



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
Olympia, Washington 98504

RE: Rex N. Gentry, MD  
Docket No.: 03-09-A-1061MD  
Document: Statement of Charges

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:

The identity of the complainant if the person is a consumer, health care provider, or employee, pursuant to RCW 43.70.075 (Identity of Whistleblower Protected) and/or the identity of a patient, pursuant to RCW 70.02.020 (Medical Records - Health Care Information Access and Disclosure)

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 the Deputy Secretary, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

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

**FILED**  
**NOV 13 2003**  
Adjudicative Clerk Office

In the Matter of the License to Practice as a Physician and Surgeon of:	)	
	)	<b>Docket No. 03-09-A-1061MD</b>
	)	
REX N. GENTRY, MD	)	STATEMENT OF CHARGES
License No. MD00016448	)	
	)	
Respondent.	)	
	)	

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The Disciplinary Manager of the Medical Quality Assurance Commission, on designation by the Commission, makes the allegations below, which are supported by evidence contained in program case file 2003-07-0014MD. Any patients referred to in this Statement of Charges are identified in an attached Confidential Schedule.

**Section 1: ALLEGED FACTS**

1.1 Rex N. Gentry, MD, Respondent, was issued a license to practice as a physician and surgeon by the state of Washington in April 1978.

1.2 Respondent, a board-certified psychiatrist, provided psychiatric care to Patient One from May 1998 to July 2003.

1.3 Between October 2001 and July 2003, Respondent engaged in a sexual relationship with Patient One.

**Section 2: ALLEGED VIOLATIONS**

2.1 The violations alleged in this section constitute grounds for disciplinary action, pursuant to RCW 18.130.180 and the imposition of sanctions under 18.130.160.

2.2 The facts alleged in paragraphs 1.2 and 1.3 constitute unprofessional conduct in violation of RCW 18.130.180(1), (4), and (24) which provide in part:

**ORIGINAL**

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not.

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

(24) Abuse of a client or patient or sexual contact with a client or patient.

### Section 3: NOTICE TO RESPONDENT

The charges in this document affect the public health, safety and welfare. The Disciplinary Manager of the Medical Quality Assurance Commission directs that a notice 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 pursuant to RCW 18.130.180 and the imposition of sanctions under 18.130.160.

DATED this 13<sup>th</sup> day of November, 2003.

STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
MEDICAL QUALITY ASSURANCE COMMISSION



Lisa Noonan  
Disciplinary Manager



Michael S. Tribble WSBA # 30508  
Assistant Attorney General Prosecutor

FOR INTERNAL USE ONLY. INTERNAL TRACKING NUMBERS:

Program No. 2003-07-0014MD

## **CONFIDENTIAL SCHEDULE**

**REX N. GENTRY, MD**  
**Case No. - 2003-07-0014MD**  
**Docket No. 03-09-A-1061MD**

**This information is confidential and is NOT to be released without the consent of the individual or individuals named herein. RCW 42.17.310(1)(d)**

Patient One



**FOR INTERNAL USE ONLY. INTERNAL TRACKING NUMBERS:**

**Program No. 2003-07-0014MD**

**CONFIDENTIAL SCHEDULE – PAGE 1 OF 1**  
**Docket No. 03-09-A-1061MD**

**ORIGINAL**



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
Olympia, Washington 98504

RE: Rex N. Gentry, MD  
Docket No.: 03-09-A-1061MD  
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:

Information regarding an individual's health care, including where they received health care services, their medical condition, care provided, etc., pursuant to RCW 42.17.312 (Public Records Disclosure) and RCW 70.02.020 (Medical Records – Health Care Information Access and Disclosure)

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:	)	<b>Docket No. 03-09-A-1061MD</b>
	)	
REX N. GENTRY, MD	)	STIPULATED FINDINGS OF FACT,
License No. MD00016448	)	CONCLUSIONS OF LAW AND
	)	AGREED ORDER
	)	
Respondent.	)	
	)	

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The Medical Quality Assurance Commission (Commission), by and through Michael L. Farrell, Department of Health Staff Attorney, and Rex N. Gentry, MD, Respondent, represented by Mary McIntyre, attorney at law, stipulate and agree to the following:

