



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Elizabeth A. Noll, MD
Master Case No.: M2014-974
Document: Modified Agreed Order

Regarding your request for information about the above-named practitioner; attached is a true and correct copy of the document on file with the State of Washington, Department of Health, Adjudicative Clerk Office. These records are considered Certified by the Department of Health.

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 Privacy Officer, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

**STATE OF WASHINGTON
MEDICAL QUALITY ASSURANCE COMMISSION**

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

ELIZABETH A. NOLL, MD
License No. MD00028718

Respondent.

No. M2014-974

**STIPULATED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
MODIFIED AGREED ORDER**

The Medical Quality Assurance Commission (Commission), by and through Seana Reichold, Commission Staff Attorney, and Respondent, represented by counsel, Greg D. Pendleton, stipulate and agree to the following:

1. PROCEDURAL STIPULATIONS

1.1 On February 20, 2015 the Commission issued a Statement of Charges against Respondent. On the same date the Commission issued an Ex Parte Order of Summary Restriction which restricted Respondent from treating male patients 18 years and older.

1.2 On May 14, 2015, the Commission entered a Stipulated Findings of Fact, Conclusions of Law, and Agreed Order (May 2015 Agreed Order) to resolve the matter.

1.3 Under the terms of the May 2015 Agreed Order, Respondent was evaluated by The Gabbard Center, which issued an evaluation report on July 21, 2015. The terms of the May 2015 Agreed Order provided that the Commission at its discretion could issue a Modified Order based on the assessment and recommendations of The Gabbard Center.

1.4 The parties agree to resolve this matter by means of this Stipulated Findings of Fact, Conclusions of Law, and Modified Agreed Order (Modified Agreed Order).

1.5 This Modified Agreed Order adds The Gabbard Center's report's recommendations as required terms, and deletes those terms in the May 2015 Agreed Order which Respondent has already satisfied.

1.6 Respondent waives the opportunity for a hearing on the modification provided that the Commission accepts this Modified Agreed Order.

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1.7 Respondent understands that this Modified Agreed Order is not binding unless and until it is signed and accepted by the Commission.

1.8 If the Commission accepts this Modified Agreed Order, it will be reported to National Practitioner Databank (45 CFR Part 60), the Federation of State Medical Boards' Physician Data Center and elsewhere as required by law.

1.9 This Modified Agreed Order is a public document. It will be placed on the Department of Health's website, disseminated via the Commission's electronic mailing list, and disseminated according to the Uniform Disciplinary Act (Chapter 18.130 RCW). It may be disclosed to the public upon request pursuant to the Public Records Act (Chapter 42.56 RCW). It will remain part of Respondent's file according to the state's records retention law and cannot be expunged.

1.10 If the Commission rejects this Modified Agreed Order, Respondent waives any objection to the participation at hearing of any Commission members who heard the Modified Agreed Order presentation.

2. FINDINGS OF FACT

Respondent acknowledges that the evidence is sufficient to justify the following findings, and the Commission makes the following findings of fact:

2.1 On July 1, 1991, the state of Washington issued Respondent a license to practice as a physician and surgeon. Respondent's license is currently active, with restriction.

2.2 The Findings of Fact in the May 2015 Agreed Order between the Commission and Respondent were:

2.2.1 Respondent, a psychiatrist, provided psychiatric care to Patient A from May 2006 to June 1, 2010. Respondent diagnosed Patient A with Bipolar I Disorder, attention deficit disorder and a history of alcohol and amphetamine abuse. Respondent saw Patient A for medication management and supportive psychotherapy. Respondent treated Patient A on a regular basis throughout this period, and continued to do so even after he moved over 200 miles away to live with his parents. During the course of treatment Patient A suffered several relapses and abused both alcohol and stimulants. He lost jobs and his girlfriend in part due to his inability to control

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his anger. Patient A was unemployed for three and a half years and experienced extreme financial difficulties.

