



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
Olympia, Washington 98504

RE: Ann B. McCombs  
Master Case No. M2008-118519  
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:

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:

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  
BOARD OF OSTEOPATHIC MEDICINE AND SURGERY**

**FILED**  
JUL 01 2009  
Adjudicative Clerk

In the Matter of

No. M2008-118519

**ANN B. MCCOMBS**

**STATEMENT OF CHARGES**

Credential No. DO.OP.00001238

Respondent

The Executive Director of the Board of Osteopathic Medicine and Surgery (Board), on designation by the Board, makes the allegations below, which are supported by the evidence contained in case no. 2006-7575. The employees referred to in this Statement of Charges are identified in the attached Confidential Schedule.

**1. ALLEGED FACTS**

1.1 On July 14, 1989, the state of Washington issued Respondent a credential to practice as a doctor of osteopathic medicine and surgery. Respondent's credential is currently active until October 27, 2009.

1.2 At all times pertinent hereto, Respondent employed Employee A to draw blood, inject patients, and perform intravenous therapies. Employee A continues in Respondent's employ and continues to perform these duties. Employee A has no health care credential in the state of Washington and has had no health care credential since his interim permit as a Physician Assistant expired in 2002.

1.3 At times pertinent hereto, Respondent has advertised that she is board certified in pain management. Respondent has never been certified in pain management by a board recognized by either the American Osteopathic Association or the American Medical Association.

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## 2. ALLEGED VIOLATIONS

2.1 Based on the Alleged Facts, Respondent has committed unprofessional conduct in violation of RCW 18.130.180(1), (3), (4), (7), (10), and (14) and WAC 246-853-100(1), which provide:

**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:

(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. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

...

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

...

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

...

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

...

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

...

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**WAC 246-853-100 Prohibited publicity and advertising.**

An osteopathic physician shall not use or allow to be used any form of public communications or advertising connected with his or her profession or in his or her professional capacity as an osteopathic physician which:

(1) Is false, fraudulent, deceptive or misleading;

....

2.2 The above violations provide 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 Executive Director of the Board 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 and the imposition of sanctions under Chapter 18.130 RCW.

DATED: June 30, 2009.

STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
BOARD OF OSTEOPATHIC MEDICINE AND  
SURGERY

  
\_\_\_\_\_  
BLAKE MARESH  
EXECUTIVE DIRECTOR

  
\_\_\_\_\_  
KIM O'NEAL, WSBA #12939  
ASSISTANT ATTORNEY GENERAL

## CONFIDENTIAL SCHEDULE

**This information is confidential and is NOT to be released without the consent of the individual or individuals named below. RCW 42.56.240(1)**

Employee A:





STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
Olympia, Washington 98504

RE: Ann B. McCombs  
Master No.: M2008-118519  
Document: Amended 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)

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**STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
BOARD OF OSTEOPATHIC MEDICINE AND SURGERY**

**FILED**

AUG 03 2009

In the Matter of

**No. M2008-118519**

Adjudicative Clerk

**ANN B. MCCOMBS**

Credential No. DO.OP.00001238

**AMENDED STATEMENT OF  
CHARGES**

Respondent

The Executive Director of the Board of Osteopathic Medicine and Surgery (Board), on designation by the Board, makes the allegations below, which are supported by the evidence contained in case no. 2006-7575. The employee referred to in this Amended Statement of Charges is identified in the attached Confidential Schedule. The patient referred to in this Amended Statement of Charges is identified in the attached Confidential Schedule.

**1. ALLEGED FACTS**

1.1 On July 14, 1989, the state of Washington issued Respondent a credential to practice as a doctor of osteopathic medicine and surgery. Respondent's credential is currently active until October 27, 2009.

1.2 Patient A was treated from December 13, 2005, through May 1, 2006. During that time, Respondent allowed Employee A to draw blood, inject patients, and perform intravenous therapies, but he had no health care credential during that time.

1.3 At times pertinent hereto, Respondent has advertised that she is board certified in pain management. Respondent has never been certified in pain management by a board recognized by either the American Osteopathic Association or the American Medical Association.

**2. ALLEGED VIOLATIONS**

2.1 Based on the Alleged Facts, Respondent has committed unprofessional conduct in violation of RCW 18.130.180(1), (3), (4), (7), (10), and (14) and WAC 246-853-100(1), which provide:

**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:

(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. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

...

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

...

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

...

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

...

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

....

