

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

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

DARREN M. CHOTINER, M.D.,
License No. MD.MD.00049050,

Respondent.

Master Case No. M2014-1284

EX PARTE ORDER OF
SUMMARY SUSPENSION
AND PROTECTIVE ORDER

PRESIDING OFFICER: Heather Francks, Health Law Judge

COMMISSION PANEL: Warren Howe, M.D., Panel Chair,
Mike Concannon, JD
Mimi Pattison, M.D.

This matter came before the Medical Quality Assurance Commission (Commission) on December 3, 2014, on an Ex Parte Motion for Order of Summary Action (Ex Parte Motion) brought by the Department of Health Medical Program (Department) through the Office of the Attorney General. After reviewing the Statement of Charges, Ex Parte Motion and supporting evidence in this matter, the Commission GRANTS the Ex Parte Motion. Respondent's license to practice as a physician and surgeon is SUSPENDED pending further action.

I. FINDINGS OF FACT

1.1 Darren M. Chotiner, M.D. (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 on December 2, 2014, alleging Respondent violated RCW 18.130.180 (1), (4), (7) and (24) and

EX PARTE ORDER OF
SUMMARY SUSPENSION
AND PROTECTIVE ORDER

Page 1 of 5

Master Case No. M2014-1284

WAC 246-919-630. The Statement of Charges was accompanied by all other documents required by WAC 246-11-250.

1.3 The allegations in the Statement of Charges are supported by the Declaration of Investigator with attached exhibits. The evidence available to the Commission establishes an unacceptably high risk to public safety requiring immediate suspension of Respondent's license to practice as a physician and surgeon.

1.4 The police reports and follow-up statements made by the patients in this matter independently described similar sexual misconduct by Respondent. There is nothing to suggest collaboration between the patients, or that they were even aware of each other when they made their reports.

1.5 The misconduct occurred in a private clinical room setting with no chaperone present. The patients were not provided privacy to undress or a gown. Each patient described that Respondent massaged them with his ungloved hands for prolonged periods of time while pressing his body against theirs. Each of the patients observed Respondent experiencing an erection during their session. During the November 13, 2014 incident, the patient describes Respondent massaging her vagina and clitoris.

1.6 The patients initially believed they were at the clinic seeing Respondent for a medical evaluation and treatment. They placed their trust in the fiduciary doctor-patient relationship to allow Respondent to view and touch them in the exam room. Respondent intentionally failed to use safety precautions such as privacy to undress, a chaperone, physician gloves, or a gown and drape for the patients. The

behavior the patients experienced from Respondent cannot be interpreted as appropriate medical care, and amounts to a felony sexual crimes against the patients. This demonstrates Respondent's repeated violation of the trust patients must place in their doctors, and is incompatible with the fiduciary responsibilities attached to a medical license.

1.7 The degree and repetition of recent sexual abuse described indicate Respondent poses a high risk to repeat his behavior. This places the public at risk of immediate danger. Respondent's disregard of patient safeguards, along with a demonstrated willingness to sexually abuse vulnerable patients, establish there is no less restrictive alternative to suspension of license that will adequately protect the public.

1.8 The above allegations, supported by the Declaration of Investigator in Support of Ex Parte Motion, 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 credential 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 credential. The Findings of Fact establish that the requested summary suspension of Respondent's medical license is necessary and adequately addresses the danger to the public health, safety, or welfare. No less restrictive condition or restriction of Respondent's license will adequately protect the public.

III. ORDER

3.1 Based on the Findings of Fact and the 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 licenses, (including wall, display, and/or wallet, if any), to the Commission.

3.2 It is HEREBY ORDERED that a protective order in this case is GRANTED. RCW 34.05.446(1) and WAC 246-11-400(2) and (5). This Protective Order prohibits the release of health care information outside of these proceedings. Unless required by law, anyone involved in these proceedings must keep confidential and not disclose health care information obtained through these proceedings. Health care information includes information in any form "that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care." RCW 70.02.010.

The parties may share the information with their attorney, if any.

Dated this 3rd day of December, 2014.



WARREN HOWE, M.D.
Panel Chair

For more information, visit our website at:

<http://www.doh.wa.gov/PublicHealthandHealthcareProviders/HealthcareProfessionsandFacilities/Hearings.aspx>