



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
Olympia, Washington 98504

RE: Jerry N. Mixon, M.D.  
Docket No.: 01-12-A-1005MD  
Document: Order of Release

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: **NONE**

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: )

JERRY N. MIXON, M.D., )  
License No. MD00023643, )

Respondent. )  
\_\_\_\_\_ )

Docket No. 01-12-A-1005MD

ORDER ON REQUEST FOR  
TERMINATION OF COMMISSION  
ORDER

**APPEARANCES:**

Respondent, Jerry N. Mixon, M.D., by  
Fain Sheldon Anderson & VanDerhoef, PLLC, per  
John Gagliardi, Attorney at Law

Department of Health Medical Program, by  
Michael Weisman, Staff Attorney

**COMMISSION PANEL:** Judith Tobin, Public Member, Panel Chair  
Athalia Clower, PA-C  
Bruce Cullen, M.D.  
Theresa Elders, Public Member  
Hampton Irwin, M.D.  
Chelle Moat, M.D.  
Cabell Tennis, JD, Public Member

**PRESIDING OFFICER:** Lin D. O'Dell, Health Law Judge

The Medical Quality Assurance Commission (the Commission) convened a hearing on August 25, 2006. The Reviewing Commission Member, Rogelio Ruvalcaba, M.D, was not present and did not participate in the decision. The Respondent was compliant in his final compliance hearing. The license of Jerry N. Mixon, M.D., previously subject to probation and disciplinary restrictions, is  
**REINSTATED WITHOUT RESTRICTION.**

**ORDER ON REQUEST FOR  
TERMINATION OF COMMISSION  
ORDER**

Page 1 of 5

Docket No. 01-12-A-1005MD

Based on consideration of the evidence presented at the hearing and the files and records herein, the Commission hereby issues the following:

### **PROCEDURAL HISTORY**

On March 3, 2002, the Commission issued a Statement of Charges against the Respondent alleging the Respondent had committed unprofessional conduct in his practice. An Amended Statement of Charges was served on March 21, 2002. On July 1, 2002 a Stipulated Findings of Fact, Conclusions of Law and Agreed Order (Agreed Order) was accepted by the Commission in which the Respondent was required, *inter alia*, to be subject to practice reviews and compliance appearances annually for three years; to monitor and chaperone all disrobed female patients and maintain a log of such patients. Respondent also agreed to successfully complete the 18 hour Professional/Problem Based Ethics Program, undergo a psychological evaluation, and complete a therapy program if advised by the evaluator. The Respondent was administratively fined \$5,000.

The Respondent appeared for a compliance review in July 2003. The July 2004 review was continued until October 2004 and then postponed again. No new date was set by the Commission. The Respondent attended his second review in November 2005, and the last one on the date of this hearing. On all occasions he was found to be in compliance with the agreed order.

On July 11, 2006, the Respondent filed a Petition for Release from the Commission Oversight. On August 1, 2006, the Adjudicative Service Unit issued a

Notice of Modification/Reinstatement Hearing on the Respondent's petition for release setting the hearing on August 25, 2006.

At the hearing, the Department and the Respondent set forth their respective arguments, the Respondent testified on his own behalf, and the Commission considered the Respondent's current status and the provisions of the Prior Order.

The record for consideration of this termination request consists solely of the disciplinary packet provided to the Commission members in advance of the hearing (Exhibit A).

Based upon the evidence and testimony presented, the Commission makes the followings:

#### **I. FINDINGS OF FACT**

1.1 The Respondent is a physician duly licensed as a physician and surgeon in the state of Washington and his practice has been subject to the continuing discipline of the Agreed Order.

1.2 The Respondent has fully complied with the requirements of the Agreed Order. He is currently not providing clinical services to patients, but manages and develops the corporate aspects of his practice. The Respondent has employed two physicians in his clinic and he does not intend to resume direct patient care.

1.3 The Department supports the termination request as both timely and appropriate. The Commission agrees and finds the Respondent's medical license should no longer be subject to any disciplinary restriction.

## II. CONCLUSIONS OF LAW

2.1 The Commission has jurisdiction over the Respondent and over the subject matter herein. As provided by RCW 18.71.019, the Uniform Disciplinary Act, Chapter 18.130 RCW (UDA) governs the discipline of physician licensees by the Commission.

2.2 RCW 18.130.160 permits the Commission to fashion appropriate remedies in disciplining the Respondent including, without limitation, imposing restrictions or limitations on the Respondent's practice. The Agreed Order provided for restrictions and/or limitations of the Respondent's practice, and the Commission must consider what is necessary to protect the public in imposing sanctions.

RCW 18.130.160.

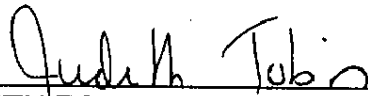
## III. ORDER

Based on the foregoing Procedural History, Findings of Fact and Conclusions of Law, the Commission makes the following order:

The termination request of the Respondent, Jerry N. Mixon, M.D., is GRANTED. The Respondent thereby has an unrestricted license to practice as a physician and surgeon in the state of Washington. The effective date of the termination of the discipline imposed by the Agreed Order is August 25, 2006.

Dated this 20 day of September, 2006.

**Medical Quality Assurance Commission**

  
\_\_\_\_\_  
JUDITH TOBIN, PUBLIC MEMBER  
Panel Chair

ORDER ON REQUEST FOR  
TERMINATION OF COMMISSION  
ORDER

Page 4 of 5

Docket No. 01-12-A-1005MD

FOR INTERNAL USE ONLY: (Internal tracking numbers)  
Program No. 2000-12-0018

### NOTICE TO PARTIES

This order is subject to the reporting requirements of RCW 18.130.110, Section 1128E of the Social Security Act, and any other applicable interstate/national reporting requirements. If adverse action is taken, it must be reported to the Healthcare Integrity Protection Data Bank.

Either party may file a **petition for reconsideration**. RCW 34.05.461(3); RCW 34.05.470. The petition must be filed within 10 days of service of this Order with:

Adjudicative Service Unit  
P.O. Box 47879  
Olympia, WA 98504-7879

and a copy must be sent to:

Medical Quality Assurance Commission  
PO Box 47866  
Olympia, WA 98504-7866

The petition must state the specific grounds upon which reconsideration is requested and the relief requested. The petition for reconsideration is considered denied 20 days after the petition is filed if the Adjudicative Service Unit has not responded to the petition or served written notice of the date by which action will be taken on the petition.

A **petition for judicial review** must be filed and served within 30 days after service of this order. RCW 34.05.542. The procedures are identified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. A petition for reconsideration is not required before seeking judicial review. If a petition for reconsideration is filed, however, the 30-day period will begin to run upon the resolution of that petition. RCW 34.05.470(3).

The order remains in effect even if a petition for reconsideration or petition for review is filed. "Filing" means actual receipt of the document by the Adjudicative Service Unit. RCW 34.05.010(6). This Order was "served" upon you on the day it was deposited in the United States mail. RCW 34.05.010(19).

ORDER ON REQUEST FOR  
TERMINATION OF COMMISSION  
ORDER

Page 5 of 5

Docket No. 01-12-A-1005MD