**Section 1: PROCEDURAL STIPULATIONS**

- 1.1 Rex N. Gentry, MD, Respondent, was issued a license to practice as a physician by the state of Washington in June 1992.
- 1.2 In November 2003, the Commission issued a Statement of Charges against Respondent.
- 1.3 The Statement of Charges alleges that Respondent violated RCW 18.130.180(1), (4) and (24).
- 1.4 Respondent understands that the State is prepared to proceed to a hearing on the allegations in the Statement of Charges.
- 1.5 Respondent understands that he has the right to defend himself against the allegations in the Statement of Charges by presenting evidence at a hearing.
- 1.6 Respondent understands that, should the State prove at a hearing the allegations in the Statement of Charges, the Commission has the power and authority to impose sanctions, pursuant to RCW 18.130.160.

1.7 Respondent and the Commission agree to expedite the resolution of this matter by means of this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order (Agreed Order).

1.8 Respondent waives the opportunity for a hearing on the Statement of Charges contingent upon signature and acceptance of this Agreed Order by the Commission.

1.9 This Agreed Order is not binding unless and until it is signed and accepted by the Commission.

1.10 Should this Agreed Order be signed and accepted it will be 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.

1.11 Should this Agreed Order be rejected, Respondent waives any objection to the participation at hearing of all or some of the Commission members or the Health Law Judge who heard the Agreed Order presentation.

## **Section 2: STIPULATED FACTS**

The State and Respondent stipulate to the following facts:

2.1 Respondent, a psychiatrist, provided psychiatric care to Patient One from May 1998 to July 2003.

2.2 Between October 2001 and July 2003, Respondent engaged in a sexual relationship with Patient One.

2.3 On July 6, 2003, Respondent notified George Heye, MD, Medical Consultant for the Commission, of the sexual relationship with Patient One.

2.4

2.5 Respondent retained a psychiatrist to act as his clinical supervisor.

2.6 Respondent has referred his patients who require long-term therapy to other providers. The only patients Respondent sees for an extended basis are patients for whom Respondent provides medication management.

### Section 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 The above facts constitute unprofessional conduct in violation of RCW 18.130.180(1), (4) and (24) which provides in part:

(1) The commission of any act involving moral turpitude.

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

(24) Abuse of a client or patient or sexual contact with a client or patient.

3.3 The above violations are grounds for the imposition of sanctions under RCW 18.130.160.

### Section 4: AGREED ORDER

Based on the preceding Stipulated Facts and Conclusions of Law, Respondent agrees to entry of the following Order:

4.1 Respondent's license is <sup>5</sup>~~is~~ SUSPENDED, but the suspension is STAYED, and *INA RS* Respondent's license is placed on PROBATION for a period of at least five years, provided Respondent comply with the following terms and conditions.

4.2 Respondent shall enter into therapy with a practitioner experienced in treating professionals who have engaged in sexual misconduct. The Commission must approve the practitioner in advance. The objectives of the therapy are set forth at pages 13 and 14 of the [REDACTED] by [REDACTED] Respondent agrees to sign one or more waivers of confidentiality and release of information during the entire period of probation to permit the Commission's representatives to communicate directly with the practitioner. The Commission will provide a copy of the investigative file, the statement of

charges, the [REDACTED] by [REDACTED], and this agreed order to the practitioner. Respondent shall see the practitioner at least once a month, or more frequently if the practitioner deems necessary, for the first 12 months. After one year, Respondent shall see the practitioner as frequently as the practitioner deems necessary. Respondent shall ensure that the practitioner submits quarterly reports of Respondent's progress in treatment to the Commission. The practitioner shall submit the reports on or before January 1, April 1, July 1 and October 1 of each year. The reports shall be submitted to

Compliance Officer  
Department of Health  
Medical Quality Assurance Commission  
P.O. Box 47866  
Olympia, Washington 98504-7866.

4.3 Respondent shall [REDACTED] in treatment with his psychiatrist for medication management. If Respondent wishes to seek treatment with a different psychiatrist, Respondent will notify the Commission's medical consultant and receive approval prior to initiating treatment with the new psychiatrist.

