



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
Olympia, Washington 98504

RE: David T. Potter, MD  
Master Case No.: M2009-968  
Docket No.:  
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:

Information regarding an individual's health care, including where they received health care services, their medical condition, care provided, etc., pursuant to RCW 42.56.360 (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

DAVID T. POTTER, MD  
License No. MD00046532

Respondent

No. M2009-968

STATEMENT OF CHARGES

The Disciplinary Manager of the Medical Quality Assurance Commission (Commission), on designation by the Commission, makes the allegations below, which are supported by the evidence contained in program file no. 2009-136303.

**1: ALLEGED FACTS**

1.1 On May 26, 2006, the state of Washington issued Respondent a license to practice as a physician and surgeon. Respondent's license expired on March 4, 2009. Respondent is board-certified in psychiatry.

1.2 From May 13 to May 27, 2008, Respondent was hospitalized for treatment of bipolar disorder with psychotic features.

1.3 In June 2008,

1.4 On July 22, 2008,

1.5 On August 5, 2008,

[REDACTED]

1.6 On March 26, 2009,

[REDACTED]

1.7 On April 1, 2009,

[REDACTED]

1.8 On April 22, 2009

[REDACTED]

1.9 [REDACTED] Respondent's situation on  
May 13, 2009.

1.10 In June and July 2009, an investigator mailed to Respondent at his last known address a letter asking for a written response to a series of questions. The investigator did not receive a response to the letters.

1.11 On August 11, 2009, the Commission received a letter [REDACTED] stating that if Respondent were to practice medicine "he would place the public at risk."

## 2: ALLEGED VIOLATIONS

2.1 Based on the Alleged Facts, Respondent has committed unprofessional conduct in violation of RCW 18.130.170(1), which provides:

**RCW 18.130.170 Capacity of license holder to practice--Hearing--Mental or physical examination--Implied consent.**

(1) If the disciplinary authority believes a license holder or applicant may be unable to practice with reasonable skill and safety to consumers by reason of any mental or physical condition, a statement of charges in the name of

the disciplining authority shall be served on the license holder or applicant and notice shall also be issued providing an opportunity for a hearing. The hearing shall be limited to the sole issue of the capacity of the license holder or applicant to practice with reasonable skill and safety. If the disciplining authority determines that the license holder or applicant is unable to practice with reasonable skill and safety for one of the reasons stated in this subsection, the disciplining authority shall impose such sanctions under RCW 18.130.160 as is deemed necessary to protect the public.

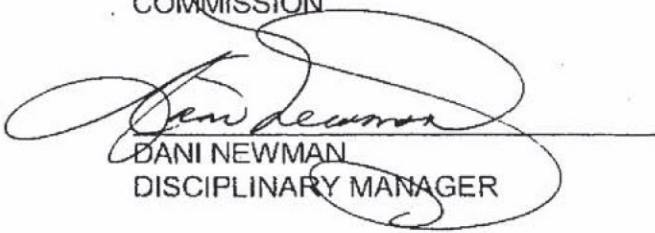
2.2 The above violation provides grounds for imposing sanctions under RCW 18.130.160.

### 3: NOTICE TO RESPONDENT

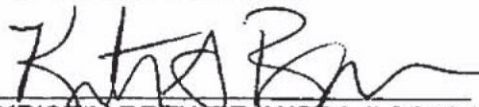
The charges in this document affect the public health, safety and welfare. The Disciplinary Manager of the Commission directs that a notice be issued and served on Respondent as provided by law, giving Respondent the opportunity to defend against these charges. If Respondent fails to defend against these charges, Respondent shall be subject to discipline pursuant to RCW 18.130.170 and the imposition of sanctions under RCW 18.130.160.

DATED August 13, 2009.

STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
MEDICAL QUALITY ASSURANCE  
COMMISSION

  
DANI NEWMAN  
DISCIPLINARY MANAGER

ROBERT M. MCKENNA  
ATTORNEY GENERAL

  
KRISTIN BREWER, W3BA # 38494  
ASSISTANT ATTORNEY GENERAL



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
Olympia, Washington 98504

RE: David T. Potter, MD  
Master Case No.: M2009-968  
Docket No.:  
Document: Summary Suspension

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.

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

In the Matter of:

DAVID T. POTTER, M.D.,  
License No. MD00046532,

Respondent.

