



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Randolph B. Bourne, MD
Master Case No.: M2012-398
Document: Stipulation to Informal Disposition

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

Certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **NONE**

If you have any questions or need additional information regarding the information that was withheld, please contact:

Customer Service Center
P.O. Box 47865
Olympia, WA 98504-7865
Phone: (360) 236-4700
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Privacy Officer, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

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

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

RANDOLPH B. BOURNE, MD
License No. MD00047603

Respondent

No. M2012-398

**STIPULATION TO INFORMAL
DISPOSITION**

Pursuant to the Uniform Disciplinary Act, Chapter 18.130 RCW, the Medical Quality Assurance Commission (Commission) issued a Statement of Allegations and Summary of Evidence (Statement of Allegations) alleging the conduct described below. Respondent does not admit any of the allegations. This Stipulation to Informal Disposition (Stipulation) is not formal disciplinary action and shall not be construed as a finding of unprofessional conduct or inability to practice.

1. ALLEGATIONS

1.1 On January 29, 2007, the state of Washington issued Respondent a license to practice as a physician and surgeon. Respondent is board-certified in obstetrics and gynecology. Respondent's license is currently active.

1.2 In October 2008, Patient A was referred by her primary care provider to an obstetrician at Sound Women's Care in Edmonds, WA to rule out an ectopic pregnancy. Initially, Patient A was followed by two of Respondent's partners, who ordered serial pelvic ultrasounds on October 6, 10, and 17, the findings of which indicated that the pregnancy was abnormal and there was a right adnexal mass. A follow-up ultrasound was ordered for October 20, 2008, to confirm the abnormal pregnancy.

1.3 On October 20, 2008, Respondent saw Patient A for the first time to follow up on her problem which resulted in a pre-operative visit. Respondent noted that Patient A was 7 weeks 2 days pregnant, noted serial hCGs to be 32,000, 51,000 and 53,000 respectively, and noted "several ultrasounds" including the "one done today" as showing "nothing in her uterus", "yolk sac is not visible and no embryonic pole is visible, and they should be at this point." Respondent noted additional findings including a cystic structure in the uterus, a large anterior fibroid, a complex cystic mass in the right

ovary and a simple cyst in the left adnexa. Respondent concluded that the most likely diagnosis was ectopic pregnancy. Respondent also noted that Patient A did not have any pain at this time and was completely stable. Patient A signed a consent for a D&C and possible laparoscopic salpingectomy or salpingostomy for probably ectopic pregnancy.

1.4 On October 21, 2008, Respondent performed a D&C on Patient A. Respondent determined no evidence of an intrauterine pregnancy and proceeded with laparoscopy. During the laparoscopy, Respondent observed a large right ovarian mass, determined to be a teratoma, which he attempted to remove, leaving the ovary intact. Because of ovarian bleeding, Respondent had to remove the entire right ovary.

1.5 Sometime after the surgery, Respondent received the October 20, 2008, ultrasound report which indicated a uterine pregnancy with a visible yolk sac.

1.6 Respondent's failure to review the October 20, 2008, ultrasound report before taking Patient A to surgery on October 21, 2008, was below the standard of care. Respondent's failure to review the October 20, 2008, ultrasound and convey the contents of the report to Patient A caused Patient A to undergo surgery earlier than necessary, and denied Patient A the choice of continuing the pregnancy, abnormal or not.

2. STIPULATION

2.1 The Commission alleges that the conduct described above, if proven, would constitute a violation of RCW 18.130.180(4).

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

2.3 Respondent agrees to be bound by the terms and conditions of this Stipulation.

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

2.5 If the Commission accepts the Stipulation it will be reported to the Health Integrity and Protection Databank (HIPDB)(45 CFR Part 61), the Federation of State Medical Board's Physician Data Center, and elsewhere as required by law. HIPDB will report this Stipulation to the National Practitioner Data Bank (45 CFR Part 60).

2.6 The Statement of Allegations and this Stipulation are public documents. They will be placed on the Department of Health web site, disseminated via the Commission's electronic mailing list, and disseminated according to the Uniform Disciplinary Act (Chapter 18.130 RCW). They are subject to disclosure under the Public Records Act, Chapter 42.56 RCW, and shall remain part of Respondent's file according to the state's records retention law and cannot be expunged.

2.7 The Commission agrees to forego further disciplinary proceedings concerning the allegations.

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

2.9 A violation of the provisions of Section 3 of this Stipulation, if proved, would constitute grounds for discipline under RCW 18.130.180 and the imposition of sanctions under RCW 18.130.160.

3. INFORMAL DISPOSITION

The Commission and Respondent stipulate to the following terms.

3.1 **Probation.** The Commission places Respondent's license on probation for a period of two years from the effective date of this Stipulation to Informal Disposition.

3.2 **Protocol.** Within three (3) months of the effective date of this Stipulation, Respondent will submit to the Commission for approval a copy of clinic protocols designed to ensure that the latest ultrasounds are received and reviewed with the patient before proceeding to surgery.