4.4 Respondent shall enter into an agreement with a practitioner, approved by the Commission's medical consultant, who will supervise Respondent's clinical practice. Respondent shall review all of his current cases <sup>with female patients</sup> with the clinical supervisor to determine the appropriateness of the treatment plan and treatment relationship. When Respondent initiates treatment with a new <sup>female</sup> patient, he shall review this case with the clinical supervisor as well. The supervising psychiatrist has the right to determine which current female patients Respondent should continue to treat. Respondent shall meet personally with the supervising psychiatrist at least once every three months. Respondent shall ensure that the supervising psychiatrist submits quarterly reports to the Commission. The reports shall state when the supervising psychiatrist has met with Respondent since the last report, what cases were discussed, whether the supervising psychiatrist has any concerns about Respondent's treatment of female patients, and whether there was a recommendation that Respondent cease treatment of any female patients. The reports shall be due on or before the first day of January, April, July, and October of each year.

*MAJ RG*

4.5 Respondent shall record, via audiotape or videotape, all his sessions with female patients for a period of at least twelve months. Respondent shall provide the tapes to his clinical supervisor for review. If Respondent chooses to use videotape, the camera shall be positioned such that the tape shows Respondent, not the patient. The tapes shall also be available for review by a Commission representative. After twelve months, at Respondent's first compliance appearance before the Commission, the Commission shall determine whether Respondent may limit his recording to sessions with female patients for whom Respondent is providing ongoing psychotherapy. After an additional twelve months, at Respondent's second compliance appearance before the Commission, the Commission shall determine whether to continue the recording requirement or to discontinue it entirely.

4.6 Within ten days of the effective date of this Agreed Order, Respondent shall provide a written statement to each current female patient stating as follows:

From 2001-2003, I had a sexual relationship with a patient and reported it to the Washington State Medical Quality Assurance Commission. I initiated measures to address the situation which have been accepted by the Commission. I am working with a supervising health care provider who will be periodically reviewing the care which I provide to you in the future. The Commission is also requiring me to record our sessions for review by the supervisor. Your identity in the reviews and recordings will be held in strict confidence. I ask that you sign this statement acknowledging that I have made you aware of these events and that you agree to the recording and periodic review of the care I am providing to you. A signed copy of this acknowledgment and statement will be placed in your permanent chart.

Each current female patient who agrees to remain in treatment with Respondent shall sign the written statement, which shall then be placed in the patient's chart for review by a Commission representative. Respondent cannot commence treatment of a new female patient unless the new female patient consents by reading and signing the above written statement.

4.7 Respondent shall not have social contact with patients. For the purposes of this Agreed Order, "social contact" includes going on a date, having a meal, attending a

party or attending other non-structured events at which people are gathered; it does not include attending a meeting of a group of people at which a patient may be present. Respondent shall not meet with patients outside his office or outside normal business hours. Further, Respondent shall not treat family members or individuals with whom he has had a social relationship. For the purposes of this Agreed Order, "social relationship" includes a friendship or someone Respondent frequently encounters in social situations. Respondent shall not accept gifts from patients. He shall not engage in talk of a sexual nature with patients, except as necessary in the treatment of that patient. The prohibitions in this paragraph are designed for Respondent to set appropriate boundaries between his professional life and his personal life, and are to be construed with this purpose in mind.

4.8 Respondent shall attend and satisfactorily pass a two-day ethics course recommended by the Commission Medical Consultant. The course shall be completed within six months of the effective date of this Agreed Order unless otherwise allowed in writing by the Commission Medical Consultant. Prior to attending the course, Respondent shall provide the course instructors with a copy of this Agreed Order. Respondent agrees that the Department staff may communicate with the course instructors as needed. Respondent shall submit proof of the completion of the course to the Commission. If the course requires Respondent to complete a written report, Respondent shall assure that the Commission receives a copy of Respondent's written report. If Respondent does not receive a satisfactory grade or unconditionally pass the course, the Commission may require Respondent to take the course again.

4.9 Pursuant to RCW 18.130.160(8), Respondent shall pay a fine in the amount of \$2500, within ninety days of the effective date of this Agreed Order. The fine shall be payable to the State Treasurer and sent to the following address:

Department of Health  
Medical Quality Assurance Commission  
Post Office Box 1099  
Olympia, Washington 9850<sup>4</sup>~~7~~-1099.

*MB RG*

4.10 Respondent shall provide a copy of this Agreed Order to each and every employee of any clinic or group in which he practices, including partners, supervisors, medical directors and office staff. If Respondent works at an institution, such as the

Veterans Administration, he has to provide a copy of this Agreed Order only to the institution's Medical Director.

