

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

|  |   |                                     |
|--|---|-------------------------------------|
| In the Matter of the License to Practice<br>Medicine and Surgery of: | ) |                                     |
|  | ) | <b>Docket No. 97-06-A-1243MD</b>    |
|  | ) | (Prior OPS No. 94-11-03-484MD)      |
|  | ) |                                     |
| RICHARD C. HEITSCH, M.D.   | ) |                                     |
| License No. 16822  | ) | <b>STIPULATED FINDINGS OF FACT,</b> |
|  | ) | <b>CONCLUSIONS OF LAW, AND</b>      |
| Respondent   | ) | <b>AGREED ORDER</b>                 |
|  | ) |                                     |
|  | ) |                                     |
|  | ) |                                     |
|  | ) |                                     |

---

The Medical Quality Assurance Commission, (the Commission), by and through Department of Health Staff Attorney Michael L. Bahn, and, Richard C. Heitsch, M.D., (Respondent), by and through his attorney of record, Dwayne A. Richards, stipulate and agree to the following:

**Section 1: PROCEDURAL STIPULATIONS**

- 1.1 At all times material to the Statement of Charges, the Respondent has been licensed to practice medicine and surgery in the state of Washington.
- 1.2 On October 18, 1995, the Commission issued a Statement of Charges regarding the Respondent's practice of medicine and surgery.
- 1.3 On January 22, 1997, the Commission, at the mutual request of the Respondent and the Department of Health, issued a Stipulation and Order to Stay Proceedings for the purpose of allowing the parties to formulate a Stipulation and Interim Agreed Order.
- 1.4 On January 24, 1997, the Commission issued a Stipulation and Interim Agreed Order. Subsequently through 1997 various pre-hearing orders were issued. A hearing was started on October 21, 1997, and continued to the April 1998 meeting of the Commission.

//

**ORIGINAL**

**REDACTED**

1.5 Pursuant to the impact of the Stipulation and Interim Agreed Order, the further orders, and subsequent activities on this matter; for the purpose of avoiding the expense of a potentially extensive hearing; to best address the Respondent's practice situation; and to fulfill the purposes of the Commission, the Respondent and the Commission desire to resolve this matter by means of this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order, (Agreed Order).

1.6 The Commission and the Respondent agree by stipulation that this Agreed Order fully and finally resolves the all the complaint allegations of unprofessional conduct set forth in Program File Nos. 93-05-0030MD, 93-11-0024MD, 94-06-0001MD, 94-07-0043MD, 94-10-0037MD, and 94-12-0014MD. For purposes of this resolution the Commission and the Respondent agree by stipulation that this Agreed Order's Stipulated Facts will reflect only those facts pertinent to Program File Nos. 93-05-0030MD and 93-11-0024MD.

1.7 The Respondent understands and acknowledges that the Commission is prepared to proceed to a hearing on all the allegations in the Statement of Charges.

1.8 The Respondent understands and acknowledges that he has the right to defend himself against the allegations in the Statement of Charges by presenting evidence to support his position at a hearing. By stipulation the Respondent accepts the following facts supporting the allegations.

1.9 The Respondent understands and acknowledges that if the allegations are proven at a hearing, the Commission has the authority to impose sanctions pursuant to RCW 18.130.160.

1.10 The Respondent understands and acknowledges that this Agreed Order is not binding until it is accepted by the Commission as indicated below by the Panel Chairperson's signature.

1.11 The Respondent understands and acknowledges that the resolution of this matter and this accepted Agreed Order will be subject to the reporting requirements of RCW 18.130.110, and the interstate/national reporting systems including, (but not limited to), the National Practitioner Data Bank, pursuant to 45 CFR 60.

**ORIGINAL**

**REDACTED**

1.12 The Respondent understands and acknowledges that at the presentation of this Agreed Order before the Commission, the parties may be asked for information regarding the facts and propriety of this resolution. The Respondent has the right to be present, ask and answer questions, and submit argument as to the appropriateness of this Agreed Order.

