



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Elizabeth L. Hesse
Master Case No.: M2008-118197
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
CHIROPRACTIC QUALITY ASSURANCE COMMISSION**

In the Matter of

ELIZABETH L. HESSE
Credential No. CHIR.CH.00033908

Respondent

No. M2008-118197

**STIPULATION TO INFORMAL
DISPOSITION**

1. STIPULATION

1.1 The Executive Director of the Chiropractic Quality Assurance Commission. (Commission), on designation by the Commission, has made the following allegations.

- A. On August 10, 2000, the state of Washington issued Respondent a credential to practice as a chiropractor. Respondent's credential is currently active.
- B. From May 2004 to November 2007, Respondent provided chiropractic treatment to Patient A. At some point during this doctor/patient relationship, Respondent provided Micro-Current Treatment to Patient A, for which she charged the patient forty-five dollars (\$45.00).
- C. Between approximately 2005 and November 2007, Respondent performed the following treatment modalities on Patient A:
 1. Respondent directed Patient A to speak to a voice spectrum analyzer, which is box that has lights of different colors. Respondent then encouraged the patient to wear glasses with lenses of matching color to that which had lit up on the box. This treatment was for Autonomic nervous system. The patient was not charged for this service.
 2. Respondent regularly obtained urine tests from Patient A. The urine tests were used to determine her nutritional needs.

1.2 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 (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(12) and (16).

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 (\$1,000.00) 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 Commission.

1.7 This Stipulation is not formal disciplinary action. However, if the Commission accepts this Stipulation, it will be reported to the Health Integrity and Protection Databank (45 CFR Part 61), the National Practitioner Databank (45 CFR Part 60) 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 Commission 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 The sanction schedules stated in rule do not address the conduct in this case. RCW 18.130.390 and WAC 246-16-800(2)(d) require the disciplinary authority to use its judgment to determine appropriate sanctions when the sanction schedules do not address the conduct in question.

2.3 The disciplinary authority considered the following mitigating factors:

- A. Voluntarily taken remedial action, i.e., no longer providing micro-current treatment, no longer using the voice spectrum, and no longer testing urine samples to determine nutritional needs of patients.
- B. Admission of key facts.
- C. Full and free disclosure to the disciplining authority.

3. INFORMAL DISPOSITION

The parties agree to the following:

3.1 Within ninety (90) days of the effective date of this Stipulation, Respondent shall take and pass the Commission's jurisprudence examination.

3.2 Respondent shall reimburse costs to the Commission in the amount of one thousand two hundred dollars (\$1200.00) which must be received by the Commission within sixty (60) days 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, Chiropractic Quality Assurance Commission 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.

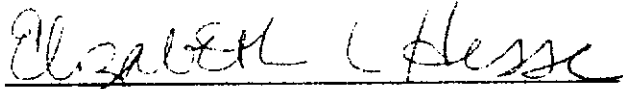
3.3 Respondent is responsible for all costs of complying with this Stipulation.

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

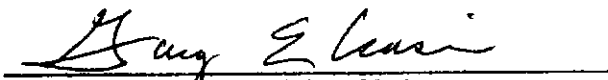
3.5 The effective date of this Stipulation is the date the Adjudicative Clerk Office places the signed Stipulation into the U.S. mail. If required, Respondent shall not submit any fees or compliance documents until after the effective date of this Stipulation.

4. RESPONDENT'S ACCEPTANCE

I, ELIZABETH L. HESSE, have read, understand and agree to this Stipulation. This Stipulation may be presented to the Commission without my appearance. I understand that I will receive a signed copy if the Commission accepts this Stipulation.


