



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
Olympia, Washington 98504

RE: Paulus W. Vanderwielen, MD  
Docket No.: 02-10-A-1080MD  
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: None

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

Adjudicative Clerk Office  
P.O. Box 47879  
Olympia, WA 98504-7879  
Phone: (360) 236-4677  
Fax: (360) 586-2171

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

**ORIGINAL**

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

In the Matter of the License to Practice )  
Medicine and Surgery of: ) **Docket No. 02-10-A-1080MD**  
)  
PAULUS W. VANDERWIELEN, MD ) FINDINGS OF FACT, CONCLUSIONS  
License No. MD00005232 ) OF LAW, AND FINAL ORDER  
)  
Respondent )  
\_\_\_\_\_ )

This matter came before a panel of the Medical Quality Assurance Commission, (Commission), on the 10th day of April 2003. The Commission members present and deciding this matter were: Kenneth Cogen, MD, Julian Ansell, MD, Samuel Selinger, MD, Carl Forch, PA-C, Juanita Wagner, JD, Ph.D., Public Member, Michael Snell, Public Member

The Commission reviewed the documents submitted by the Department of Health Staff Attorney and by Respondent. Therefore based on the record, the Commission issues the following:

**Section 1: PROCEDURAL HISTORY**

1.1 On or about December 19, 2002, a Statement of Charges, a Notice of Opportunity of Settlement and Hearing, a form for an Answer to Statement of Charges, and a form for a Request for Settlement and Hearing was issued to Respondent. Respondent was served on or about December 21, 2002.

1.2 On or about January 9, 2003, two separate letters were timely received by the Adjudicative Clerk Office in response to the Statement of Charges from Respondent. Respondent gave an explanation of his current practice status and health situation. Respondent did not return the Answer form.

1.3 On or about February 28, 2003, the Department Staff Attorney Michael L. Bahn submitted a Declaration with attachments to the Commission panel.

1.4 The Commission panel met on February 28, 2003, to review the submission of the staff attorney's declaration and attached documents. The Commission panel made no findings or conclusions at that time. The panel directed the staff attorney to offer Respondent a proposed settlement agreement that would have Respondent surrender his license.

1.5 On or about April 10, 2003, Department Staff Attorney Michael L. Bahn resubmitted his first Declaration with attachments along with his 2<sup>nd</sup> Declaration with attachments to the Commission panel.

**Section 2: FINDINGS OF FACT**

2.1 The Commission finds that at all times material to the Statement of Charges, Respondent has been licensed to practice as a physician by the state of Washington.

2.2 The Commission finds the information presented by Respondent in his submitted letters to be his Answer, and that it gave the Department the reasonable inference that Respondent, albeit implicitly, was affirmatively waiving his right to a hearing and settlement opportunity.

2.3 The Commission finds the allegations as set forth in the Statement of Charges and the information in the Declaration's attachments from the investigation file clearly support the charges of unprofessional conduct pursuant to RCW 18.130.180(7) and (11).

**Section 3: CONCLUSIONS OF LAW**

3.1 The Commission has jurisdiction to hear this matter pursuant to chapter 18.71 RCW, and the Uniform Disciplinary Act, chapter 18.130 RCW.

3.2 Respondent's letters in response to the Statement of Charges are timely in answering the Statement of Charges pursuant to WAC 246-11-270(1)(a)(i) and affirmatively waive his right to a hearing.

3.3 The Department must prove clearly and convincingly that the evidence proves Respondent committed the alleged acts in violation of the Uniform Disciplinary Act, chapter 18.130 RCW, and WAC 246-11-520.

3.4 Based on paragraphs 2.1 through 2.3 above in the Findings of Fact, the Commission concludes Respondent engaged in unprofessional conduct in pursuant to RCW 18.130.180(7) and (11). The Commission determines that there are sufficient grounds to take disciplinary action against Respondent's license to practice medicine and surgery in the state of Washington, pursuant to RCW 18.130.160.

#### **Section 4: ORDER**

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

4.1 IT IS HEREBY ORDERED that Respondent's Washington license to practice medicine and surgery is REVOKED.

4.2 Respondent shall immediately upon receipt of this order surrender to the Commission, by submitting to the Department's Licensing Manager, his wall certificate and wallet license.

4.3 Respondent shall not re-apply for his license within ten (10) years of the date that this order is served upon him.

4.4 Should Respondent re-apply for his license within ten (10) years, the Commission may take action against Respondent by denying him a license.

#### **Section 5: NOTICE TO PARTIES**

5.1 As provided in RCW 34.05.461(3), 34.05.470, and WAC 246-11-580, either party may file a petition for reconsideration. The petition must be filed with the Adjudicative Clerk Office, 1107 Eastside Street, PO Box 47879, Olympia WA 98504-7879, within ten days of service of this Order. The petition must state the specific grounds upon which reconsideration is requested and the relief requested. The petition for reconsideration shall not stay the effectiveness of this Order.

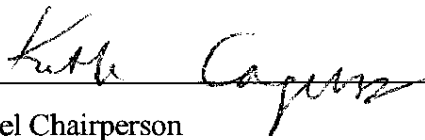
5.2 If the Commission has not acted on the petition or served written notice on Respondent of the date by which action will be taken on the petition, the petition for reconsideration will be denied. The denial is effective 20 days after the petition is filed.

5.3 "Filing" means actual receipt of the document by the Adjudicative Clerk Office, RCW 34.05.010(6) and WAC 246-11-080. This Order was "served" upon you on the day it was deposited in the United States mail pursuant to RCW 34.05.010(18).

5.4 Proceedings for judicial review may be instituted by filing a petition in the Superior Court in accord with the procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. The petition for judicial review must be filed within thirty (30) days after service of this Order, as provided by RCW 34.05.542.

DATED this 10<sup>th</sup> day of April, 2003.

STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
MEDICAL QUALITY ASSURANCE COMMISSION

  
Panel Chairperson

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Program File No. 2002-02-0009MD

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