1.13 WAIVERS:

A. The Respondent waives the opportunity for a hearing on the Statement of Charges, contingent upon the acceptance and entry of this Agreed Order.

B. The Respondent waives any objection to the participation of the Commission members, who hear the presentation of this Agreed Order, being on the hearing panel in the event that this resolution is rejected and this matter proceeds to a hearing.

**Section 2: STIPULATED FACTS**

The patient referred to in the following is identified in the attached Confidential Schedule. The Commission and the Respondent stipulate to the following facts:

2.1 On or about November 27, 1992, Patient 1 presented to the Emergency Room of Southwest Washington Medical Center, (SWWMC), with complaints of severe abdominal pain and distention, nausea and vomiting for two days; last bowel movement unknown.

2.2 The Respondent was called to surgically evaluate Patient 1 in the SWWMC Emergency Room following examination and testing by the SWWMC emergency room staff. Diagnostic testing suggested Patient 1 suffered from an acute abdomen consistent with a small bowel obstruction.

2.3 The Respondent evaluation Patient 1 at the SWWMC on November 27, 1992 and noted that Patient 1's x-rays indicated a distended small bowel compatible with a small bowel obstruction. Patient 1 had a WBC of 17,000 with a left shift. Patient 1 was dehydrated and demonstrated abdominal distention and tenderness.

2.4 The Respondent's diagnosis was that Patient 1 had the flu. Patient 1 was admitted to SWWMC for hydration and observation. Pain medication was ordered.

**ORIGINAL**

**REDACTED**

2.5 Without conducting any further studies or evaluation, the Respondent discharged Patient 1 noting only that Patient 1 continued to have some abdominal distention and discomfort but was much better. The Respondent indicated that he would follow Patient 1 after discharge.

2.6 On or about November 30, 1992, Patient 1 died from a ~~perforated~~ <sup>STRANGULATED</sup> bowel and ~~sepsis~~ <sup>MRB</sup>.

### Section 3: CONCLUSIONS OF LAW

The Commission and the Respondent stipulate to the entry of the following conclusions:

3.1 The Commission has jurisdiction over this matter and the Respondent's license and practice of medicine and surgery in the state of Washington, pursuant to RCW 18.130.

3.2 The Commission is authorized to find unprofessional conduct, pursuant to RCW 18.130.180(4), when the Respondent's conduct in his practice fails to meet the standard of care.

3.3 The above facts set forth in paragraphs 2.1 through 2.6, could be found to constitute unprofessional conduct pursuant to RCW 18.130.180(4).

3.4 The violation of the Uniform Disciplinary Act is grounds for the imposition of sanctions pursuant to RCW 18.130.160.

3.5 The Commission and the Respondent may enter into this stipulated disposition of the charges pursuant to RCW 18.130.160.

3.6 This stipulated disposition of the charges with this Agreed Order is formal disciplinary action by the Commission.

//  
//  
//  
//  
//  
//  
//

**ORIGINAL**

**REDACTED**

#### Section 4: TERMS OF AGREEMENT

Based upon the preceding stipulations and conclusions, the Commission and the Respondent agree to the following:

4.1 The Respondent agrees that his license to practice shall be put on a two-year probationary status beginning at the date of the Commission's acceptance of this Agreed Order. He agrees to appear before the Commission within one year of the execution of this Agreed Order, and thereafter as determined by the Commission at the time of the first appearance.

4.2 The Respondent has adopted procedures for medical record keeping which are in a form recommended by the AMA -- The Health Care Financing Administration. The Respondent agrees to continue to maintain his medical record keeping pursuant to this program.

4.3 The Respondent agrees to reimburse the Commission for a portion of the costs of the investigation of this matter in the amount of \$1,500.00, which is to be paid within six months of the Commission's acceptance of this Agreed Order. The Respondent's check is to be submitted to the Department of Health, Accounting Department, P. O. Box 1099, Olympia, WA 98507-1099.