ELIZABETH L. HESSE
RESPONDENT

4/6/11
DATE


GARY R. ELIASSEN, WSBA #2010
ATTORNEY FOR RESPONDENT

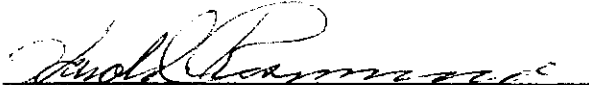
4/6/11
DATE

5. COMMISSION ACCEPTANCE

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

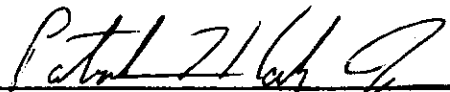
DATED: 6-9, 2011

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
CHIROPRACTIC QUALITY ASSURANCE
COMMISSION



PANEL CHAIR

PRESENTED BY:



PATRICK HANLEY, JR., WSBA #28924
DEPARTMENT OF HEALTH STAFF ATTORNEY

June 9, 2011
DATE



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Elizabeth L. Hesse
Master Case No.: M2008-118197
Document: Statement of Allegations

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:

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
CHIROPRACTIC QUALITY ASSURANCE COMMISSION

FILED
JUN 14 2011

In the Matter of

No. M2008-118197

Adjudicative Clerk

ELIZABETH L. HESSE
Credential No. CHIR.CH.00033908

**STATEMENT OF ALLEGATIONS
AND SUMMARY OF EVIDENCE**

Respondent

The Executive Director of the Chiropractic Quality Assurance Commission (Commission), on designation by the Commission, makes the allegations below, which are supported by evidence contained in case no. 2007-57756 (program file no. 2007-11-0009CH). The patient referred to in this Statement of Allegations and Summary of Evidence is identified in the attached Confidential Schedule.

1. ALLEGED FACTS

1.1 On August 10, 2000, the state of Washington issued Respondent a credential to practice as a chiropractor. Respondent's credential is currently active.

1.2 From May 2004 to November 2007, Respondent provided chiropractic treatment to Patient A. At some point during this doctor/patient relationship, Respondent provided Micro-Current Treatment to Patient A, for which she charged the patient forty-five dollars (\$45.00).

1.3 Between approximately 2005 and November 2007, Respondent performed the following treatment modalities on Patient A:

- A. Respondent directed Patient A to speak to a voice spectrum analyzer, which is box that has lights of different colors. Respondent then encouraged the patient to wear glasses with lenses of matching color to that which had lit up on the box. This treatment was for Autonomic nervous system. The patient was not charged for this service.
- B. Respondent regularly obtained urine tests from Patient A. The urine tests were used to determine her nutritional needs.

2. SUMMARY OF EVIDENCE

- 2.1 Written complaint dated November 19, 2007.
- 2.2 Memo to file of Patient A's interview dated March 7, 2008.
- 2.3 Written statement from Respondent, dated April 14, 2008.

3. ALLEGED VIOLATIONS

3.1 The facts alleged in Section 1, if proven, would constitute unprofessional conduct in violation of RCW 18.130.180(12) and (16), which provide in part:

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:

...

(12) Practice beyond the scope of practice as defined by law or rule

...

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service

....

4. NOTICE TO RESPONDENT

4.1 The Commission 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 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 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 Patrick F. Hanley, Jr., Department of Health Staff Attorney, PO Box 47873, Olympia, WA 98504-7873, (360) 236-4880 within fourteen (14) days.

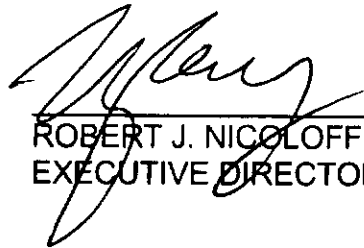
4.4 If Respondent does not respond within fourteen (14) days, the Commission will assume Respondent has declined to resolve these allegations with an informal

Stipulation and may proceed to formal disciplinary action against Respondent by filing a Statement of Charges pursuant to RCW 18.130.172(3).

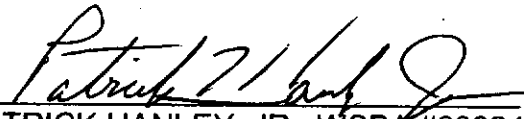
4.5 If the parties cannot resolve the allegations with an informal Stipulation, the Commission may proceed with a formal Statement of Charges.

DATED: February 4, 2011

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
CHIROPRACTIC QUALITY ASSURANCE
COMMISSION



ROBERT J. NICOLOFF
EXECUTIVE DIRECTOR



PATRICK HANLEY, JR., WSBA #28924
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:

