

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

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In the Matter of the License to Practice Medicine and Surgery of:)	
)	Docket No. 00-06-A-1023MD
)	
JON M.R. MUNDALL, MD)	STIPULATION TO INFORMAL
License No. MD00023408)	DISPOSITION
)	
Respondent)	

Section 1: STIPULATIONS

The Medical Quality Assurance Commission, (Commission), and Jon M. R. Mundall, MD, (Respondent), are parties to this matter and stipulate as follows:

1.1 Respondent acknowledges and understands the allegations as set forth by the Disciplinary Program Manager in the Statement of Allegations and Summary of Evidence. Pursuant to agreement, the Staff Attorney, on behalf of the Disciplinary Program Manager, and Respondent stipulate to the following facts:

1.1.1 On or about July 5, 1999, Respondent saw Patient 1, a minor child, who was brought in by his mother. This was Patient 1's first and only visit to Respondent.

1.1.2 Respondent had Patient 1's mother fill out a form that expressed her reasons for bringing her son to Respondent. On the form the mother indicated that Patient 1:

- a. has been sleep talking since the age of four,
- b. has little self-protective skills,
- c. suffered a head injury at eight months of age,
- d. has a speech problem since the age of two,
- f. has suffered a loss of liquid in his ear since the age of two, and
- e. has a hearing problem since the age of six.

1.1.3 Patient 1's mother told Respondent that her son has been seen by other physicians who have diagnosed Patient 1's physical and mental disabilities. They have told her nothing can be further done to improve his condition, however, she hoped Respondent could do something.

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1.1.4 After performing a physical examination of Patient 1 and noting his family and personal health history, Respondent ordered a series of tests, including a "chem panel", a CBC, a thyroid panel, IGG RAST testing, and a tissue mineral analysis by hair sample.

1.1.5 The "chem panel", CBC, thyroid panel, and IGG RAST tests came back with normal indications.

1.1.6 Respondent diagnosed hypothyroidism in light of the normal results of the thyroid panel test. He prescribed a regime of thyroid medication of an excessive amount for the age of Patient 1, risking hyperthyroidism in Patient 1.

1.2 Respondent acknowledges and understands that the alleged unprofessional conduct set forth in the Statement of Allegations and Summary of Evidence, if fully presented and proven at a hearing, would constitute grounds for disciplinary action by the Commission pursuant to RCW 18.130.180, and may result in the imposition of sanctions pursuant to RCW 18.130.160.

1.3 The Commission and Respondent mutually desire to achieve an informal resolution of the matter, pursuant to RCW 18.130.172(1) and (2), by means of this Stipulation to Informal Disposition.

1.4 Respondent acknowledges and understands that certain of the sanctions expressed in RCW 18.130.160 may be imposed as part of this Stipulation to Informal Disposition, pursuant to RCW 18.130.172(2).

1.5 This Stipulation to Informal Disposition is not formal disciplinary action by the Commission or the Department of Health, (Department). However, it is subject to the federal reporting requirements pursuant to Section 1128E of the Social Security Act.

1.6 This Stipulation to Informal Disposition sets forth, by stipulation between the Commission and Respondent, certain events and conditions about which the parties desire to achieve an informal resolution. It is not intended, nor should it be construed, as an action to revoke, suspend, or otherwise formally restrict Respondent's license. It shall not be construed as an admission by Respondent, nor shall it be considered a finding of either unprofessional conduct or an inability to practice with reasonable skill and safety.

1.7 Respondent stipulates with the Commission to be bound by, and successfully complete, the terms and conditions of this Stipulation to Informal Disposition.

1.8 The Commission's and the Department's records of this informal resolution to this matter are releasable to the public upon request pursuant to the Public Records Act, RCW 42.17. The Statement of Allegations and Summary of Evidence, along with the Stipulation to Informal Disposition, shall remain as public records in Respondent's file with the Department, and are subject to state archiving laws.

1.9 The informal resolution of this matter, pursuant to RCW 18.130.172, is without force and effect and is not binding on the parties until this Stipulation to Informal Disposition is accepted and signed by the Panel Chairman for the Commission.

Section 2: DISPOSITION AGREEMENT

Based upon the foregoing, Respondent enters into the following agreement with the Commission:

2.1 Respondent agrees to be subject to the Commission's oversight for one (1) year from the date that this agreement is accepted by the Commission.

2.2 Respondent agrees to successfully complete ten (10) hours of Category I continuing medical education, (CME), in the area of the diagnosis and treatment of thyroid disorders. Such CME shall be approved in advance by the Commission's Medical Consultant.