**WAC 246-853-100 Prohibited publicity and advertising.**

An osteopathic physician shall not use or allow to be used any form of public communications or advertising connected with his or her profession or in his or her professional capacity as an osteopathic physician which:

(1) Is false, fraudulent, deceptive or misleading;

....

2.2 The above violations provide 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 Executive Director of the Board 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 and the imposition of sanctions under Chapter 18.130 RCW.

DATED: August 3, 2009.

STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
BOARD OF OSTEOPATHIC MEDICINE AND  
SURGERY

  
\_\_\_\_\_  
BLAKE MARESH  
EXECUTIVE DIRECTOR

  
\_\_\_\_\_  
KIM O'NEAL, WSBA #12939  
ASSISTANT ATTORNEY GENERAL

## CONFIDENTIAL SCHEDULE

***This information is confidential and is NOT to be released without the consent of the individual or individuals named below. RCW 42.56.240(1)***

Employee A:



Patient A:



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
Olympia, Washington 98504

RE: Ann B. McCombs  
Master Case No.: M2008-118519  
Docket No.:  
Document: Statement of Allegations

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:

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**STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
BOARD OF OSTEOPATHIC MEDICINE AND SURGERY**

**FILED**  
MAR 25 2010  
Adjudicative Clerk

In the Matter of

No. M2008-118519

**ANN B. MCCOMBS**  
Credential No. DO.OP.00001238

**STATEMENT OF ALLEGATIONS  
AND SUMMARY OF EVIDENCE**

Respondent

The Executive Director of the Board of Osteopathic Medicine and Surgery (Board), on designation by the Board, makes the allegations below, which are supported by evidence contained in case no. 2006-7575. The patient and employee referred to in this Statement of Allegations and Summary of Evidence are identified in the attached Confidential Schedule.

**1. ALLEGED FACTS**

1.1 On July 14, 1989, the state of Washington issued Respondent a credential to practice as a doctor of osteopathic medicine and surgery. Respondent's credential is currently active.

1.2 Patient A was treated from December 13, 2005, through May 1, 2006. During that time, Respondent allowed Employee A to draw blood, inject patients, and perform intravenous therapies, but he had no health care credential during that time.

1.3 At times pertinent hereto, Respondent has advertised that she is board certified in pain management. Respondent has never been certified in pain management by a board recognized by either the American Osteopathic Association or the American Medical Association.

**2. SUMMARY OF EVIDENCE**

2.1 Complaint dated September 12, 2006.

2.2 Respondent's response dated January 24, 2007.

**3. ALLEGED VIOLATIONS**

3.1 The facts alleged in Section 1, if proven, would constitute unprofessional conduct in violation of RCW 18.130.180(3), (4), (7), (10), and (14) and WAC 246-853-100(1), which provide:

ORIGINAL

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

...

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

....

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

...

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

...

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

....

**WAC 246-853-100 Prohibited publicity and advertising.**

An osteopathic physician shall not use or allow to be used any form of public communications or advertising connected with his or her profession or in his or her professional capacity as an osteopathic physician which:

(1) Is false, fraudulent, deceptive or misleading;

....

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

#### **4. NOTICE TO RESPONDENT**

4.1 The Board has determined that this case may be appropriate for resolution through a Stipulation to Informal Disposition (Stipulation) pursuant to RCW 18.130.172(2). A proposed Stipulation is attached, which contains the disposition the Board believes is necessary to address the conduct alleged in this Statement of Allegations and Summary of Evidence.

4.2 If Respondent agrees that the disposition imposed by the Stipulation is appropriate, Respondent should sign and date the Stipulation and return it within fourteen (14) days to the Department of Health Legal Services Office at PO Box 47873, Olympia, WA 98504-7873.

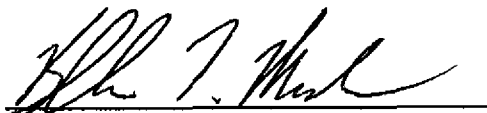
4.3 If Respondent does not agree that the terms and conditions contained in the Stipulation are appropriate, Respondent should contact Judy L. Young, Department of Health Staff Attorney, PO Box 47873, Olympia, WA 98504-7873, (360) 236-4879 within fourteen (14) days.

4.4 If Respondent does not respond within fourteen (14) days, the Board will assume Respondent has declined to resolve these allegations with an informal Stipulation and may proceed to formal disciplinary action against Respondent by filing a Statement of Charges pursuant to RCW 18.130.172(3).

