

BOWERS, MARCI L.

Docket #: 99-04-A-1055 MD

CLOSED

Date	Activity	Status:
04/27/1999	OPEN DOCKET	
04/28/1999	INITIATING DOCUMENT: STATEMENT OF ALLEGATIONS SERVED.	
07/13/1999	CLOSURE: CLOSED - STIPULATION TO INFORMAL DISPOSITION, ON COMPLIANCE	



Health Profession Quality Assurance
 Timeline Case Summary Report
 As of 07/12/1999 3:22:18 PM

Printed By PMena 07/12/1999 3:22:23 PM

Profession: Medical	License #: MD00031347	Name : Driss, Leon A
Case #: 97-08-0003	Description: Data entry error	Docket #: 97-11-A-1044 MD
Date Opened: 08/04/1997	Date Closed: 07/12/1999	Total Days: 707

Current Step = Closed

Closure Reason: Closed - Final Order Issued, on Compliance

Step Name	Step Start	Step End	Step Due	Auth Days	Extend Days	Days Used	Days Remain	Next Step
Intake/Assess	08/04/1997	08/13/1997	08/25/1997	21	0	9	12	Investigation
Investigation	08/13/1997	09/10/1997	01/30/1998	170	0	28	142	Case Disposition
Case Disposition	09/10/1997	01/07/1998	01/28/1998	140	0	119	21	SOC-Receive Answer
SOC-Receive Answer	01/07/1998	01/07/1998	01/27/1998	20	0	0	20	Produce Sched Order
Produce Sched Order	01/07/1998	01/07/1998	02/06/1998	30	0	0	30	Adjudication Process
Adjudication Process	01/07/1998	07/08/1999	09/29/1999	180	450	547	83	Serve Final Order
Serve Final Order	07/08/1999	07/12/1999	08/22/1999	45	0	4	41	Closed
Closed	07/12/1999		07/12/1999	0	0	0	0	

Adjudicative Clerk Office Case Sheet

Docket Number: 99-04-A-1055 MD

Respondent: BOWERS, MARCI L.

Business:

Address: THE POLYCLINIC
1145 BROADWAY
SEATTLE, WA 98122-4299

Phone: **Work phone:**

Respondent Attorney:

Address:

Phone: **Fax:**

Attorney General:

Address:

Phone: **Fax:**

Profession: MD - PHYSICIAN AND SURGEON

Program manager: MARYELLA JANSEN

Mailstop: 47866

Phone: (360) 236-4792 **Fax:** (360) 586-4573

Prehearing Judge:

Hearing Judge:

Friday, April 30, 1999

Page 1 of 1

To: "Mullic, Anna"
From: Batdorf, Casandra E.
Subject: Bower doc
Date: 04/27/1999 Time: 3:44PM

FROM: Casandra	DOCKET #: 99-04-A-1055MD	PROGRAM/ASI NUMBER(S):	
RESPONDENT'S NAME: Marci L. Bowers, M.D.	1. 98-1...(1)	4.	
LICENSE #: 27147	2.	5.	
PROFESSION: medical	3.	6.	
TYPE OF INITIATING DOCUMENT:			
<input type="checkbox"/> Statement of Charges	<input type="checkbox"/> BAP Initial Order and Record		
<input type="checkbox"/> Notice of Intent to Deny	<input type="checkbox"/> Suspension of License for Default of Student Loan:		
<input type="checkbox"/> Motion for Summary Action and SOC packet	<input checked="" type="checkbox"/> SOA and Proposed Stipulated Order		
<input type="checkbox"/> Notice of Intent to Order Investigative Physical or Psychological Exam	<input type="checkbox"/> Other		

Footnotes for Bower doc:

(1) 98-12-0051MD



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

PO Box 47879 • Olympia, Washington 98504-7879

July 13, 1999

MARCI LEE BOWERS
C/O THE POLYCLINIC
1145 BROADWAY
SEATTLE, WA 98122-4299

Dear Dr. Bowers:

Enclosed please find the Stipulation to Informal Disposition (Stipulation) dated July 8, 1999

Questions regarding compliance with the Stipulation should be directed to Dirk Gillespie, Compliance Officer for the Washington State Medical Quality Assurance Commission, P. O. Box 47866, Olympia, WA 98504-7866 or (360) 236-4794.