Master Case No. M2009-968

EX PARTE ORDER OF  
SUMMARY SUSPENSION

PRESIDING OFFICER: Jerry D. Mitchell, Health Law Judge

COMMISSION PANEL: William Gotthold, M.D., Chair  
Richard Brantner, M.D.  
Anjan K. Sen, M.D.

This matter came before the Medical Quality Assurance Commission (Commission) on August 14, 2009, on an Ex Parte Motion for Order of Summary Action (Motion) brought by the Department of Health Medical Program (Department) through the Office of the Attorney General. The Department issued a Statement of Charges alleging Respondent violated RCW 18.130.170(1). After reviewing the Statement of Charges, Motion, and supporting evidence, the Commission grants the motion. Respondent's license to practice as a physician and surgeon is SUMMARILY SUSPENDED pending further action.

**I. FINDINGS OF FACT**

1.1 David T. Potter, (Respondent) is a physician and surgeon, licensed by the State of Washington at all times applicable to this matter.


1.2 The Department issued a Statement of Charges alleging Respondent violated RCW 18.130.170(1). The Statement of Charges was accompanied by all other documents required by WAC 246-11-250.

EX PARTE ORDER OF  
SUMMARY SUSPENSION

Page 1 of 3

Master Case No. M2009-968

1.3 As set forth in the allegations in the Statement of Charges, as well as the Motion, Respondent was hospitalized in May 2008



1.4 The above allegations, supported by the declaration of Wayne Carlson, together with the attached exhibits, justify the determination of immediate danger in this case, and a decision to immediately suspend the credential until a hearing on the matter is held.

## II. CONCLUSIONS OF LAW

2.1 The Commission has jurisdiction over Respondent's license to practice as a physician and surgeon. RCW 18.130.040.

2.2 The Commission has authority to take emergency adjudicative action to address an immediate danger to the public health, safety, or welfare.

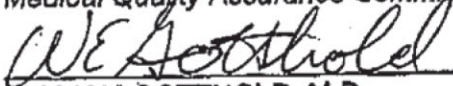
RCW 34.05.422(4), RCW 34.05.479, RCW 18.130.050(8), and WAC 246-11-300.

2.3 The Findings of Fact establish the existence of an immediate danger to the public health, safety, or welfare if Respondent has an unrestricted license. The Findings of Fact establish that the requested summary action is necessary and adequately addresses the danger to the public health, safety, or welfare.

### III. ORDER

Based on the Findings of Fact and Conclusions of Law, it is ORDERED that Respondent's license to practice as a physician and surgeon is SUMMARILY SUSPENDED pending further disciplinary proceedings by the Commission. Respondent shall immediately deliver all credentials, including wall, display, and/or wallet, if any, to the Department.

Dated this 14 day of August, 2009.

*Medical Quality Assurance Commission*  
  
WILLIAM GOTTHOLD, M.D.  
Panel Chair

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





STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
Olympia, Washington 98504

RE: David T. Potter  
Master Case No.: M2009-968  
Docket No.:  
Document: Default 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.

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

In the Matter of

**No. M2009-968**

**DAVID T. POTTER, MD**  
License No. MD00046532

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
FINAL ORDER OF DEFAULT  
(Failure to Respond)**

Respondent.

This matter comes before the Medical Quality Assurance Commission (Commission) for final order of default. Based on the record, the Health Law Judge, serving as Presiding Officer on designation by the Commission, makes the following findings of fact and conclusions of law.

**1. FINDINGS OF FACT**

1.1 David T. Potter, Respondent, is a physician and surgeon, licensed by the state of Washington at all times applicable to this matter.

1.2 The Department has filed the Declaration of Dani Newman, Disciplinary Manager, with attached exhibits.

1.3 Respondent was hospitalized in May 2008 with a diagnosis of bipolar disorder, then entered into a contract with the Washington Physician's Health Program for monitoring of his bipolar disorder. WPHP reported that after Respondent admitted he violated the contract by abusing drugs, WPHP referred Respondent for in-patient treatment in Alabama. WPHP reported that after completing in-patient treatment, Respondent entered a halfway house to complete and aftercare program. WPHP also reported that in March 2009, Respondent stopped taking his medications, left the halfway house without permission, and was found in a hospital. A civil commitment hearing was scheduled in order to commit Respondent to a state hospital in Alabama. Respondent was discharged from the hospital, and his whereabouts are unknown. WPHP believes that if Respondent were to practice medicine, he would place the public at risk.

