STATE OF WASHINGTON

DEPARTMENT OF HEALTH

Olympia, Washington 98504

RE: Aaron Rollins, MD
Master Case No.: M2010-276
Document: Notice of Decision

Regarding your request for information about the above-named practitioner, 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:

Respondent's residential address, including street, city, and zip code pursuant to RCW 42.56.350(2)

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
PO Box 47866, Olympia, WA 98504-7866

Corrected
Notice of Decision on Application

FILED
MAR 22 2010
Adjudicative Clerk

March 19, 2010

Aaron Rollins, MD
[redacted]

Re: Application No. MD.MD.60092401

Dear Dr. Rollins:

Thank you for your application for a Washington State license to practice as a physician and surgeon. Following review of your application file, and information collected during a Commission investigation (Case Nos. 2009-134997 and 2009-141177), the Medical Quality Assurance Commission (Commission) has decided to deny your application. This notice contains a correction to an inaccurate statutory citation found in the Notice of Decision on Application dated March 12, 2010. The correction is to the third sentence of the second paragraph of the section labeled "(2)." The statutory citation referenced in that sentence has been corrected from RCW 18.130.030(6) to RCW 18.71.030(6).

Basis for this Decision. The Commission based its decision on three factors. These three factors are as follows:

(1) You have failed to prove to the Commission's satisfaction that you are qualified for a license to practice as a physician and surgeon in the state of Washington. This is a basis for denial under RCW 18.130.055(1)(d).

In the application process, you are required to provide proof satisfactory to the Commission that you have completed two years of post-graduate medical training. RCW 18.71.050(1)(b). You provided proof of completion of one year of post-graduate training in general surgery at the University of California, although you were on probation during the course of that year. As you indicated, you were given credit for "PGY-1." This one year of residency followed an approximate two year and nine month absence from post-graduate training. Your previous involvement in incomplete training years in alternating specialties (psychiatry at the University of Miami for twenty days, the general surgery residency at University of Miami for four months, and the psychiatry residency at St. Luke's-Roosevelt Hospital Center for 8 ½ months) is not proof satisfactory to the Commission that you have completed an additional year of post-graduate medical training. Case Western Reserve University did not confirm your participation in a residency there.

(2) You have committed unprofessional conduct by practicing medicine in the state of Washington without a license. This is prohibited by RCW 18.71.021. A violation of the statute requiring a license to practice medicine is unprofessional conduct under RCW 18.130.180(7) of the Uniform Disciplinary Act, which renders it unprofessional conduct to violate a state or federal statute or rule, regulating the profession. Unprofessional conduct is a basis for denial of an application for licensure, under RCW 18.130.055(1)(b).

Information collected during a Commission investigation (Case No. 2009-134997) indicates that you performed liposuction surgery on patients at the office of Sono Bello Body Contour Centers in Bellevue, Washington, beginning on approximately January 24, 2009 and continuing until approximately August 20, 2009. In correspondence with the Commission, your attorney has suggested that your involvement in the practice of medicine in the state of Washington was for the purpose of training Washington-licensed physicians in liposuction surgery. Your attorney has asserted that the exemption to the requirement of licensing found in RCW 18.71.030(6) applies. This exemption provides that nothing in RCW 18.71 (the "practice act" for physicians) prohibits an individual licensed in another state in which he resides, from practicing medicine "*provided that such practitioner shall not...appoint a place of meeting patients or receiving calls*" (emphasis added) within the state of Washington. Information collected during the Commission's investigation indicates that you were performing surgery as the primary surgeon, and in some cases without other Washington-licensed physicians present. Your performance of surgery while at Sono Bello, in Washington State, was an appointment "of a place of meeting patients...within this state." Therefore, the exception to the requirement for Washington licensure found in RCW 18.71.030(6) does not apply.

(3) You violated the standard of care by failing to perform or document pre-operative physical examinations. In so doing you have committed unprofessional conduct, under RCW 18.130.180(4).

In response to the Commission investigator's requests, you provided the medical records of eleven patients to the Commission (eight of which you selected). These records indicate that you failed to perform or failed to document that you performed a physical examination on patients prior to surgery. Additionally, you failed to create a sufficient overall medical record. For example, each surgical note describes the surgery using one of two prepared or "canned" templates for laser lipolysis. There is no patient-specific or surgical-case-specific information in your documentation of the procedure. The failure to perform or document pre-operative physical examinations and the lack of appropriate documentation was below the standard of care and unprofessional conduct under RCW 18.130.180(4) (Incompetence, negligence, or malpractice). Unprofessional conduct is a basis for denial of an application for licensure, under RCW 18.130.055(1)(b).

Your Right to a Hearing. If you disagree with this decision, you may request a hearing by completing the enclosed Request for Hearing form and sending it to the Department of Health, Adjudicative Clerk Office, at the following address:

Adjudicative Clerk Office
Department Of Health
PO Box 47879
Olympia, WA 98504-7879

Your request must be in writing, state your basis for contesting the decision, and include a copy of this Notice of Decision on Application.

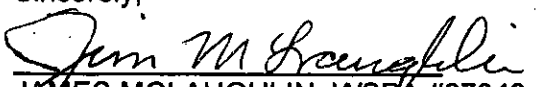
The Adjudicative Clerk Office must receive your completed Request for Hearing within 28 days of the date this Notice was mailed to you, or your Request for Hearing will not be considered and you will not be entitled to a hearing. If the Adjudicative Clerk Office does not receive your Request for Hearing by April 16, 2010, the decision to deny your application will be final.

What Happens at a Hearing? If you decide to present your application to a hearing panel, you will have the burden of proving, more probably than not, that you are qualified for licensure under the Uniform Disciplinary Act (RCW 18.130), Chapter 18.71 RCW, and the rules adopted by the Commission.

Your Right to an Interpreter at Hearing. You may request an interpreter to translate at the hearing if English is not your primary language or the primary language of any of any witness who will testify at hearing. You may also request interpretive assistance if you or any witness has a hearing or speech impairment.

Questions? Please call me at (360) 236-2790 if you have any questions.

Sincerely,



JAMES MCLAUGHLIN, WSBA #27349
DEPARTMENT OF HEALTH STAFF ATTORNEY

Enclosure

DECLARATION OF SERVICE BY MAIL

I declare that today, March 19, 2010, at Tumwater, Washington, I served a copy of this document by mailing a copy properly addressed with postage prepaid to the applicant at the following address:

Aaron Rollins, MD

[redacted]

Signature: Debbie Sloan

DEBBIE SLOAN, LEGAL ASSISTANT