



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
Olympia, Washington 98504

RE: Eric R. Shibley, M.D.,  
Master Case No.: M2018-443  
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  
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  
WASHINGTON MEDICAL COMMISSION**

In the Matter of:

**ERIC R. SHIBLEY, M.D.,**  
License No. MD.MD.60108064,

Respondent.

No. M2018-443

EX PARTE ORDER OF  
SUMMARY RESTRICTION

**COMMISSION PANEL:** John Maldon, Public Member, Chair  
Diana Currie, M.D.  
Theresa Schimmels, PA-C

**PRESIDING OFFICER:** John F. Kuntz, Review Judge

This matter came before the Washington Medical Commission (Commission) on December 30, 2019, 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(4), (7), and (13); WAC 246-919-853; 246-919-854; 246-919-855; 246-919-857; and 246-919-858. 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 RESTRICTED pending further action.

**I. FINDINGS OF FACT**

1.1 Eric R. Shibley, M.D., (Respondent) 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 alleging Respondent violated RCW 18.130.180(4), (7), and (13); WAC 246-919-853; 246-919-854;

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EX PARTE ORDER OF  
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246-919-855; 246-919-857; and 246-919-858. 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's substandard care of Patients A, B, C, D, E, F, G, H, and I placed them at risk of harm in numerous manners.

1.4 Respondent's documentation practices reflect incorrect, inaccurate, significantly delayed, and "copied and pasted" information, and a lack of information in many cases. Respondent's substandard recordkeeping placed these patients at risk of harm by threatening the integrity of their medical records and potentially jeopardized continuity of care with other providers.

1.5 Respondent's management of chronic pain and other conditions placed patients at risk of harm. Respondent repeatedly failed to conduct basic solicitation of patient histories and symptoms before making a diagnosis or prescribing opioids. Respondent failed to manage complicated patients, such as those with co-occurring psychiatric and substance use disorders or those with serious chronic diseases. Respondent failed to properly manage and assess risk for those to which he prescribed opioids and other controlled substances. Respondent placed patients at great risk of harm by failing to document informing them of the risks of opioid treatment, such as the risks of combined drug therapy or the risks for those with psychiatric conditions.

1.6 Respondent's prescribing practices put patients at significant risk of harm. Respondent placed several patients at risk of over-sedation and overdose through his prescribing of controlled substances. Additionally, Respondent prescribed controlled

substances without documented indications. Respondent documented that certain patients should taper or discontinue controlled substances, yet continued to prescribe or even increase the dose he prescribed. In addition, Respondent failed to coordinate care with other providers when prescribing controlled substances.

1.7 Respondent has failed to take responsibility for the care these patients should have received, demonstrating a lack of insight and risk to all patients.

1.8 The above allegations, supported by the Declaration of Health Care Investigator in Support of Motion for Summary Action together with the attached exhibits, justify the determination of immediate danger in this case and a decision to immediately restrict 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 and safety if Respondent has an unrestricted credential. The Findings of Fact establish that the requested summary action is necessary and adequately addresses the danger to the public health and safety.

### 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 RESTRICTED pending further disciplinary proceedings by the Commission in the following manner:

Respondent is prohibited from prescribing controlled substances.

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

DATED this 30<sup>TH</sup> day of December, 2019.

Washington Medical Commission

  
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JOHN MALDON, Public Member  
Panel Chair

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