Sincerely,

A handwritten signature in cursive script that reads "Pam L. Mena".

Pam L. Mena
Adjudicative Clerk Office
P. O. Box 47879
Olympia, WA 98504-7879
(360) 236-4674

Enclosure

cc: Dirk Gillespie, Compliance Officer
Maryella Jansen, Program Manager
Marcia G. Stickler, Staff Attorney

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
ADJUDICATIVE CLERK OFFICE


In the Matter of the License to Practice as) Docket No. 99-04-A-1055MD
a Physician and Surgeon of:)
) DECLARATION OF SERVICE
MARCI LEE BOWERS, M.D.,) BY MAIL
License No.: MD00027147)
)
)
)

I declare under penalty of perjury under the laws of the state of Washington that the following is true and correct:

On July 13, 1999, I served a true and correct copy of the Stipulation to Informal Disposition dated July 8, 1999, by placing same in the U.S. mail by 4:30 p.m, postage prepaid, on the following parties to this case:

MARCI LEE BOWERS
C/O THE POLYCLINIC
1145 BROADWAY
SEATTLE, WA 98122-4299

DATED: This 13 day of July 1999, at Olympia, Washington.



Pam L. Mena, Adjudicative Clerk Office

cc: Maryella Jansen, Program Manager
Marcia G. Stickler, Staff Attorney

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

In the Matter of the License to Practice as a)
Physician and Surgeon of) **Docket No. 99-04-A-1055MD**
)
MARCI LEE BOWERS, M.D.,) STIPULATION TO INFORMAL
License No.27147) DISPOSITION
)
Respondent.)
_____)

Section 1: STIPULATION

The parties to the above-entitled matter stipulate as follows:

1.1 Marci Lee Bowers, M.D., Respondent, is informed and understands that the Program Manager, on designation by the Commission, has made the following allegations:

1.1.1 In the course of bilateral salpingo-oophorectomy surgery on the patient (previously identified on a confidential schedule) on or about August 6, 1997, the Respondent negligently sutured a minute portion of small bowel while closing the fascial layer of the wound, resulting in peritonitis.

1.1.2 Despite the patient demonstrating possible complications post-operatively, the Respondent did not respond in a timely manner. A general surgeon reoperated on the patient on the ninth post-operative day.

1.1.3 The patient required further surgery and suffered a delayed recovery as a result of the complication.

1.2 Respondent is informed and understands that the Commission has alleged that the conduct described above, if proven, would constitute a violation of RCW 18.130.180 (4).

1.3 The parties wish to resolve this matter by means of a Stipulation to Informal Disposition pursuant to RCW 18.130.172(1).

1.4 Respondent agrees to be bound by the terms and conditions of the Stipulation to Informal Disposition.

1.5 This Stipulation to Informal Disposition is of no force and effect and is not binding on the parties unless and until this Stipulation to Informal Disposition is accepted by the Commission.

1.6 Respondent does not admit any of the allegations in the Statement of Allegations and Summary of Evidence or in paragraph 1.1 above. This Stipulation to Informal Disposition shall not be construed as a finding of unprofessional conduct or inability to practice.

1.7 This Stipulation to Informal Disposition is not formal disciplinary action. It is not subject to the reporting requirements of RCW 18.130.110 or any interstate/national reporting requirement.

1.8 This Stipulation to Informal Disposition is releasable to the public upon request pursuant to the Public Records Act, chapter 42.17 RCW. The Statement of Allegations and Summary of Evidence and the Stipulation to Informal Disposition shall remain part of Respondent's file and cannot be expunged.

1.9 The Commission agrees to forego further disciplinary proceedings concerning the allegations contained in sections 1.1 and 1.2 above.

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

1.11 Respondent is advised and understands that a violation of the provisions of section 2 of this Stipulation to Informal Disposition, if proved, would constitute grounds for discipline under

parties unless and until this Stipulation to Informal Disposition is accepted by the Commission.

1.12 This Stipulation to Informal Disposition is not formal disciplinary action, is not intended and should not be construed as an action which "revokes or suspends (or otherwise restricts) a physician's license or censures or reprimands, or places on probation" as those words are used in Sec. 422 of the Health Care Quality Improvement Act of 1986, 42 USC 11132 and is therefore not subject to any reporting requirements to the National Practitioner Data Bank, or under RCW 18.130.110 or any interstate/national reporting requirement.

