at 310 Israel Road SE, Tumwater, Washington 98501, during regular business hours.

3.3 Respondent shall not employ un-credentialed individuals to work as health care providers in her office.

3.4 Respondent shall insure that credentialed health care providers who work in her office practice within the scope of his or her health care credential.

3.5 Within ten (10) business days of the effective date of this Stipulation, Respondent shall verify in writing to the Board the names and credential numbers of employees who work as health care providers in her office, and shall verify in writing the scope of practice of these individuals.

3.6 Within two (2) weeks before the end of the PROBATIONARY period, Respondent shall again verify in writing to the Board the names and credential numbers

of employees who work as health care providers in her office, and shall verify again in writing the scope of practice of these individuals.

3.7 Within ten (10) business days of the effective date of this Stipulation, Respondent shall submit copies of any advertising, including web sites, business cards, and brochures to the Compliance Unit. The Board or its designee shall review the documents and determine whether they are within the requirements of Washington law.

3.8 Within two (2) weeks before the end of the PROBATIONARY period, Respondent shall again submit copies of any advertising, including web sites, business cards, and brochures to the Compliance Unit. The Board or its designee shall review the documents and determine whether they are within the requirements of Washington law.

3.9a If the Board of Osteopathic Medicine and Surgery has completed a jurisprudence examination within ninety (90) days of the end of Respondent's probationary period, Respondent shall pass with a score of one hundred per cent (100%) the jurisprudence examination for new licensees.

3.9b If the Board has not adopted the jurisprudence examination in its final version within ninety (90) days of the date that Respondent's probationary period is to end, Respondent shall submit to the Board for its approval a paper, typewritten in ten or twelve point font, of 500 to 1,000 words, demonstrating that she has reviewed the statutes and regulations pertaining to physician's assistants and other ancillary medical staff and the requirements of supervising them. If the Board does not approve Respondent's paper and asks her to redo it, the Board shall be specific in its objections and requirements. Respondent shall not have completed her probationary period until the Board has approved the paper.

3.10 All documentation required by this Stipulation shall be sent to Department of Health, Compliance Unit, P.O. Box 47873, Olympia, WA 98504-7873.

3.11 Respondent is responsible for all her costs of complying with this Stipulation.

3.12 Respondent shall inform the Board and the Adjudicative Clerk Office, in writing, of changes in Respondent's residential and/or business address within thirty (30) days of the change.

3.13 The effective date of this Stipulation 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. RESPONDENT'S ACCEPTANCE

I, ANN B. MCCOMBS, have read, understand and agree to this Stipulation. This Stipulation may be presented to the Board without my appearance. I understand that I will receive a signed copy if the Board accepts this Stipulation.

Ann B. McCombs
ANN B. MCCOMBS
RESPONDENT

2-1-10
DATE

Jan C. Kirkwood
JAN C. KIRKWOOD, WSBA #11092
ATTORNEY FOR RESPONDENT

February 1, 2010
DATE

5. BOARD ACCEPTANCE

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

DATED: March 19, 2010.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
BOARD OF OSTEOPATHIC MEDICINE AND
SURGERY

William Hart
PANEL CHAIR

PRESENTED BY:

Jane M. WSA #17246 for
JUDY L. YOUNG, WSBA #3797
DEPARTMENT OF HEALTH STAFF ATTORNEY

3/19/2010
DATE