4.11 Respondent shall obey all federal, state and local laws and all administrative rules governing the practice of medicine in the state of Washington.

4.12 Respondent shall notify the Commission, in writing, of any address change within 20 days after the change.

4.13 All declarations, reports or other documents required by this Agreed Order to be provided to the Commission shall be sent to the following address:

Compliance Officer  
Department of Health  
Medical Quality Assurance Commission  
P.O. Box 47866  
Olympia, Washington 98504.

4.14 Respondent shall provide to the Commission a quarterly declaration attesting that he is in compliance with all terms and conditions of this Agreed Order. The declarations shall be submitted on or before the first day of January, April, July, and October of each year.

4.15 In order to monitor compliance with the Order, Respondent agrees that a representative of the Commission may make announced annual visits to Respondent's practice to (1) inspect office records and medical records; (2) interview Respondent and Respondent's office staff; and (3) review other aspects of Respondent's practice.

4.16 Respondent shall appear before the Commission on an annual basis and present proof that he is complying with the Order. Respondent shall continue to appear annually unless otherwise instructed in writing by the Commission or its representative, or until the Commission releases Respondent from the terms and conditions of this Agreed Order.

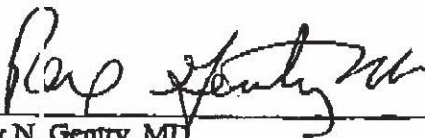
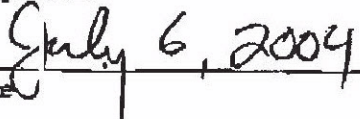
4.17 Respondent may not file a written petition with the Commission to modify this Agreed Order for a period of one year from the effective date of this Agreed Order, and may not petition to terminate this Agreed Order for at least five years from the effective date of this Agreed Order. When Respondent files a petition to modify or terminate after the above time periods have passed, a date and time will be arranged for

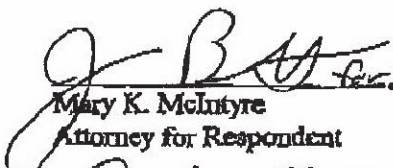
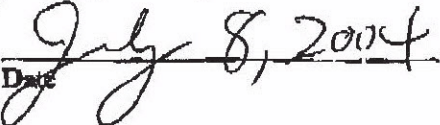
Respondent's appearance before the Commission. The Commission will review Respondent's compliance with this Agreed Order and will have sole discretion to grant or deny Respondent's petition.

4.18 This Agreed Order is not binding on Respondent or the Commission unless accepted by the Commission.

4.19 This Agreed Order shall become effective ten (10) days from the date the Agreed Order is signed by the Commission chair, or upon service of the Agreed Order on Respondent, whichever date is sooner.

I, Rex N. Gentry, MD, Respondent, certify that I have read this Stipulated Findings of Fact, Conclusions of Law and Agreed Order in its entirety; that my counsel of record, if any, has fully explained the legal significance and consequence of it; that I fully understand and agree to all of it; and that it may be presented to the Commission without my appearance. If the Commission accepts the Stipulated Findings of Fact, Conclusions of Law and Agreed Order, I understand that I will receive a signed copy.

  
Rex N. Gentry, MD  
Respondent  
  
Date

  
Mary K. McIntyre  
Attorney for Respondent  
WSBA 31740  
  
Date

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**Section 5: ORDER**

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

DATED this 7 day of July, 2004.

STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
MEDICAL QUALITY ASSURANCE COMMISSION

By Robert Tennie

Panel Chair

Presented by:

Michael L. Bahn

Michael L. Bahn WSBA # 16009

For Michael L. Farrell WSBA # 16022  
Department of Health Staff Attorney

July 7, 2004  
Date

OR INTERNAL USE ONLY. INTERNAL TRACKING NUMBERS: Program No. 2003-07-0014MD



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
Olympia, Washington 98504

RE: Rex N. Gentry, M.D.  
Master No.: M2003-58611  
Docket No.: 03-09-A-1061MD  
Document: Modification 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:

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.