1.13 Respondent is advised and understands that a violation of the provisions of section 2 of this Stipulation to Informal Disposition, if proved, would constitute grounds for discipline under RCW 18.130.180 and the imposition of sanctions under RCW 18.130.160.

Section 2: INFORMAL DISPOSITION

Pursuant to RCW 18.130.172 (2) and based upon the foregoing stipulation, the parties agree to the following Informal Disposition. The Respondent's license to practice medicine is subject to the following terms and conditions for a period of TWO YEARS. After two years and upon successful completion of the requirements in this section, the terms and conditions herein shall automatically expire.

2.1 Respondent shall submit a plan of continuing medical education (CME) in the area of general surgical complications and post-operative care to the Commission's designee for approval. The exact number of hours and the specific content of the course or courses constituting such program shall be determined by the Commission's designee and shall total not

less than TWELVE (12) credit hours of Category I continuing medical education as described in WAC 246-917-170. This program shall be in addition to the Continuing Education requirement for relicensure. Questions concerning the specific course or courses shall be directed to the Commission's designee. Such CME plan shall be approved by the Medical Consultant, implemented and completed within ONE YEAR (1) of the effective date of this Informal Disposition.

2.2 The Respondent shall see to it that all care delivered to her patients falls within acceptable standards of medical practice. The Respondent shall obey all federal, state, and local laws and all administrative rules governing the practice of medicine in Washington.

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I, Marci Lee Bowers, M.D., Respondent, certify that I have read this Stipulation to Informal Disposition 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 Stipulation to Informal Disposition, I understand that I will receive a signed copy.

Marci L. Bowers MD
Marci Lee Bowers, M.D.
Respondent

6/30/95
Date

Section 3: ACCEPTANCE

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

DATED this 8th day of July, 1999.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION

1999 JUL
11



Panel Chair

Presented by:



Marcia G. Stickler, WSBA # 20712
Department of Health Staff Attorney

July 7, 1999
Date

FOR INTERNAL USE ONLY. INTERNAL TRACKING NUMBERS:

Program No. 98-12-0051MD

FILED

JUL 1 2 1999

**Adjudicative Clerk
Office**

ORIGINAL

Case Information Cover Sheet
[Please complete the appropriate section(s)]

1. Docket Number: 99-04-A-1055MD	
Respondent Name: MARCI L BOWERS MD	Today's Date: 4-28-99
Respondent Attorney:	Program Manager: M. Jansen
	Staff Attorney: Sticker
	AAG:
Reviewing Bd/Comm Member: JWM	Charging Panel:

1 - Attorney Work Product - RCW 42.56.290 - Drafts, notes, memoranda, statements, records or research reflecting the opinions or mental impressions of an attorney or attorney's ag

NOTE: The proposed criteria listed below are intended to provide a means for the Program to provide input on scheduling at the time of charging. They are not intended as a final decision on scheduling, and may be subject to change based upon receipt of an answer from the Respondent. For more complete instructions, please see NOTES on the back of this form.

- 4 months
Admission of guilt; 1 charge
Noncompliance
Application denial
Action in another jurisdiction
 - 5 months
One straight-forward issue (e.g. 1 charge of diversion)
 - 6 months
Multiple charges
Practice issues
Convicted; Multiple charges
 - 9 months
Multiple, complex, technical issue
Multiple parties, complex issues
(e.g. Most Certificate of Need cases; Complex practice issues)
- Other: _____

4. Special instructions/considerations:

- ◆ # of anticipated hearing days: _____
- ◆ Use pre-set hearing dates: Yes No
- ◆ Translator/Interpreter Needed: Yes No
- ◆ Need special hearing dates: Yes No

FOR USE BY CLERK OFFICE ONLY
FILED
 APR 28 1999
 Adjudicative Clerk
 Office

- ◆ Hearing date: _____
- ◆ Other: _____

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

In the Matter of the License to Practice as a)	
Physician and Surgeon of)	Docket No. 99-04-A-1055MD
)	
MARCI LEE BOWERS, M.D.)	DECLARATION OF SERVICE
<i>License No. 27147</i>)	
)	
Respondent.)	
)	

I declare under penalty of perjury under the laws of the state of Washington that the following is true and correct:

On April 28, 1999, I served a true and correct copy of the **Statement of Allegations and Summary of Evidence, and Stipulation to Informal Disposition**, signed by or for Maryella E. Jansen, Program Manager, on April 28, 1999, by placing same in the U.S. mail by 4:30 p.m, postage prepaid, on the following parties to this case:

Marci Lee Bowers, M.D.
The Polyclinic
1145 Broadway
Seattle, WA 98122-4299

DATED: April 28, 1999, Olympia, Washington.


