

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION

FILED
JUN 26 2012
Adjudicative Clerk

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

JONATHAN V. WRIGHT, MD
License No. MD00011394

No. M2010-1697

**SECOND AMENDED STATEMENT
OF CHARGES**

Respondent.

The Disciplinary Manager of the Medical Quality Assurance Commission (Commission), as designated by the Commission, makes the allegations below that are supported by the evidence contained in file number 2009-135654.

1. ALLEGED FACTS

1.1 On July 13, 1970, the state of Washington issued Respondent a license to practice as a physician and surgeon. Respondent's license is currently active.

Respondent's practice is family medicine, however he is not board certified.

1.2 On or about April 16, 2009, the Commission received a complaint from a health care insurance provider that alleged Respondent had an unlicensed physician practicing and billing out of Respondent's clinic.

1.3 On April 22, 2009, a Commission Case Management Team panel of four commissioners determined that an investigation was merited.

1.4 Following investigation, on March 9, 2010, the Commission's representative asked Respondent in writing to his attorney to provide to the Commission a sample of redacted medical records for patients that the unlicensed physician had seen during the time he was at the Respondent's clinic.

1.5 Respondent, through his attorney, refused to submit patient records to the investigator on the grounds that there was no consent given by the patients, even though Washington and Federal law provides for the Commission to get records without patient consent. Respondent's contentions were refuted with citations to authority in written correspondence from the Commission's representative to Respondent's attorney.

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1.6 A subsequent written request was made by the Commission's representative on April 23, 2010, for Respondent to provide copies of any and all patient records and recorded prescriptions related to the unlicensed physician's care of patients during his tenure at Respondent's clinic. On May 8, 2010, the Commission's representative wrote to Respondent through counsel that redacting patient identifiers from the records was fine, but that the records provided should at least be segregated patient by patient, and should include provider names and what care was given.

1.7 On or about August 30, 2010, the Commission's investigator renewed the request to Respondent for his full and complete cooperation to the investigation. This written request included a list of all the patients seen by the alleged unlicensed physician during the time he was at Respondent's clinic, copies of unredacted and unaltered medical records for thirty (30) of these patients, and a copy of the unredacted contract between Respondent's clinic and this unlicensed physician.

1.8 On or about September 27, 2010, the Commission's investigator made a final request to Respondent for his full cooperation and complete response. To that date, Respondent had not provided the requested medical records and other information sought by the Commission's investigator.

1.9 On or about September 30, 2010, the Commission's investigator received a faxed letter, with the original following, from Respondent's attorney that indicated they had previously submitted patient records, therefore would not have to further comply.

1.10 The patient records Respondent's attorney referred to were sent to the Commission on or about July 16, 2010. These clinic records submitted to the Commission were extensively redacted to the point that only Dr. Wright's name appeared on blank pages. This extensive redaction rendered the purported records unusable for the Commission's investigation of the complaint.

1.11 After filing of the original Statement of Charges in this matter, alleging Respondent's failure to cooperate with the Commission in violation of RCW 18.130.180(8)(a) and (b); Respondent belatedly on April 16, 2012 provided unredacted medical records for five (5) patients treated by the unlicensed physician in Respondent's clinic.

1.12 Between at least September 2007 and March 2009, Respondent allowed an unlicensed individual, Roby Mitchell, to regularly use Respondent's clinic, located in

Renton, WA, to treat patients. The medical care provided to patients by Roby Mitchell at Respondent's office location included examinations, diagnoses, advice and prescriptions. Roby Mitchell's Texas medical license had been revoked effective September 2005, and Mitchell held no active medical license in Washington or any other state while practicing at Respondent's Clinic.

2. ALLEGED VIOLATIONS

2.1 Based on the Alleged Facts, Respondent has committed unprofessional conduct in violation of the Uniform Disciplinary Act, Chapter 18.130 RCW, which provides in part:

RCW 18.130.180 Unprofessional conduct. The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers, documents, records or other items;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

2.2 The above violations provide grounds for imposing sanctions under RCW 18.130.160.

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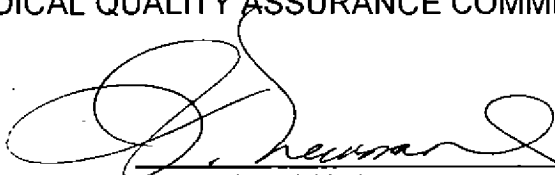
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3. NOTICE TO RESPONDENT


The charges in this document affect the public health, safety, and welfare. The Disciplinary Manager of the Commission directs this notice and Amended Statement of Charges to be issued and served on Respondent as provided by law, giving Respondent the opportunity to defend against these charges. If Respondent fails to defend against these charges, Respondent shall be subject to discipline and the imposition of sanctions under Chapter 18.130 RCW.

DATED: June 25, 2012.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION



DANI NEWMAN
DISCIPLINARY MANAGER



KIM O'NEAL, WSBA # 12939
ASSISTANT ATTORNEY GENERAL