



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Thomas Laney, MD, DDS
Docket No.: 03-07-A-1024MD
Document: Final Order

Regarding your request for information about the above-named practitioner, certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld:

The identity of the complainant if the person is a consumer, health care provider, or employee, pursuant to RCW 43.70.075 (Identity of Whistleblower Protected) and/or the identity of a patient, pursuant to RCW 70.02.020 (Medical Records - Health Care Information Access and Disclosure)

If you have any questions or need additional information regarding the information that was withheld, please contact:

Customer Service Center
P.O. Box 47865
Olympia, WA 98504-7865
Phone: (360) 236-4700
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Deputy Secretary, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

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

In the Matter of the License to Practice)	
As a Physician and Surgeon of:)	Docket No. 03-07-A-1024MD
)	
THOMAS J. LANEY, M.D., D.D.S.)	STIPULATED FINDINGS OF FACT,
License No. MD00024468)	CONCLUSIONS OF LAW AND
)	AGREED ORDER
Respondent)	
)	

The Medical Quality Assurance Commission, (Medical Commission) by and through Rosemary J. Irvin, Department of Health Staff Attorney, and Thomas J. Laney, M.D, represented by Katharine Brindley, stipulate and agree to the following:

Section 1: PROCEDURAL STIPULATIONS

1.1 Thomas J. Laney, M.D., D.D.S., Respondent was issued a license to practice as a physician and surgeon by the state of Washington on January 28, 1987. Respondent also was licensed as a dentist by the state of Washington in 1981 under Dental License No. DE00005663. Respondent's license to practice as a dentist is subject to Stipulated Findings of Fact, Conclusion of Law, and Agreed Order in Case No. 03-05-A-1081DE. Case No. 03-05-A-1081DE arose out of the same facts as this present case before the Medical Commission.

1.2 The Medical Commission has authorized a Statement of Charges against Respondent. Respondent accepts formal service of the Statement of Charges simultaneous with the proposed Stipulated Findings of Fact, Conclusion of Law, and Agreed Order in this case.

1.3 The Statement of Charges alleges that Respondent violated RCW 18.130.180 (4).

1.4 Respondent understands that the State is prepared to proceed to a hearing on the allegations in the Statement of Charges.

1.5 Respondent understands that he has the right to defend himself against the allegations in the Statement of Charges by presenting evidence at a hearing.

1.6 Respondent understands that, should the State prove at a hearing the allegations in the Statement of Charges, the Commission has the power and authority to impose sanctions pursuant to RCW 18.130.160.

1.7 Respondent and the Commission agree to expedite the resolution of this matter by means of this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order (Agreed Order).

1.8 Respondent waives the opportunity for a hearing on the Statement of Charges contingent upon signature and acceptance of this Agreed Order by the Commission.

1.9 This Agreed Order is not binding unless and until it is signed and accepted by the Commission.

1.10 Should this Agreed Order be signed and accepted it will be subject to the reporting requirements of RCW 18.130.110, the requirements of 45 CFR and 61, and any other applicable interstate/national reporting requirements.

1.11 Should this Agreed Order be rejected, Respondent waives any objection to the participation at hearing of any of the Commission members who heard the Agreed Order presentation.

Section 2: STIPULATED FACTS

The State and Respondent stipulate to the following facts:

2.1 Thomas J. Laney, M.D., D.D.S., Respondent was issued a license to practice as a physician and surgeon by the state of Washington in January 1987. Respondent also was licensed as a dentist by the state of Washington in 1981 under Dental License No. DE00005663. Respondent's license to practice as a dentist is subject to Stipulated Findings of Fact, Conclusion of Law, and Agreed Order in Case No. 03-05-A-1081DE. Case No. 03-05-A-1081DE arose out of the same facts as this present case before the Medical Commission.