Casandra Batdorf, Paralegal

original filed with:

Adjudicative Clerk Office
1107 Eastside Street
PO Box 7879
Olympia WA 98504-7879

FOR INTERNAL USE ONLY. INTERNAL TRACKING NUMBERS:

Program No. 98-12-0051MD

DECLARATION OF SERVICE

ORIGINAL



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

1300 SE Quince St • P.O. Box 47866 • Olympia, WA 98504-7866

April 28, 1999

Marci Lee Bowers, M.D.
The Polyclinic
1145 Broadway
Seattle, WA 98122-4299

Re: In the Matter of the License to Practice Medicine of
Marci Lee Bowers, M.D., Docket No. 99-04-1055MD/Program No. 98-12-0051MD

Dear Dr. Bowers:

You have been under investigation by the Washington State Medical Quality Assurance Commission for alleged unprofessional conduct. As a resolution of the case, the Commission has moved to allow you to enter into a Stipulation to Informal Disposition rather than filing a formal Statement of Charges. Please read these documents carefully and consult your attorney if you need legal advice.

I have enclosed the original and one copy of the Stipulation to Informal Disposition which I, as the staff attorney for the Department of Health, have prepared. The terms of the Stipulation to Informal Disposition are those proposed by the Commission. Signing the Stipulation does not constitute an admission of any violation of law. Note that a Stipulation to Informal Disposition is not disciplinary action, nor is it published or sent to the National Practitioner Data Bank.

I have also enclosed a document entitled "Statement of Allegations." The legislature has required that this be served along with a Stipulation to Informal Disposition. It merely recites the allegations against you.

If you choose to enter into the Stipulation to Informal Disposition, please sign the original in the spaces indicated and return it to me. Keep the copy for your records. I will forward a conformed copy to you when the original is signed.



Marci Lee Bowers, M.D.

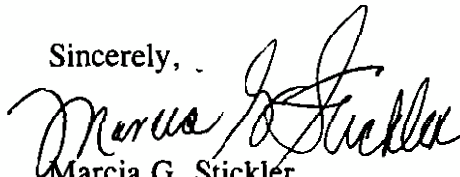
April 28, 1999

Page - 2

If you choose not to accept the Stipulation to Informal Disposition, please inform me in writing within 10 days. The matter will then be re-presented to the Commission to determine whether to issue a Statement of Charges in this case.

You are, of course, free to consult with and engage an attorney to represent you in these matters. If you have any further questions or concerns, you may contact me at the telephone number referenced below, or you may contact my paralegal, Casandra Batdorf at (360) 236-4808.

Sincerely,



Marcia G. Stickler

Staff Attorney, Dept. of Health

(360) 236-4814

MGS/ceb
Enclosures

cc: Hampton Irwin, M.D. Reviewing Commission Member
George Heye, M.D., Medical Consultant

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

In the Matter of the License to Practice as a Physician and Surgeon of)
MARCI LEE BOWERS, M.D.) **Docket No. 99-04-A-1055MD**
License No. 27147) **STATEMENT OF ALLEGATIONS**
Respondent.) **AND SUMMARY OF EVIDENCE**

The Program Manager, on designation by the Commission, makes the allegations below, which are supported by evidence contained in program case file No. 98-12-0051MD. Any patient referred to in this Statement of Allegations and Summary of Evidence is identified in an attached Confidential Schedule.

Section 1: ALLEGED FACTS

1.1 Marci Lee Bowers, M.D., Respondent, was issued a license to practice as a physician and surgeon by the State of Washington in March, 1990.

