



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Frank D. Li, MD
Master Case No.: M2016-705
Document: Summary Action Order

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
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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:

FRANK D. LI, M.D.,
License No. MD00049251,

Respondent.

Master Case No. M2016-705

EX PARTE ORDER OF
SUMMARY SUSPENSION

PRESIDING OFFICER: Roman S. Dixon Jr., Health Law Judge

COMMISSION PANEL: Mark Johnson, M.D., Chair
William Gotthold, M.D.
Mimi Pattison, M.D.
Yanling Yu, Ph.D.

This matter came before the Medical Quality Assurance Commission (Commission) on July 14, 2016, on an Ex Parte Motion for Summary Action (Ex Parte Motion) brought by the Office of the Attorney General. The Commission issued a Statement of Charges alleging Respondent violated RCW 18.130.180(1), (4), (7), (13), (14), and (22), and with respect to the Pain Management Rules, WAC 246-919-853, -855, -857, and -860. After reviewing the Statement of Charges, Ex Parte Motion, and supporting evidence, 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 The Respondent, Frank D. Li, M.D., is a physician and surgeon licensed by the state of Washington at all times applicable to this matter.

1.2 The Commission issued a Statement of Charges which alleged Respondent violated RCW 18.130.180(1), (4), (7), (13), (14), and (22), and

EX PARTE ORDER OF
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Page 1 of 5

Master Case No. M2016-705

WAC 246-919-853, -855, -857, and -860, per the Pain Management Rules. The Statement of Charges was accompanied by all other documents required by WAC 246-11-250.

1.3 As set forth in the allegations in the Statement of Charges, as well as the Ex Parte Motion, Respondent established and operated multiple Seattle Pain Center (SPC) clinics where Respondent and mid-level providers he employed provided dangerously substandard care to vulnerable patients suffering from chronic pain conditions. Multiple SPC patients died between the years 2010 through 2015, and some of these patients had listed as the cause of death acute drug intoxication. Respondent and SPC failed to take appropriate measures to modify clinical and business practices in mitigating opioid-related addiction, abuse, diversion, and overdose.

1.4 Respondent claims to have the requisite training and expertise to treat chronic pain and that he and his employed providers comply with state rules and guidelines on opioid treatment. However, medical records belie Respondent's claims and demonstrate repeated violations of the state Pain Management Rules where safe opioid prescribing and concern for patient safety and welfare were routinely disregarded. The records demonstrate repeat violations of the standard of care for safe opioid prescribing and medical care of patients. Respondent and SPC providers documented Patients A through R's admissions or indications of opioid-seeking behaviors, yet Patients A through R were continued on opioid therapy without enforcement or monitoring of non-compliant medication use.

1.5 SPC business model and clinical practice appears to be influenced by Respondent's financial interest. Respondent and SPC established a business model and clinical practice that focused on maximizing billable amounts by increasing the number of patients treated, the frequency of patient office visits, and the volume of billable services. Respondent and SPC sought out vulnerable chronic pain patients enrolled in Medicaid insurance and maintained these patients on opioid therapy by providing continuing prescriptions despite knowledge of medication abuse, diversion, and overdose.

1.6 The above allegations, supported by the Declaration of Commission Investigator in Support of Motion for Summary Action, the Declaration of Dr. Timothy E. King, and the attached exhibits, justify the determination of immediate danger to public health, safety, and welfare and further justify a decision to immediately suspend the credential until a hearing on the matter is held. In addition, the Commission finds that the Respondent's clinical judgment and supervision of SPC fostered a culture of inadequate provider training and supervision, physical exams, record keeping, billing fraud, and over-prescribing. This culture collectively subjected SPC patients to an unreasonable risk of harm and resulted in patient injury and death. As such, there is no lesser restrictive alternative to suspension of Respondent's license that will adequately protect the public.

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 further establish that summary suspension of the Respondent's medical license is necessary and adequately addresses the danger to the public health, safety, or welfare.

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. The Commission further orders that Respondent's delegation agreements establishing supervision of physician assistants be immediately REVOKED.

3.2 The Respondent SHALL notify ALL SPC employees, contractors, coworkers, and ALL other SPC healthcare providers under his employ and supervision of this summary suspension and provide them with a copy of this order.

3.3 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(18). The parties may share the information with their attorney, if any.

Dated this 14 day of July, 2016.


MARK JOHNSON, M.D. Panel Chair
Panel Chair

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