**In the Matter of:**

**Respondent.**

ORDER ON REQUEST FOR  
MODIFICATION OF FINAL  
ORDER

Docket No. 03-09-A-1061MD  
Master Case No. M2003-58611

The following Department exhibit was admitted:

D-1: Disciplinary Packet, including: Compliance Requirement Summary dated April 23, 2008; Statement of Charges dated November 13, 2003; Stipulated Findings of Fact, Conclusions of Law and Agreed Order dated July 7, 2004; compliance letters dated October 11, 2005, July 14, 2006, and June 1, 2007; reports from Dr. Robert Wheeler, Ph.D.; reports from Dr. Bruce Olson, Ph.D.; quarterly declarations of compliance; compliance practice review dated April 17, 2008; Respondent's Petition for Modification dated March 4, 2008; Notice of Appearance dated March 31, 2008; and Amended Notice of Appearance dated April 23, 2008.

Based on the evidence presented, the Commission issues the following:

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

1.1 The Respondent is licensed as a medical doctor in the state of Washington.

1.2 The Commission issued a Findings of Fact, Conclusions of Law and Agreed Order on July 7, 2004 (the Prior Order). The Prior Order found the Respondent committed unprofessional conduct in violation of RCW 18.130.180(1), (4), and (24) by entering into a sexual relationship with a patient for whom he was providing psychiatric care. The Respondent's license was suspended. The suspension was stayed, and the Respondent was placed on probation for a period of at least five years subject to conditions. The Respondent was required to enter into therapy with a Commission approved practitioner experienced in the treatment of professionals who have engaged in sexual misconduct. The Respondent was required to continue treatment for medication management. The Respondent was required to enter into an agreement with a practitioner to supervise the Respondent's clinical practice. The Respondent

ORDER ON REQUEST FOR  
MODIFICATION OF FINAL  
ORDER

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Docket No. 03-09-A-1061MD  
Master Case No. M2003-58611

was required to record, via audiotape or videotape, all his sessions with female patients for a period of at least 12 months. The Respondent was required to provide a written statement to each of his current female clients. The statement was required to be signed by each female patient in treatment. The Respondent was not permitted social contact with patients. The Respondent was required to attend and satisfactorily pass a two-day ethics course recommended by the Commission. The Respondent was required to pay a fine in the amount of \$2,500.00. The Respondent was required to provide a copy of the Prior Order to employees at his workplace. The Respondent was required to provide the Commission with a quarterly declaration of compliance. The Respondent agreed to unannounced visits to his practice by a Commission representative to inspect records, interview the Respondent and staff, and review other aspects of the practice. The Respondent was required to appear before the Commission on an annual basis. The Respondent was not permitted to file a written petition to modify the Prior Order for at least one year. The Respondent was not permitted to petition to terminate the Prior Order for five years.

1.3 On October 7, 2005, the Respondent appeared before the Commission. The Commission found the Respondent in Compliance with the Prior Order. On October 11, 2005, the Commission permitted the Respondent to limit recording of sessions with female patients to those with which he was providing ongoing psychotherapy.

1.4 On March 4, 2008, the Respondent submitted a letter requesting modification of Paragraph 4.4 of the Prior Order (the Modification Request). The

ORDER ON REQUEST FOR  
MODIFICATION OF FINAL  
ORDER

Respondent requested that the portion of Paragraph 4.4 of the Prior Order requiring the Respondent to review all of his current and new cases with female patients with the clinical consultant to determine the appropriateness of the treatment plan and treatment relationship be modified to require the Respondent to review only cases of new female patients, as randomly selected by the clinical consultant, to determine the appropriateness of the treatment plan and treatment relationship. Additionally, the Respondent requested that Paragraph 4.4 of the Prior Order be modified to require the Respondent to choose cases to review with the clinical consultant, choosing cases that are most significant to issues related to the Prior Order. On May 12, 2008, the Adjudicative Service Unit issued a Notice of Modification/Reinstatement Hearing, setting the hearing on the Modification Request for May 23, 2008.

1.5 The Respondent has established through his testimony and exhibits, including the reports of Dr. Wheeler and Dr. Olson, compliance with the Prior Order.

## **II. CONCLUSIONS OF LAW**

2.1 The Commission has jurisdiction over the Respondent and over the subject matter herein. Chapter 18.130 RCW

2.2 RCW 18.130.160 permits the Commission to fashion appropriate remedies in disciplining the Respondent, including imposing restrictions or limitations on the Respondent's practice. The Prior Order provided for restrictions and/or limitations on the Respondent's practice, and the Commission must consider what is necessary to protect the public in imposing (or continuing) sanctions. RCW 18.130.160.