2.3 Respondent agrees to inform the Commission's Medical Consultant of the aforementioned CME he plans to attend prior to taking the course. Should there be any problems in finding suitable Category I CME on this topic, the Medical Consultant will work out a plan with Respondent.

2.4 The CME course work is to be completed within one (1) year of the date of the Commission's acceptance of this agreement. Verification of the CME course work is to be sent to the Medical Consultant.

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2.5 Respondent agrees that the Commission's oversight of him by this Stipulation to Informal Disposition during this one (1) year period shall terminate automatically upon notice to him, pending his full and successful completion of the terms, and without his formal petition for release.

2.6 Respondent agrees he will not have to appear before the Commission once he is notified by the Commission's Compliance Officer that he has completed the terms and that the Commission's oversight of his practice by this Stipulation to Informal Disposition has terminated.

2.7 Respondent agrees, pursuant to RCW 18.130.172(2), to reimburse the Department for some of the cost incurred in the investigation and processing of this matter in the amount of \$500.00. This amount shall be remitted within 90 days of the date of Respondent's receipt of this document. The check or money order is to be made payable to the Department of Health, and sent to the Department at: D.O.H., Accounting Department, P. O. Box 1099, Olympia, Washington 98504-1099.

2.8 Respondent agrees to complete and return to the Department of Health, if he has not already done so, the attached form for reporting this informal action to the National Practitioner Data Bank pursuant to Section 1128E of the Social Security Act.

2.9 Respondent agrees to comply with all federal and Washington State laws and administrative rules applicable to his license to practice medicine.

2.10 Respondent agrees to inform the Commission of any changes to his residential and business addresses.

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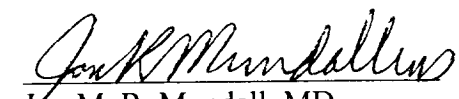
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Section 3: RESPONDENT'S ACCEPTANCE

I have received a copy of the Statement of Allegations and Summary of Evidence, and a copy of this Stipulation to Informal Disposition. I understand and have accepted the terms of this agreement. My legal counsel of record has explained the significance and consequences of this Stipulation to Informal Disposition. I understand that presentation of this Stipulation to Informal Disposition may be made without my appearance before the Commission. I, therefore, waive notice of the presentation of this matter and my appearance before the Commission.


Jon M. R. Mundall, MD
Respondent

Date: August 13, 2001.

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Section 4: COMMISSION'S ACCEPTANCE

The Commission accepts and adopts the foregoing as the informal resolution of this matter by means of this Stipulation to Informal Disposition. The parties shall be bound by the terms and conditions set forth in the Disposition Agreement. The Commission's oversight of Respondent's license and practice pursuant to this Stipulation to Informal Disposition shall automatically terminate with notice to Respondent after one (1) year of the date of acceptance subject to the full and successful completion of Respondent's obligations.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION

DATED this 15 day of August, 2001.

By: J. Wagner Ph. D. JD
Panel Chairman for the Commission

Prepared and presented by:

Michael L. Bahn

Michael L. Bahn, WSBA #16009
Staff Attorney
H.P.Q.A.D. -- Section 5
Department of Health

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Program File No. 99-11-0068MD

ORIGINAL

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

In the Matter of the License to Practice
as a Physician and Surgeon of:

JON M. R. MUNDALL, MD
License No. MD00023408

Respondent

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) **Docket No. 00-06-A-1023MD**
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) **STATEMENT OF ALLEGATIONS AND**
) **SUMMARY OF EVIDENCE**
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The Disciplinary Program Manager for the Medical Quality Assurance Commission, (Commission), by designation of the Commission, presents the following allegations, evidence summary, and notice to Jon M. R. Mundall, (Respondent). Any patient referred to is identified in the attached Confidential Schedule.

Section 1: ALLEGED FACTS

1.1 Respondent is subject to the jurisdiction of the Commission and the application of the Uniform Disciplinary Act, RCW 18.130, in this matter by the fact of having been licensed at all times material to the allegations in this matter. The Department of Health issued Respondent a license to practice medicine and surgery on October 31, 1985.

1.2 On or about July 5, 1999, Respondent saw Patient 1, a minor child, who was brought in by his mother. This was Patient 1's first and only visit to Respondent.

1.3 Respondent had Patient 1's mother fill out a form that expressed her reasons for bringing her son to Respondent. On the form the mother indicated that Patient 1:

- a. has been sleep talking since the age of four,
- b. has little self-protective skills,
- c. suffered a head injury at eight months of age,
- d. has a speech problem since the age of two,
- e. has suffered a loss of liquid in his ear since the age of two, and
- f. has a hearing problem since the age of six.

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1.4 Patient 1's mother told Respondent that her son has been seen by other physicians who have diagnosed Patient 1's physical and mental disabilities, and who have told her that nothing can be done to improve his condition, however she hoped that Respondent could do something.

1.5 After performing a physical examination of Patient 1 and noting his family and his personal health history, Respondent ordered a series of tests, including a "chem panel", a CBC, thyroid panel, IGG RAST testing, and a tissue mineral analysis by hair sample.

1.6 The "chem panel", CBC, thyroid panel, and IGG RAST tests came back with normal indications.

1.7 The Respondent diagnosed hypothyroidism in light of the thyroid panel's results showing a normal range for Patient 1, and prescribed a regime of thyroid medication of an excessive amount for the age of Patient 1 risking hyperthyroidism in Patient 1.

Section 2: SUMMARY OF EVIDENCE

- 2.1 Statement and complaint information submitted by Patient 1's mother.
- 2.2 Respondent's reply letter.
- 2.3 Patient 1's medical records.
- 2.4 Expert review reports submitted by Drs. Mauseth, Thomas, and Larson.
- 2.5 A Practice Review Report completed by Health Care Investigator Grangnelli.

Section 3: ALLEGED VIOLATIONS

3.1 The alleged facts summarized above, if fully brought forth and proven by a preponderance of evidence at a hearing, would constitute unprofessional conduct pursuant to the Uniform Disciplinary Act, RCW 18.130.180(4). Such conduct is defined in part as:

"Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed."

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Section 4: NOTICE TO RESPONDENT

4.1 The Commission has determined that an informal resolution, pursuant to RCW 18.130.172(1) and (2) is appropriate for this matter. Resolution can be accomplished with the attached Stipulation to Informal Disposition. It contains the terms the Commission believes are necessary to resolve this matter in light of Respondent's alleged conduct set forth in this Statement of Allegations and Summary of Evidence.

4.2 If Respondent agrees that the disposition set forth by the attached Stipulation to Informal Disposition is appropriate to address the conduct alleged in this Statement of Allegations and to resolve this matter, Respondent should sign indicating acceptance, and forward the signature page with his original signature back to Michael L. Bahn, Staff Attorney, Department of Health, PO Box 47866, Olympia Washington 98599-7866, within ten (10) business days of receipt of this document.

4.3 If Respondent agrees with the intent to informally resolve this matter, but does not agree to all the terms as set forth, he should contact the Staff Attorney, (360) 236-4813 within this period to discuss his concerns.

4.4 If Respondent does not contact the Department's Staff Attorney within this period, the Commission will presume that Respondent declines to enter into this agreement and informally resolve this matter.

4.5 If Respondent declines to informally resolve this matter, the Commission may have the Program Manager proceed to formal disciplinary action against Respondent by issuing a Statement of Charges, pursuant to RCW 18.130.172(3).

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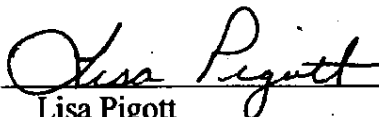
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4.6 Should the Commission proceed to formal disciplinary action, it reserves the right to amend or add to the allegations in the event additional evidence is received supporting such amendments or additions.

DATED this 3rd day of August, 2001.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION

BY: 
Lisa Pigott
Acting Disciplinary Program Manager

Prepared and presented by:


Michael L. Bahn, WSBA #16009
Staff Attorney
DOH/MQAC

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Program File No. 99-11-0068MD

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STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION

**NOT FOR PUBLIC
DISCLOSURE**

CONFIDENTIAL SCHEDULE

**Re: Jon R. Mundall, MD: Statement of Allegations/Summary of Evidence and
Stipulation to Informal Disposition
Program File No. 99-11-0068MD
ACO Docket No. 00-06-A-1023MD**

The name of the individual in this Confidential Schedule is NOT to be released without his mother's consent. This Confidential Schedule contains the name of the patient whose treatment by Respondent is subject of the allegations. This Confidential Schedule is intended for use by only the parties to clarify the factual circumstances presented in the Stipulation to Informal Disposition.

Patient 1: 

End Confidential Schedule

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