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1.4 On August 14, 2009, the Commission served Respondent with a copy of the following documents at Respondent's last known address, which was in Seattle, Washington:

- A. Statement of Charges;
- B. Ex Parte Order of Summary Suspension;
- C. Notice of Legal Rights;
- D. Answer to Statement of Charges and Request for Settlement and Hearing (Answer);
- E. Ex Parte Motion for Order of Summary Action; and
- F. Declaration of Wayne Carlson In Support of Summary Action with attachments.

1.5 On or about August 21, 2009, the envelope containing these documents was returned and marked "forward time exp., Rtn to sender, 1758 W August Blvd Apt 1F, Chicago, IL 60622-3276. On August 21, 2009, the Commission served Respondent with a copy of the documents listed above to the Chicago address.

1.6 The Answer was due in the Adjudicative Clerk Office by September 15, 2009.

1.7 To date, the Adjudicative Clerk Office has not received an answer to the Statement of Charges. On September 15, 2009, the Adjudicative Clerk Office issued a Notice of Failure to Respond.

1.8 The Commission has no reason to believe Respondent is now or was in active military service, or a dependent of a person in active military service at the time the Statement of Charges was served.

## **2. CONCLUSIONS OF LAW**

2.1 The Commission has jurisdiction over Respondent and over the subject matter of this case, RCW 18.130.040.

2.2 Respondent did not file a response to the Statement of Charges within the time allowed. WAC 246-11-270(1)(a)(i) or WAC 246-11-270(3).

2.3 Respondent is in default and the Commission may issue a final order based on the evidence presented. RCW 18.130.090(1) and RCW 34.05.440.

2.3 Based upon the Findings of Fact, Respondent has engaged is unable to practice with reasonable skill and safety by reason of a mental or physical condition in violation of RCW 18.130.17(1).

2.4 Sufficient grounds exist to take disciplinary action against Respondent's license. RCW18.130.160 and RCW 18.130.170.

### 3. ORDER

The COMMISSION ORDERS:

3.1 Respondent's license to practice as a physician in the state of Washington is INDEFINITELY SUSPENDED.

3.2 Respondent shall immediately return all licenses to the Commission within ten (10) days of receipt of this Order.

3.3 The effective date of this Order is that date the Adjudicative Clerk Office places the signed order into the U.S. mail. Respondent shall not submit any fees or compliance documents until after the effective date of this Order.

### 4. COMPLIANCE WITH SANCTION RULES

The disciplining authority applies WAC 246-100-800, *et seq.*, to determine appropriate sanctions. WAC 246-100-800(2)(b)(iv) provides that "indefinite suspension may be imposed in default and waiver of hearing orders. The sanction of indefinite suspension adequately addresses the facts of this case.

### 5. NOTICE TO PARTIES

This Order will be reported to the Health Integrity and Protection Databank (45 CFR Part 61), and it may be reported to the National Practitioner Databank (45 CFR Part 60) and elsewhere as required by law. It is a public document and will be placed on the Department of Health's website and otherwise disseminated as required by the Public Records Act, Chapter 42.56 RCW.

Either Party may file a petition for reconsideration. RCW 34.05.461(3); 34.05.470. The petition must be filed within ten (10) days of service of this Order with:

Adjudicative Clerk Office  
Adjudicative Service Unit  
PO Box 47879  
Olympia, WA 98504-7879

and a copy must be sent to:

State of Washington  
Medical Quality Assurance Commission  
PO 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 twenty (20) days after the petition is filed if the Adjudicative Clerk Office 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 thirty (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. However, if a petition for reconsideration is filed the thirty (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 Clerk Office. 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).

DATED: September 23<sup>rd</sup>, 2009.

STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
MEDICAL QUALITY ASSURANCE COMMISSION

  
HEALTH LAW JUDGE

PRESENTED BY:

  
Michael L. Bahn, WSBA# 16009

For MICHAEL FARRELL, WSBA #16022  
DEPARTMENT OF HEALTH STAFF ATTORNEY

September 21, 2009  
DATE