3.3 **Continuing Medical Education.** Respondent must successfully complete at least two (2) hours of continuing medical education (CME) addressing how to diagnose ectopic pregnancy and when to operate with an ectopic pregnancy diagnosis. Respondent will complete the required course within twelve (12) months of the effective date of this Stipulation. The Commission's Medical Consultant must approve all courses in advance.

3.4 **Authoritative Paper.** Within 30 days of completing the above-referenced CME, Respondent shall write and submit to the Commission or its designee an authoritative paper of a minimum of 1000 words incorporating what Respondent learned from the CME and explaining how he will incorporate what he learned into his practice.

3.5 **Practice Review.** Respondent will permit a representative of the Commission to conduct announced annual practice reviews with the primary purpose of verifying that Respondent is following the protocols for review of the latest ultrasounds with the patient prior to proceeding to surgery. The practice review may include: (a) a review of patient charts selected by the Commission representative from Respondent's surgery schedule, and (b) interviews with Respondent, clinic employees, and any staff that assist Respondent with surgery.

3.6 **Cost Recovery.** Respondent shall reimburse costs to the Commission in the amount of \$1000, which must be received by the Commission within three (3) months 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, Medical Quality Assurance Commission at PO Box 1099, Olympia, Washington 98507-1099.

3.7 **Termination.** Respondent shall be subject to the terms of this Stipulation for at least two years. The Commission will release Respondent from this Stipulation to Informal Disposition when Respondent provides written proof that he has successfully completed all the terms. A Compliance Officer will send Respondent a letter stating Respondent is released from the Stipulation to Informal Disposition. Respondent will not have to file a petition for release or appear before the Commission.

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

3.9 **Costs.** Respondent must assume all costs of complying with this Stipulation.

3.10 **Violations.** If Respondent violates any provision of this Stipulation in any respect, the Commission may initiate further action against Respondent's license.

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

3.12 **Effective Date.** The effective date of this Stipulation to Informal Disposition 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. COMPLIANCE WITH SANCTION RULES

4.1 The Commission applies WAC 246-16-800, *et seq.*, to determine appropriate sanctions. Tier B of the "Practice Below Standard of Care" schedule, WAC 246-16-810, applies to cases where substandard practices result in moderate patient harm or risk of moderate to severe patient harm. Respondent's failure to review the latest ultra-sound and to discuss it with Patient A, caused Patient A to undergo surgery earlier than necessary, and denied Patient A the choice of continuing the pregnancy, normal or not.

4.2 Tier B requires the imposition of sanctions ranging from two years of oversight to five years of oversight, unless revocation. Under WAC 246-16-800(3)(d), the starting point for the duration of the sanctions is the middle of the range. The Commission uses aggravating and mitigating factors to move towards the maximum or minimum ends of the range.

4.3 The aggravating and mitigating factors in this case, listed below, justify moving toward the minimum end of the range. The sanctions in this case include: continuing medical education on ectopic pregnancies, an authoritative paper based on the CME, a protocol to ensure that the latest ultrasounds are reviewed prior to surgery, annual practice reviews, cost recovery, and a two year probation period.

4.4 These sanctions are appropriately within the Tier B range given the facts of the case and the following mitigating factors unopposed by any aggravating factors:

- A. Respondent is board certified in obstetrics and gynecology, was licensed in Washington in 2007, and has had no complaints filed against him;
- B. Respondent's failure to review the latest ultra-sound appears to be a systems error since he was not aware of the October 20, 2008, ultrasound;
- C. Respondent acknowledged that he would not have proceeded to surgery had he had the results of the October 20, 2008, ultrasound; and
- D. Respondent fully cooperated with the Commission's investigation.

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5. RESPONDENT'S ACCEPTANCE

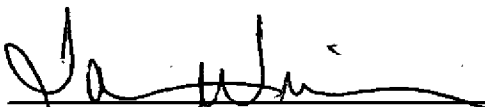
I, RANDOLPH B. BOURNE, MD, Respondent, certify that I have read this Stipulation to Informal Disposition in its entirety; that my counsel of record, if any, has fully explained the legal significance and consequence of it; that I fully understand and agree to all of it; and that it may be presented to the Commission without my appearance. If the Commission accepts the Stipulation to Informal Disposition, I understand that I will receive a signed copy.



RANDOLPH B. BOURNE, MD
RESPONDENT

7/26/12

DATE



TAMERA L. WILLIAMS, WSBA #25645
ATTORNEY FOR RESPONDENT

7/31/12

DATE

6. COMMISSION'S ACCEPTANCE

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

DATED: August 24, 2012.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION

Linda A Ruiz
PANEL CHAIR

PRESENTED BY:

Karen M. Caille
KAREN M. CAILLÉ, WSBA #31351
DEPARTMENT OF HEALTH STAFF ATTORNEY