2.2.2 Patient A had sought treatment from Respondent in part for his inability to form healthy, intimate sexual relationships. While still treating Patient A, Respondent informed him that she would stop seeing him as his psychiatrist and then they would start a romantic relationship.

2.2.3 Sometime shortly after that, on or about June 14, 2010, Respondent initiated a romantic relationship with Patient A. The relationship included kissing and sexual intercourse during the following 46 months.

2.2.4 During this time, Respondent helped Patient A buy food and pay for temporary housing.

2.2.5 After entering into a sexual relationship with Patient A, Respondent continued to prescribe controlled substances to Patient A, including at least seven prescriptions for a stimulant, Adderall, for which Respondent knew Patient A had a history of abuse.

2.2.6 While still in a sexual relationship with Patient A, Respondent filed a report as Patient A's psychiatrist supporting Patient A's application for disability ("Mental Residual Functional Capacity Assessment"). In her report Respondent failed to disclose her conflict of interest. Respondent noted on the disability application form that the "[d]ate of last appointment" for Patient A was January 27, 2014. She noted that she was no longer treating Patient A, but stated that she met with him on that date and evaluated him for his disability application.

2.2.7 Respondent's attorney stated that Respondent "believed that after formally terminating the patient relationship ... she could properly pursue a sexual relationship with [Patient A]."

2.2.8 Respondent informed the Commission that she ended her sexual relationship with Patient A on May 4, 2014. This occurred only after the Commission investigator had called Respondent twice to discuss the complaint of Respondent's sexual misconduct. Respondent also informed the Commission that she did not plan to communicate with Patient A again.

2.3 Under the terms of the May 2015 Agreed Order, Respondent was evaluated by The Gabbard Center, which issued an evaluation report on July 21, 2015.

2.4 The terms of the May 2015 Agreed Order also required Respondent to successfully complete a professional boundaries program, which she did on July 13, 2015.

2.5 The May 2015 Agreed Order provided that the Commission at its discretion could issue a Modified Order based on the assessment and recommendations of The Gabbard Center.

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 has committed unprofessional conduct in violation of RCW 18.130.180(1), (4), (7), and (24) and WAC 246-919-630.

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

3.4 This Modified Agreed Order supersedes the May 2015 Agreed Order.

4. MODIFIED AGREED ORDER

Based on the Findings of Fact and Conclusions of Law, Respondent agrees to entry of the following Agreed Order on Modification:

4.1 **Term of Modified Agreed Order.** Respondent's license to practice as a physician and surgeon in the state of Washington is subject to this Modified Agreed Order for a period of at least five years from the effective date of the May 2015 Agreed Order, which was May 14, 2015. During the term of the Modified Agreed Order, Respondent must comply with all of its terms and conditions, and Respondent's treatment of her patients must meet the standard of care.

4.2 **Practice Restriction.** Unless the restriction is removed or modified as provided by Paragraph 4.10, Respondent is not permitted to treat male patients 18 years and older.

4.3 **Psychotherapy.** Respondent must continue in psychotherapy at least once weekly with a psychotherapist pre-approved by the Commission. Following the first year after approval of this Modified Agreed Order, and annually thereafter, the frequency

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of ongoing psychotherapy sessions shall be reevaluated by the Commission and the Commission may consider a reduction in psychotherapy sessions based on the recommendation of the approved psychotherapist. For termination of psychotherapy sessions see 4.10. Lawrence H. Schwartz, M.D. is pre-approved. Respondent must provide the therapist with the Modified Agreed Order and the report of Respondent's Gabbard evaluation. Beginning with the first complete quarter in which the therapist has treated the Respondent, the practitioner shall submit quarterly reports to the Commission on the first day of January, April, July, and October of each year. Respondent must authorize the therapist to notify the Commission immediately of any concerns regarding Respondent's ability to practice psychiatry with reasonable skill and safety.