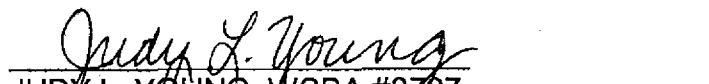
4.5 If the parties cannot resolve the allegations with an informal Stipulation, the Board may proceed with a formal Statement of Charges.

DATED: December 18, 2009.

STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
BOARD OF OSTEOPATHIC MEDICINE AND  
SURGERY



BLAKE MARESH  
EXECUTIVE DIRECTOR



JUDY L. YOUNG, WSBA #3797  
DEPARTMENT OF HEALTH STAFF ATTORNEY

## **CONFIDENTIAL SCHEDULE**

**This information is confidential and is NOT to be released without the consent of the individual or individuals named herein. RCW 42.56.240(1)**

Patient A

Employee A





STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
Olympia, Washington 98504

RE: Ann B. McCombs, D.O.  
Master Case No.: M2008-118519  
Docket No.:  
Document: Stipulation to Informal Disposition

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

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**STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
BOARD OF OSTEOPATHIC MEDICINE AND SURGERY**

In the Matter of

**ANN B. MCCOMBS**  
Credential No. DO.OP.00001238

Respondent

**No. M2008-118519**

**STIPULATION TO INFORMAL  
DISPOSITION**

**1. STIPULATION**

1.1 The Executive Director of the Board of Osteopathic Medicine and Surgery (Board), on designation by the Board, has made the following allegations.

A. On July 14, 1989, the state of Washington issued Respondent a credential to practice as a doctor of osteopathic medicine and surgery. Respondent's credential is currently active.

B. Patient A was treated from December 13, 2005, through May 1, 2006. During that time, Respondent allowed Employee A to draw blood, inject patients, and perform intravenous therapies, but he had no health care credential during that time.

C. At times pertinent hereto, Respondent has advertised that she is board certified in pain management. Respondent has never been certified in pain management by a board recognized by either the American Osteopathic Association or the American Medical Association.

1.2 Respondent admits the allegations in Paragraph 1.1.A. Respondent does not admit the allegations in paragraph 1.1.B and 1.1.C. This Stipulation to Informal Disposition (Stipulation) shall not be construed as a finding of unprofessional conduct or inability to practice.

1.3 Respondent acknowledges that a finding of unprofessional conduct or inability to practice based on the above allegations, if proven, would constitute grounds for discipline under RCW 18.130.180(3), (4), (7), (10) and (14) and WAC 246-853-100(1).

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1.4 Respondent agrees that pursuant to RCW 18.130.172 any sanction as set forth in RCW 18.130.160, except subsections (1), (2), (6), and (8), may be imposed as part of this stipulation, but the Respondent may agree to reimburse the disciplinary authority the costs of investigation and processing the complaint up to an amount not exceeding one thousand dollars per allegation.

1.5 The parties wish to resolve this matter by means of this Stipulation pursuant to RCW 18.130.172(1).

1.6 This Stipulation is of no force and effect and is not binding on the parties unless and until it is accepted by the Board.

1.7 This Stipulation is not formal disciplinary action. However, if the Board accepts this Stipulation, it will be reported to the Health Integrity and Protection Databank (45 CFR Part 61), 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 (Chap. 42.56 RCW).

1.8 The Board agrees to forego further disciplinary proceedings concerning the allegations.

1.9 Respondent agrees to successfully complete the terms and conditions of this informal disposition.

1.10 Respondent understands that a violation of this Stipulation, if proven, would constitute grounds for discipline under RCW 18.130.180 and the imposition of sanctions under RCW 18.130.160.

## **2. COMPLIANCE WITH SANCTION RULES**

2.1 The disciplinary authority applies WAC 246-16-800, *et seq.*, to determine appropriate sanctions. WAC 246-16-800(2)(c) requires the disciplinary authority to impose terms based on a specific sanction schedule unless "the schedule does not adequately address the facts in a case."

2.2 Respondent's alleged conduct falls in Tier A of the "Practice Below Standard of Care" schedule, WAC 246-16-810. The sanction range associated with that tier does adequately address the alleged facts of this case.

2.3 The disciplinary authority considered the following aggravating factors:

A. Experience in practice.

2.4 The disciplinary authority considered the following mitigating factors:

- A. Patient A was not injured.
- B. Inadvertent rather than intentional act.
- C. No past disciplinary record.
- D. Potential for successful rehabilitation.
- E. Present competence to practice.