2.3 Based on Findings of Fact 1.3 through 1.5, the Commission concludes that the Respondent has complied to date with the provisions of the Prior Order and has established through his testimony and exhibits that he has an understanding of the appropriate and ethical physician-patient boundaries sufficient to support his modification request.

### **III. ORDER**

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

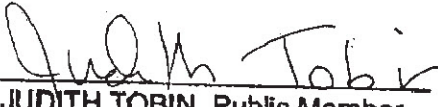
3.1 The Respondent's Modification Request is GRANTED.

3.2 Paragraph 4.4 of the Prior Order is amended to read as follows: The Respondent shall enter into or maintain an agreement with a practitioner, approved by the Commission's medical consultant, who will supervise the Respondent's clinical practice as a clinical consultant. The Respondent shall review cases of new female patients, as randomly selected by the clinical consultant, to determine the appropriateness of the treatment plan and treatment relationship. The Respondent shall also choose cases to review with the clinical consultant, choosing cases that are most significant to issues related to the Prior Order. The clinical consultant has the right to determine which female patients the Respondent should continue to treat. The Respondent shall meet personally with the clinical consultant at least once every three months. The Respondent shall ensure that the clinical consultant submits quarterly reports to the Commission. The reports shall state when the clinical consultant has met

with the Respondent since the last report, what cases were discussed, whether the clinical consultant has any concerns about the Respondent's treatment of female patients, and whether there is a recommendation that the Respondent cease treatment of any female patients. The reports shall be due on or before the first day of January, April, July, and October of each year.

3.3 The Respondent shall continue to meet all other requirements of the Prior Order.

Dated this 7 day of July, 2008.

  
JUDITH TOBIN, Public Member  
Panel Chair

FOR INTERNAL USE ONLY: (Internal tracking numbers)  
Program No. 2003-07-0014

#### 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); 34.05.470. The petition must be filed within 10 days of service of this Order with:

Adjudicative Clerk Office  
P.O. Box 47879  
Olympia, WA 98504-7879

and a copy must be sent to:

ORDER ON REQUEST FOR  
MODIFICATION OF FINAL  
ORDER

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Docket No. 03-09-A-1061MD  
Master Case No. M2003-58611

Medical Program  
P.O. 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).

This 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  
MODIFICATION OF FINAL  
ORDER

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Docket No. 03-09-A-1061MD  
Master Case No. M2003-58611



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
Olympia, Washington 98504

RE: Rex N. Gentry  
Master No.: M2003-58611  
Docket No.: 03-09-A-1061MD  
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:	)	
	)	Docket No. 03-09-A-1061MD
REX N. GENTRY, M.D.,	)	Master Case No. M2003-58611
License No. MD00016448,	)	
	)	ORDER ON REQUEST FOR
Respondent	)	TERMINATION OF COMMISSION
	)	ORDER
_____	)	

**APPEARANCES**

Respondent, Rex N. Gentry, M.D., pro se

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

COMMISSION PANEL: Bruce Cullen, M.D., Panel Chair  
Bruce J. Andison, M.D.  
Leslie M. Burger, M.D.  
Athalia Clower, PA-C  
Theresa Elders, Public Member  
Thomas Green, M.D.  
Mark L. Johnson, M.D.  
Mimi Pattison, M.D.  
Judith Tobin, Public Member

PRESIDING OFFICER: John F. Kuntz, Review Judge

The Medical Quality Assurance Commission (Commission) convened a hearing on July 17, 2009, in SeaTac, Washington. The Reviewing Commission Member, Cabell Tennis, J.D., did not participate in the Commission's deliberations. The license of Rex N. Gentry, M.D., previously subject to disciplinary restrictions, is reinstated without conditions.

ORDER ON REQUEST FOR  
TERMINATION OF COMMISSION  
ORDER

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Docket No. 03-09-A-1061MD  
Master Case No. M2003-58611

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

### **PROCEDURAL HISTORY**

On June 18, 2009, the Respondent filed a letter and requested the Commission terminate the Stipulated Findings of Fact, Conclusions of Law and Agreed Order (Agreed Order). On July 8, 2009, the Adjudicative Service Unit issued a Notice of Modification/Reinstatement Hearing, setting the hearing for July 17, 2009.