1.2 In the course of bilateral salpingo-oophorectomy surgery on the patient previously identified on a confidential schedule) on or about August 6, 1997, the Respondent negligently sutured a minute portion of small bowel while closing the fascial layer of the wound, resulting in peritonitis.

1.3 Despite the patient demonstrating possible complications post-operatively, the Respondent did not respond in a timely manner. A general surgeon reoperated on the patient on the ninth post-operative day.

1.4 The patient required further surgery and suffered a delayed recovery as a result of the complication.

Section 2: SUMMARY OF EVIDENCE

2.1 Respondent's medical record of the Patient.

2.2 The patient's operative report, history and physical, progress notes and discharge summary from Providence Medical Center, Seattle, Washington..

2.3 Payment report from Physicians Insurance Exchange to the National Practitioner Data Bank dated December 10, 1998

2.4 Respondent's letter to Department of Health Investigator Tim Slavin dated January 29, 1999.

Section 3: ALLEGED VIOLATIONS

3.1 The facts alleged in paragraphs 1.1 through 1.4 above, if proven, would constitute unprofessional conduct in violation of RCW 18.130.180 (4) which provides in part:

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

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

Section 4: NOTICE TO RESPONDENT

4.1 The Commission has determined that this case may be appropriate for resolution through a Stipulation to Informal Disposition, pursuant to RCW 18.130.172(2). A proposed Stipulation to Informal Disposition is attached, which contains the disposition the Commission 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 to Informal Disposition is appropriate to address the conduct alleged in this Statement of Allegations and Summary of Evidence, Respondent should sign and date the Stipulation to Informal Disposition and return it within 20 days to Casandra Batdorf, Dept. of Health, P. O. Box 47866, Olympia, WA 98504-7866.

4.3 If Respondent does not agree that the terms and conditions contained in the Stipulation to Informal Disposition are appropriate to address the conduct alleged in the Statement of Allegations and Summary of Evidence, Respondent should contact Marcia G. Stickler, Staff Attorney, Department of Health Staff Attorney, Department of Health, Medical Quality Assurance Commission, 1300 SE Quince, Olympia, WA 98504-7866 at (360) 664-2252 within 10 days.

4.4 If Respondent does not respond within 20 days, the Commission will assume Respondent has declined to resolve the allegations by means of a Stipulation to Informal Disposition.

4.5 In the event Respondent declines to resolve the allegations by means of a Stipulation to Informal Disposition pursuant to RCW 18.130.172(2), the Commission may proceed to formal disciplinary action against Respondent by filing a statement of charges, pursuant to RCW 18.130.172(3).

4.6 The cover letter enclosed with this Statement of Allegations and Summary of Evidence was mailed to the name and address currently on file for Respondent's license.

Pursuant to WAC 246-01-100, Respondent must notify, in writing, the Commission if Respondent's name and/or address changes.

DATED this 28th day of April, 1999.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION

Myrle E. Jansen

Program Manager

Marcia G. Stickler

Marcia G. Stickler, WSBA # 20712
Department of Health Staff Attorney

FOR INTERNAL USE ONLY. INTERNAL TRACKING NUMBERS:

Program No. 98-12-0051MD

CONFIDENTIAL SCHEDULE

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)

The Patient 2 - Investigative Records Compiled by agenc...

Redaction Summary (2 redactions)

2 Privilege / Exemption reasons used:

- 1 -- "Attorney Work Product - RCW 42.56.290 - Drafts, notes, memoranda, statements, records or research reflecting the opinions or mental impressions of an attorney or attorney's agent that reveal factual or investigative information prepared, collected, or assembled in litigation or in anticipation of litigation." (1 instance)
- 2 -- "Investigative Records Compiled by agency investigative and law enforcement unit; and non-disclosure is essential to effective law enforcement or for a person's privacy. - RCW 42.56.240(1)" (1 instance)

Redacted pages:

- Page 15, Attorney Work Product - RCW 42.56.290 - Drafts, notes, memoranda, statements, records or research reflecting the opinions or mental impressions of an attorney or attorney's agent that reveal factual or investigative information prepared, collected, or assembled in litigation or in anticipation of litigation., 1 instance
- Page 23, Investigative Records Compiled by agency investigative and law enforcement unit; and non-disclosure is essential to effective law enforcement or for a person's privacy. - RCW 42.56.240(1), 1 instance