2.2 On September 25, 2000, Respondent performed surgery on Patient A, a [REDACTED]-year-old male. Patient A underwent genioplasty, neck/face liposuction, and out-fracturing of turbinates with placements of Doyle splints, under general anesthesia in Respondent's office. The surgery went without complication. However, just before discharge, Patient A developed a swelling in the neck. Conservative treatment did not resolve the evolving hematoma of the lip, chin, and neck.

2.3 Respondent obtained Patient A's consent to return to the operating room for definitive treatment of the hematoma.

2.4 Respondent determined to proceed with monitored anesthesia care (MAC) sedation without intubation. As the procedure progressed, Patient A's airway was progressively more difficult to maintain. The CRNA was required to use a jaw thrust to maintain the airway.

2.5 When the CRNA who performed the anesthesiology suggested the use of an oral airway, Respondent directed her not to use this procedure.

2.6 Approximately fifty-four (54) minutes into the procedure, Patient A ceased breathing. The CRNA attempted without success to intubate. CPR was started six (6) minutes after breathing ceased. When paramedics arrived approximately twenty (20) minutes later, they did intubate successfully. However, Patient A never regained consciousness and died the next day.

2.7 The State of Washington finds that Respondent has successfully taken and completed the following actions prior to entry of this Order:

- 2.7.1 Respondent has attended two full-day ACLS training courses (25.25 hours) approved by the Dental Quality Assurance Commission.
- 2.7.2 Respondent has completed twenty-two (22) hours of continuing education in emergency management of compromised airway and anesthesia emergencies.
- 2.7.3 Respondent has completed an additional nine-and-one-half hours (9.5) of continuing education on anesthetic management of a patient.
- 2.7.4 Respondent has become a surveyor for the Accreditation Association for Ambulatory Health Care (AAAHC), and has attended two courses on surveyor training, totaling sixteen (16) hours of continuing education. Respondent has conducted three site surveys in his role as surveyor for the AAAHC.
- 2.7.5 Respondent also has been continuously accredited by AAAHC since 1995.
- 2.7.6 Respondent has contracted with an outside independent consultant to review his anesthesia services, audit emergency protocols in his office and review responses to simulated and actual emergency situations. Respondent has increased the frequency of code drills to a monthly event, and has updated his code cart equipment. Respondent's Fire, Safety and Disaster Team keeps minutes of its monthly meetings and documents all code drills.
- 2.7.7 Respondent has contracted with a M.D. board-certified anesthesiologist, with experience in-office anesthesia services for those procedures requiring procedural sedation anesthesia.

- 2.7.8 Respondent has completed an in-office inspection for anesthesia as mandated by the Washington State Society of Oral and Maxillofacial Surgeons (WSSOMS) and the American Association of Oral and Maxillofacial Surgeons (AAOMS). This review includes: demonstration of simulated emergencies involving the doctor and staff; examination of office anesthesia equipment, records, medications and recovery facilities; and a discussion period with the reviewer and the doctor.
- 2.7.9 An AAAHC site review was conducted on Respondent's practice on February 2, 2004. This is a very thorough review of the entire practice, including all anesthesia issues and management of emergencies. The surveyor found the office to be in full compliance.
- 2.7.10 A practice inspection was conducted by the Department of Health on May 28, 2004. At that time Respondent's office staff provided: copies of documents pertaining to the code drills and the code equipment cart; a copy of the curriculum vitae of the board-certified anesthesiologist MD and his contract with Respondent; the office work days for the anesthesiologist; and a copy of the survey report done by AAAHC. The Department of Health MQAC investigator and Physician Assistant Consultant also spoke with Respondent and toured Respondent's facility.