### **SUMMARY OF THE PROCEEDING**

The Respondent testified on his own behalf and did not call any additional witnesses. The Department did not present any witnesses but provided the Commission with a procedural history of the Respondent's case.

The following exhibits were admitted:

- Exhibit 1: Compliance Requirement Summary, dated June 25, 2009 (pages 1-2).
- Exhibit 2: Statement of Charges, dated November 13, 2003 (pages 3-4).
- Exhibit 3: Stipulated Findings of Fact, Conclusions of Law and Agreed Order, dated July 7, 2004 (pages 5-13).
- Exhibit 4: Order on Request for Modification of Final Order, dated July 7, 2008 (pages 14-20).
- Exhibit 5: Compliance Appearance letters, dated October 11, 2005; July 14, 2006; and June 1, 2007 (pages 21-23).
- Exhibit 6: Therapist Reports from J. Robert Wheeler, Ph.D., dated July 2, 2008; October 1, 2008; December 26, 2008; and March 31, 2009 (pages 24-29).

- Exhibit 7: Therapist Report from Bruce A. Olson, Ph.D., dated July 17, 2008 (pages 30-34).
- Exhibit 8: Quarterly Compliance Declarations from the Respondent dated July 10, 2008; October 13, 2008; January 16, 2009; April 2, 2009; and June 18, 2009 (pages 35-39).
- Exhibit 9: Correspondence from Angela Bucci, Compliance Officer, dated March 11, 2009 (page 40).
- Exhibit 10: Compliance Practice Review by Wayne Carlson, PA-C, dated March 20, 2009 (pages 41-49).
- Exhibit 11: Notice of Appearance and Declaration of Service, dated March 31, 2008 (pages 50-54).
- Exhibit 12: The Respondent's Petition for Release, dated June 16, 2009 (pages 55-56).
- Exhibit 13: Therapy Report from J. Robert Wheeler, Ph.D., dated July 6, 2009.

## **I. FINDINGS OF FACT**

1.1 The Respondent is licensed to practice as a physician and surgeon in the state of Washington.

1.2 On November 13, 2003, the Commission issued a Statement of Charges alleging the Respondent engaged in unprofessional conduct in violation of RCW 18.130.180(1) (moral turpitude), RCW 18.130.180(4) (incompetence, negligence, or malpractice) and RCW 18.130.180(24) (sexual contact). The Statement of Charges was issued following the Respondent's self-report of the conduct described in Paragraph 1.3 below.

1.3 On July 7, 2004, the Commission entered an Agreed Order to resolve the matter. The Respondent, a psychiatrist, provided psychiatric care to an individual

identified as Patient One from May 1998 to July 2003. During the period October 2001 to July 2003, the Respondent engaged in a sexual relationship with Patient One.

1.4 Under the terms of the Agreed Order, the Commission suspended the Respondent's license to practice, but stayed the suspension and placed the Respondent's license on probation for a period of at least five years. Paragraph 4.1. To continue to stay the suspension and remain on probationary status, the Respondent was required to comply with the following terms and conditions:

- A. Enter into therapy with a Commission-approved practitioner experienced in treating professionals who have engaged in sexual misconduct. The approved practitioner was required to submit quarterly progress reports to the Commission. Paragraph 4.2.
- B. Continue in treatment with the Respondent's psychiatrist for medication management, and not change psychiatrists without notifying the Commission and receiving the Commission's pre-approval of the change. Paragraph 4.3.
- C. Enter into an agreement with a Commission-approved practitioner, who would supervise the Respondent's clinical practice. The supervising practitioner would review all treatment records for the Respondent's female patients to approve the appropriateness of the treatment plan and treatment relationship. The Respondent would meet with the supervising practitioner on a quarterly basis and the supervising practitioner would submit quarterly reports to the Commission. Paragraph 4.4.
- D. Record, via audiotape or videotape, all of the Respondent's sessions with female patients for at least a 12-month period and provide the tapes to the supervising practitioner. The tapes would also be available for review by a Commission representative. Paragraph 4.5.
- E. Provide a Commission-approved written statement to each female patient, have the patient sign the statement, and place the signed statement into the patient's treatment record. Paragraph 4.6.