Respondent may petition to change her approved therapist without a reevaluation, and must provide at least 45 days' notice of any such proposed change, unless there are extenuating circumstances as determined by the Commission to justify lack of such notice. Respondent's petition to change her approved therapist must provide the Commission sufficient information to evaluate the proposed change.

4.4 Proctor. Respondent must participate in at least bi-weekly one-on-one consultations with an experienced, board-certified psychiatrist, licensed and practicing psychiatry in Washington ("proctor"), pre-approved by the Commission. Proctor sessions are to be commensurate with Respondent's caseload as follows: weekly if Respondent is carrying a caseload greater than 50% up to full time (more than 20 hours/week); every other week if Respondent is carrying a caseload of 50% or less (20 hours/week or less). If Respondent's caseload increases, she must notify the Commission so that the frequency of the proctor sessions can be re-evaluated. Following the first year after approval of this Modified Agreed Order, and annually thereafter, the frequency of ongoing proctoring sessions shall be reevaluated by the Commission and the Commission may consider a reduction in proctoring sessions based on the recommendation of the proctor. For termination of proctor sessions see 4.10.

Respondent must provide the proctor with the Modified Agreed Order and the report of her Gabbard evaluation. The proctor will review Respondent's cases with her, with particular emphasis on helping Respondent to identify early signs of anxieties, wishes, and countertransference. The proctor must file quarterly reports with the Commission.

Beginning with the first complete quarter in which the Proctor has met with the Respondent, the quarterly reports will be submitted to the Commission on the first day of January, April, July and October of each year. Respondent must authorize the proctor to speak with the Commission, and must notify the Commission immediately of any concerns regarding Respondent's ability to practice psychiatry with reasonable skill and safety.

Respondent may petition to change her approved proctor without a reevaluation, and must provide at least 45 days' notice of any such proposed change, unless there are extenuating circumstances as determined by the Commission to justify lack of such notice. Respondent's petition to change her approved proctor must provide the Commission sufficient information to evaluate the proposed change.

4.5 Prescribing course. Within six (6) months of the effective date of this Modified Agreed Order, Respondent must successfully complete a course on prescribing medications that is pre-approved by the Commission. The Physician Assessment and Clinical Education (PACE) prescribing course is pre-approved. The course must address the regulations and expectations of physician prescribing, including self-prescribing, and prescribing for individuals with whom there is no doctor-patient relationship. An online prescribing course is permissible if it includes all of the elements listed in this section. Within 30 days of taking the course, Respondent must file a report with the Commission upon successful completion. If not successfully completed, the Commission may direct Respondent to re-take the same or a similar prescribing course at Respondent's expense.

4.6 Maintenance of Proper Boundaries. Respondent will maintain appropriate boundaries with patients. The prohibitions in this paragraph are designed to guide Respondent in setting appropriate boundaries between her professional life and her personal life, and are to be construed with this purpose in mind. To maintain appropriate boundaries, Respondent will follow these guidelines:

4.6.1 Respondent will see patients only during normal business hours.

4.6.2 Respondent will not treat or prescribe for individuals with whom she has, or has had a social or romantic relationship. For the purposes of this Modified Agreed Order, "social relationship" includes a friendship or someone Respondent frequently encounters in social situations.

4.6.3 Respondent will not accept gifts from patients.

4.6.4 Respondent will not disclose personal information about herself to patients, other than that which relates to her professional qualifications.

4.6.5 Respondent will conform to the recommendations of the Commission's "Guidelines for Professionalism and Electronic Media."

4.6.6 Respondent will not make house calls unless she receives, in advance, written permission from the Commission or its Medical Consultants.

4.6.7 Respondent will not hug patients or have any physical contact with patients other than a handshake, except physical contact that is for clinical purposes consistent with recognized standards of care.

4.7 **Fine**. Respondent must pay a fine to the Commission in the amount of \$1,000, which may be paid in quarterly installments of at least \$250 each. Respondent has paid three installments; the final installment is due on the first business day of July 2016. Payment must be by certified or cashier's check made payable to the Commission, and must be received by the Department of Health. Respondent must send payment to:

Medical Quality Assurance Commission
Department of Health
P.O. Box 1099
Olympia, Washington 98507-1099.