### 3. INFORMAL DISPOSITION

The parties agree to the following:

3.1 Respondent's credential to practice as a doctor of osteopathic medicine and surgery in the state of Washington shall be placed on **PROBATION** for at least one (1) year commencing on the effective date of this Stipulation. During the course of probation, Respondent shall comply with all of the following terms and conditions.

3.2 Respondent shall reimburse costs to the Board in the amount of two thousand dollars (\$2,000.00) which must be received by the Board within one (1) year of the effective date of this Stipulation. The reimbursement shall be paid by certified or cashier's check or money order, made payable to the Department of Health and mailed to the Department of Health, Board of Osteopathic Medicine and Surgery at PO Box 1099, Olympia, Washington 98507-1099. Credit or Debit cards can also be used for payment at the front counter of the Department of Health building at 310 Israel Road SE, Tumwater, Washington 98501, during regular business hours.

3.3 Respondent shall not employ un-credentialed individuals to work as health care providers in her office.

3.4 Respondent shall insure that credentialed health care providers who work in her office practice within the scope of his or her health care credential.

3.5 Within ten (10) business days of the effective date of this Stipulation, Respondent shall verify in writing to the Board the names and credential numbers of employees who work as health care providers in her office, and shall verify in writing the scope of practice of these individuals.

3.6 Within two (2) weeks before the end of the PROBATIONARY period, Respondent shall again verify in writing to the Board the names and credential numbers

of employees who work as health care providers in her office, and shall verify again in writing the scope of practice of these individuals.

3.7 Within ten (10) business days of the effective date of this Stipulation, Respondent shall submit copies of any advertising, including web sites, business cards, and brochures to the Compliance Unit. The Board or its designee shall review the documents and determine whether they are within the requirements of Washington law.

3.8 Within two (2) weeks before the end of the PROBATIONARY period, Respondent shall again submit copies of any advertising, including web sites, business cards, and brochures to the Compliance Unit. The Board or its designee shall review the documents and determine whether they are within the requirements of Washington law.

3.9a If the Board of Osteopathic Medicine and Surgery has completed a jurisprudence examination within ninety (90) days of the end of Respondent's probationary period, Respondent shall pass with a score of one hundred per cent (100%) the jurisprudence examination for new licensees.

3.9b If the Board has not adopted the jurisprudence examination in its final version within ninety (90) days of the date that Respondent's probationary period is to end, Respondent shall submit to the Board for its approval a paper, typewritten in ten or twelve point font, of 500 to 1,000 words, demonstrating that she has reviewed the statutes and regulations pertaining to physician's assistants and other ancillary medical staff and the requirements of supervising them. If the Board does not approve Respondent's paper and asks her to redo it, the Board shall be specific in its objections and requirements. Respondent shall not have completed her probationary period until the Board has approved the paper.

3.10 All documentation required by this Stipulation shall be sent to Department of Health, Compliance Unit, P.O. Box 47873, Olympia, WA 98504-7873.

3.11 Respondent is responsible for all her costs of complying with this Stipulation.

3.12 Respondent shall inform the Board and the Adjudicative Clerk Office, in writing, of changes in Respondent's residential and/or business address within thirty (30) days of the change.

3.13 The effective date of this Stipulation is the date the Adjudicative Clerk Office places the signed Stipulation into the U.S. mail. If required, Respondent shall not submit any fees or compliance documents until after the effective date of this Stipulation.

#### 4. RESPONDENT'S ACCEPTANCE

I, ANN B. MCCOMBS, have read, understand and agree to this Stipulation. This Stipulation may be presented to the Board without my appearance. I understand that I will receive a signed copy if the Board accepts this Stipulation.

Ann B. McCombs  
ANN B. MCCOMBS  
RESPONDENT

2-1-10  
DATE

Jan C. Kirkwood  
JAN C. KIRKWOOD, WSBA #11092  
ATTORNEY FOR RESPONDENT

February 1, 2010  
DATE

## 5. BOARD ACCEPTANCE

The Board accepts this Stipulation to Informal Disposition. All parties shall be bound by its terms and conditions.

DATED: March 19, 2010.

STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
BOARD OF OSTEOPATHIC MEDICINE AND  
SURGERY

William Hart  
PANEL CHAIR

PRESENTED BY:

John M. WSB #17246 for  
JUDY L. YOUNG, WSBA #3797  
DEPARTMENT OF HEALTH STAFF ATTORNEY

3/19/2010  
DATE