4.4 The Respondent has successfully completed the Providence Hospital, (Portland, OR), CME course for internal medicine, provided for Board certification of the internal medicine specialists, and has been awarded forty-eight (48) hours of CME credit. The Respondent has also enrolled in and has completed approximately one-third (1/3) of the credits for a Master's Degree in Public Health, with a program coordinated between Portland State University and Oregon State University. His present GPA is 3.7, and he has approximately one and one-half (1 1/2) to two (2) years remaining to obtain this degree. The Respondent agrees that he shall continue in substantial compliance with his course work for the completion of this program during his probationary status.

//  
//  
//  
//

**ORIGINAL**

**REDACTED**

The Respondent has also enrolled for the 1998 and 1999 terms with the California Medical Association for four (4) hours, monthly, of CME tapes, which include required responsive questionnaires, on the subjects of internal medicine and family practice. The Respondent completed twelve (12) hours of internal medicine CME with this program in 1997, and to this date in 1998 has completed approximately twelve (12) hours in internal medicine and twelve (12) hours in family practice CME's. The Respondent agrees that he shall continue these CME courses with substantial compliance with this program through 1999.

4.5 The Respondent agrees to work with a physician, to be approved by the Commission, or its designee, who will act as a preceptor for two (2) years after the date of the Commission's acceptance of this Agreed Order. The Respondent will have the opportunity to petition the Commission at the end of one (1) year for release of the preceptorship. The Respondent agrees that he shall pay all costs in connection with the preceptorship.

4.6 The Respondent agrees to have his preceptor review ten or more patient charts of randomly selected patients seen by the Respondent in the preceding month, and to have the preceptor submit to the Commission, or its designee, an initial report within sixty (60) days of the commencement of the preceptorship. Within ninety (90) days after the initial report the Respondent will have the preceptor submit a second report. Thereafter, the frequency of the reports will be on a quarterly basis, unless it is determined by the Commission, or its designee, that good cause exists for more frequent reports.

4.7 The Respondent agrees to have the preceptor consider and incorporate in his/her report some form of verification that the Respondent is in substantial compliance with the CME provisions outlined above in paragraph 4.4.

4.8 The Respondent agrees that the preceptor will be asked to immediately contact the Commission, or its designee, regarding any exigent circumstance that would reflect a breach of the standard of care by the Respondent.

//

//

**ORIGINAL**

**REDACTED**

4.9 The Respondent agrees to have the preceptor consider and incorporate in his/her reports comments with a focus on the Respondent's patient assessment skills, record keeping/documentation skills as referenced above in paragraph 4.2, and the respondent's general compliance with the standards of care and good medical practice.

4.10 The Respondent agrees to obey all federal and Washington state laws and administrative rules regulating the profession.

4.11 The Respondent agrees to inform the Commission of any changes in his residential and business addresses.

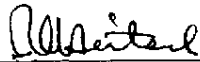
**Section 5: RESPONDENT'S ACCEPTANCE**

I, Richard C. Heitsch, M.D., hereby certify that I have read this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order in its entirety; that my counsel of record, Dwayne Richards, has fully explained the legal significance and consequence of this Order; and that I fully acknowledge and understand all the stipulations, agree to the terms, and approve for entry this Order.

In witness hereof, I affix my signature this 16<sup>th</sup> day of April, 1998.

Signed:

Approved by:



Richard C. Heitsch, M.D.  
Respondent



Dwayne A. Richards, WSBA #2556  
Attorney for Respondent

//  
//  
//  
//  
//

**ORIGINAL**

**REDACTED**

**Section 6: AGREED ORDER**

The Commission accepts the resolution of this matter by this Stipulation of Findings of Fact, Conclusions of Law, and Agreed Order. IT IS ORDERED that all parties shall be bound by the terms and conditions set forth in Section 4. Should the Respondent violate any of the terms of the agreement, the Commission may take further action against his license.

DATED this 16<sup>th</sup> day of April, 1998.

STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
MEDICAL QUALITY ASSURANCE COMMISSION

By: *M. Estelle Connolly*  
Panel Chairperson

Prepared and Presented by:

*Michael L. Bahn*  
Michael L. Bahn, WSBA #16009  
Staff Attorney

**ORIGINAL**

**REDACTED**