4.8 **Quarterly attestations**. Respondent must file quarterly signed attestations that she is not treating male patients 18 years or older. The attestations must be received by the Commission on the first business days of April, July, October, and January.

4.9 **Personal Appearances**. Respondent must appear before the Commission each November for the duration of the term of this Modified Agreed Order, or as soon thereafter as the Commission's schedule permits, unless her appearance is excused by the Commission.

4.10 **Petition to Modify**. Respondent may petition to lift the practice restriction or terminate further therapy visits or proctor oversight only after receiving a reevaluation by The Gabbard Center that supports such modification.

4.11 **Termination**. Respondent may petition to terminate the terms and conditions of this Modified Agreed Order no sooner than five years from the effective date

of the May 2015 Agreed Order, which was May 14, 2015. The Commission has the sole discretion to grant or deny Respondent's petition. This will depend on a number of factors, including Respondent's compliance with the terms and conditions of this Modified Agreed Order, Respondent's demonstration that she can practice medicine with reasonable skill and safety, and submission of any assessments and reports deemed necessary by the Commission.

4.12 **Obey Laws.** Respondent must obey all federal, state and local laws and all administrative rules governing the practice of the profession in Washington.

4.13 **Costs.** Respondent is responsible for all costs of complying with this Modified Agreed Order.

4.14 **Violation of Modified Agreed Order.** If Respondent violates any provision of this Modified Agreed Order in any respect, the Commission may take further action against Respondent's license.

4.15 **Change of Address.** Respondent must inform the Commission and the Adjudicative Clerk Office, in writing, of changes in Respondent's residential and/or business address within thirty (30) days of the change.

4.16 **Effective Date.** The effective date of this Modified Agreed Order is the date the Adjudicative Clerk Office places the signed Modified Agreed Order into the U.S. mail.

5. COMPLIANCE WITH SANCTION RULES

Paragraphs 5.1 through 5.4 of the May 2015 Agreed Order remain unchanged and are in full force and effect, except as explicitly stated by this Modified Agreed Order. The sanctions analysis set forth in the May 2015 Agreed Order continues to apply. This modification does not reduce the terms of meaningful oversight required by the May 2015 Agreed Order.

6. FAILURE TO COMPLY

Protection of the public requires practice under the terms and conditions imposed in this Modified Agreed Order. Failure to comply with the terms and conditions of this Modified Agreed Order may result in suspension of Respondent's license after a show cause hearing. If Respondent fails to comply with the terms and conditions of this Modified Agreed Order, the Commission may hold a hearing to require Respondent to show cause why her license should not be suspended. Alternatively, the Commission

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may bring additional charges of unprofessional conduct under RCW 18.130.180(9). In either case, Respondent will be afforded notice and an opportunity for a hearing on the issue of non-compliance.

7. ACCEPTANCE

I, ELIZABETH A. NOLL, MD, Respondent, have read, understand and agree to this Modified Agreed Order. This Modified Agreed Order may be presented to the Commission without my appearance. I understand that I will receive a signed copy if the Commission accepts this Modified Agreed Order.

Elizabeth Noll, MD
ELIZABETH A. NOLL, MD
RESPONDENT

4/26/16
DATE

Scott B. Easter
SCOTT B. EASTER, WSBA #5599
ATTORNEY FOR RESPONDENT

4/27/2016
DATE

8. ORDER

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

DATED: 5/12, 2016.

STATE OF WASHINGTON
MEDICAL QUALITY ASSURANCE COMMISSION

Thom Winslow
PANEL CHAIR

PRESENTED BY:

Seana M. Reichold
SEANA M. REICHOLD, WSBA #49163
COMMISSION STAFF ATTORNEY

5/12/2016
DATE

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