- F. Avoid social contact (dates, having a meal, attending a party, or other non-structured event) with patients. The Respondent was prohibited from treating family members. Paragraph 4.7.
- G. Attend and successfully pass a Commission-approved, two-day ethics course within 6 months of the date of service of the Agreed Order. Paragraph 4.8.
- H. Pay a \$2,500.00 fine within 90 days of the Agreed Order. Paragraph 4.9.
- I. Provide a copy of the Agreed Order to each and every employee of any clinic where the Respondent practices. If the Respondent works at an institution, the Respondent must provide a copy of the Agreed Order to the institution's medical director. Paragraph 4.10.
- J. Provide the Commission with a quarterly declaration attesting that the Respondent is in compliance with all of the terms and conditions of the Agreed Order. Paragraph 4.14.
- K. Allow announced annual visits by a Commission representative to: inspect his office and treatment records, interview the Respondent and his office staff, and review other aspects of the Respondent's practice. Paragraph 4.15.
- L. The Respondent would make annual compliance appearances before the Commission to show that he was complying with the terms and conditions of the Agreed Order. Paragraph 4.16.

1.5 On July 7, 2008, the Commission issued an Order on Request for Modification of Final Order, and modified Paragraph 4.4 of the Agreed Order to allow inspection of random female patient records, instead of all new female treatment records.

1.6 The Respondent has been in practice as a psychiatrist since 1975. He currently engages in a solo practice and does not have any hospital privileges. Consistent with his approach following the Commission's adoption of the

2004 Agreed Order, the Respondent only provides treatment on an extended basis to patients for whom he provides medication management. Patients requiring long-term therapy are referred to other providers.

1.7 The Respondent has now been on probation for the minimum five-year period. During this five-year period, the Respondent has consistently provided his quarterly declarations, paid the total amount of the \$2,500.00 fine ordered by the Commission, and provided all female patients with the Commission-approved notice. See Exhibit No. 1. The Respondent has consistently and successfully completed treatment with the Commission-approved treatment providers Bruce Olson, Ph.D., and J. Robert Wheeler, Ph.D.

1.8 The Respondent has provided sufficient proof of his successful compliance with all of the terms and conditions of the Agreed Order.

## **II. CONCLUSIONS OF LAW**

2.1 The Commission has jurisdiction over the Respondent and the subject matter of the proceeding.

2.2 The Commission has the authority to fashion appropriate sanctions in disciplining the Respondent regarding his unprofessional conduct. RCW 18.130.160. This includes restrictions or limitations on the Respondent's license.

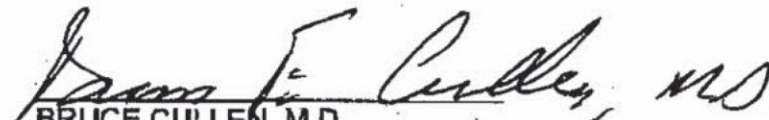
2.3 Based on the above Findings of Fact, the Commission concludes that the Respondent has fully complied with the terms and conditions of the Agreed Order (as modified in July 2008). The Respondent both self-reported the initial unprofessional

conduct and worked hard to achieve full compliance with the Commission's order.  
Because of the Respondent's hard work and full compliance with the Agreed Order, the Respondent's request for reinstatement should be granted.

### III. ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Commission GRANTS the Respondent's request for reinstatement and GRANTS the Respondent an unrestricted license to practice as a physician and surgeon in the state of Washington.

Dated this 9<sup>th</sup> day of August, 2009.

  
BRUCE CULLEN, M.D.  
Panel Chair

### 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 or national reporting requirements. If discipline 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) and 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:

Department of Health Medical Programs  
P.O. Box 47866  
Olympia, WA 98504-7866

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This petition must state the specific grounds for reconsideration and what relief is requested. WAC 246-10-704. The petition is denied if the Adjudicative Service Unit does not respond in writing within 20 days of the filing of 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, the above 30-day period does not start until the petition for reconsideration is resolved. RCW 34.05.470(3).

The order is in effect while 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 is "served" the day it is deposited in the United States mail. RCW 34.05.010(19).

For more information, visit our website at <http://www.doh.wa.gov/hearings/>.