Section 3: CONCLUSIONS OF LAW

The State and Respondent agree to the entry of the following Conclusions of Law:

- 3.1 The Commission has jurisdiction over Respondent and over the subject matter of this proceeding.
- 3.2 Respondent acknowledges that the evidence is sufficient to justify a finding that the management of Patient A's airway constituted unprofessional conduct in violation of RCW 18.130.180(4).
- 3.3 Respondent was formally charged by the Dental Quality Assurance Commission ("DQAC") under his dental license for allegations based on the same facts as the Statement of Charges in this action. The Respondent has entered into a Stipulated Order with DQAC and a three-thousand-dollar (\$3000) fine was imposed.
- 3.4 As DQAC has already sanctioned Respondent's conduct, and Respondent has instituted corrective measures to prevent future events similar to those that constitute this action, no

additional sanctions are necessary under RCW 18.130.160 to protect the public, except as follows.

Section 4: AGREED ORDER

Based on the preceding Stipulated Facts and Conclusions of Law, Respondent agrees to entry of the following Order:

4.1 Respondent is REPRIMANDED for the conduct giving rise to the Statement of Charges.

4.2 Within sixty (60) days after service of this Agreed Order, Respondent shall pay a fine of one thousand dollars (\$1000) by certified or cashier's check or money order to the State Treasurer and mailed to:

Department of Health
Revenue Section
PO Box 1099
Olympia, WA 98507-1099

4.3 Respondent shall continue to conform to accreditation requirements of the Accreditation Association for Ambulatory Care, and in-office anesthesia requirements as mandated by the Washington State Society of Oral and Maxillofacial Surgeons (WSSOMS) and the American Association of Oral and Maxillofacial Surgeons (AAOMS).

4.4 Respondent shall obey all federal, state and local laws and all administrative rules governing the practice of medicine.

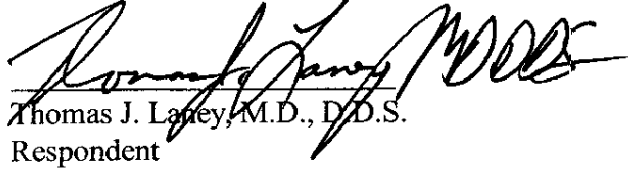
4.5 Respondent shall be subject to the jurisdiction of this Order for one year from the effective date of this Order or until all conditions in Section 4 are completed, whichever is longer. Before release from the terms and conditions of this Order, the Commission shall review compliance with this Order. If Respondent has satisfactorily completed all the terms and conditions, Respondent may be administratively released.

I, Thomas Laney, M.D., D.D.S., Respondent, certify that I have read this Stipulated Findings of Fact, Conclusions of Law and Agreed Order in its entirety; that my counsel of record, if any, has fully explained the legal significance and consequence of it; that I fully understand and agree to all of it; and that it may be presented to the Commission without

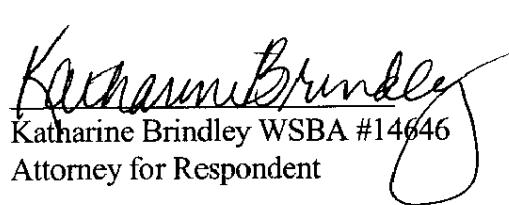
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my appearance. If the Commission accepts the Stipulated Findings of Fact, Conclusions of Law and Agreed Order, I understand that I will receive a signed copy.


Thomas J. Laney, M.D., D.D.S.
Respondent

9/9/04
Date


Katharine Brindley WSBA #14646
Attorney for Respondent

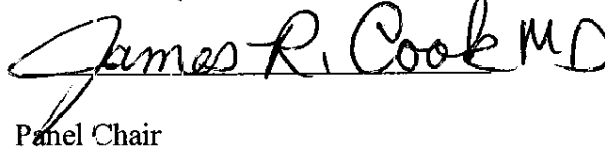
9/9/04
Date

Section 5: ORDER


The Commission accepts and enters this Stipulated Findings of Fact, Conclusions of Law and Agreed Order.

DATED this 7 day of October, 2004.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION


James R. Cook MD

Panel Chair

Presented by:

Rosemary J. Irvin WSBA #8137.
Department of Health Staff Attorney

10-7-04
Date

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