



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Leonard B. Kolodychuk, MD
Master Case No.: M2016-1082
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
MEDICAL QUALITY ASSURANCE COMMISSION**

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

LEONARD B. KOLODYCHUK, MD
License No. MD00041342

Respondent.

No. M2016-1082

**STIPULATION TO INFORMAL
DISPOSITION**

Pursuant to the Uniform Disciplinary Act, Chapter 18.130 RCW, the Medical Quality Assurance Commission (Commission) issued a Statement of Allegations and Summary of Evidence (Statement of Allegations) alleging the conduct described below. Respondent does not admit any of the allegations. This Stipulation to Informal Disposition (Stipulation) is not formal disciplinary action and shall not be construed as a finding of unprofessional conduct or inability to practice.

1. ALLEGATIONS

1.1 On June 28, 2002, the state of Washington issued Respondent a license to practice as a physician and surgeon. Respondent's license is currently active. Respondent is board certified in orthopedic surgery.

1.2 On May 26, 2012, Patient A presented to the emergency room after falling and significantly fracturing the distal radius at his right wrist. Respondent assumed care as Patient A's orthopedic surgeon. The operating room was unavailable so Respondent opted for a non-surgical (closed reduction) procedure, aligning Patient A's wrist and arm into a splint until he could return for surgery the following week.

1.3 On June 1, 2012, Patient A presented to Respondent for open reduction surgery and internal fixation. This type of surgery involves surgically aligning the broken bones and using items like plates and screws to hold the broken bones together to encourage healing in the correct position. Respondent chose a plate and secured the plate to the fracture area with screws.

1.4 On June 13, 2012, Patient A returned to Respondent for follow up. Imaging found one of the plate's screws appeared to be within Patient A's radiocarpal joint (where the wrist and palm meet). Respondent told Patient A of the potential for

hardware intruding into the joint. Respondent noted that if hardware remained a concern, then further imaging and hardware removal would be discussed.

1.5 On July 11, 2012, Respondent contacted Patient A to discuss the findings of a CT scan performed two days prior. Respondent assessed Patient A's wrist to be healing nicely but the CT scan confirmed one of the screws was protruding through the radiocarpal joint. Respondent decided to go forward with removing the screws and hardware.

1.6 On July 26, 2012, Respondent performed his second open surgery on Patient A's wrist, this time removing all of the hardware. A significant amount of scar tissue and new bone formation had to be cleared in order to reach the hardware. Through X-ray, Respondent found the fracture reasonably stable with gentle flexion-extension movements. The fracture itself seemed to move as a single unit when doing this and Respondent felt no further hardware was necessary.

1.7 On August 28, 2012, Patient A returned to Respondent. Respondent found Patient A's distal radius had healed abnormally with some displacement of the wrist joint. Respondent proposed Patient A get a specialist's opinion regarding feasibility for further constructive work.

1.8 On September 27, 2012, Patient A saw a hand specialist for a second opinion. Patient A described having diminished nerve sensation near the wound area. The specialist found Patient A's July 2012 CT scan showed the plate had partially dislodged itself. Upon examination, the specialist noted a displacement deformity at the hand on the forearm. Patient A's wrist had healed improperly, leaving a significant dorsal prominence of the joint surface and the remaining part of his wrist displaced at the palm. Patient A has limited motion in his right wrist.

2. STIPULATION

2.1 The Commission alleges that the conduct described above, if proven, would constitute a violation of RCW 18.130.180(4).

2.2 The parties wish to resolve this matter by means of a Stipulation pursuant to RCW 18.130.172(1).

2.3 Respondent agrees to be bound by the terms and conditions of this Stipulation.

2.4 This Stipulation is of no force and effect and is not binding on the parties unless and until it is accepted by the Commission.

2.5 If the Commission accepts the Stipulation it will be reported to the National Practitioner Data Bank (45 CFR Part 60), the Federation of State Medical Boards' Physician Data Center and elsewhere as required by law.

2.6 The Statement of Allegations and this Stipulation are public documents. They will be placed on the Department of Health web site, disseminated via the Commission's electronic mailing list, and disseminated according to the Uniform Disciplinary Act (Chapter 18.130 RCW). They are subject to disclosure under the Public Records Act, Chapter 42.56 RCW, and shall remain part of Respondent's file according to the state's records retention law and cannot be expunged.

2.7 The Commission agrees to forego further disciplinary proceedings concerning the allegations.

2.8 Respondent agrees to successfully complete the terms and conditions of this informal disposition.

2.9 A violation of the provisions of Section 3 of this Stipulation, if proved, would constitute grounds for discipline under RCW 18.130.180 and the imposition of sanctions under RCW 18.130.160.

3. INFORMAL DISPOSITION

The Commission and Respondent stipulate to the following terms:

3.1 **Compliance Orientation.** Respondent shall complete a compliance orientation in person or by telephone within sixty (60) days of the effective date of this Stipulation. Respondent must contact the Compliance Unit at the Commission by calling (360) 236-2763, or by sending an email to: Medical.compliance@doh.wa.gov within ten (10) days of the effective date of this Stipulation. Respondent must provide a contact phone number where Respondent can be reached for scheduling purposes.

3.2 **Continuing Medical Education.** Respondent will successfully complete a continuing medical education course in complex wrist fractures. The course "Why I Cannot Fix this Distal Radius Fracture with Volar Plate" is sponsored by the American Academy of Orthopedic Surgeons and is pre-approved. The course must be completed within six (6) months of the effective date of this Stipulation. If Respondent chooses a different course, the course must include learning the current classification and

management of complex intra articular distal radius fractures. The course must be pre-approved by the Commission or its designee. Respondent will provide the Commission with proof of completion of such coursework within thirty (30) days of such completion. Proof will be sent to Department of Health, Medical Quality Assurance Commission, P.O. Box 47866, Olympia, Washington 98504-7866. This continuing education shall be in addition to mandatory continuing education hours required for license renewal.

3.3 **Research Paper**. Within ninety (90) days of completing the course required in paragraph 3.2, Respondent shall submit a paper of no less than one thousand (1,000) words, with references, on knowing your limitations, especially with complex wrist fractures. Respondent's paper will a) clearly define the classification of the various types of injuries and their management; b) will clearly define the types of fractures that are appropriate for someone who rarely treats this injury to treat it as opposed to those injuries which should be referred to someone who treats this injury on a routine basis; c) discuss what he learned from the course in paragraph 3.2; and d) incorporate how he has since changed his practice. Respondent will come prepared to discuss his paper with the panel at his first appearance. The paper must be submitted to the Commission for approval, in both electronic and printed format, to the respective addresses below:

1. Medical.compliance@doh.wa.gov

2. Compliance Officer
Medical Quality Assurance Commission
P.O. Box 47866
Olympia, WA 98504-7866

3.4 **Personal Appearances**. Respondent must personally appear before the Commission in approximately one (1) year, or as soon thereafter as the Commission's schedule permits. The purpose of the personal appearances is to provide meaningful oversight of Respondent's compliance with the requirements of this Stipulation. Respondent will participate in a brief telephone call with the Commission's Compliance Unit prior to his appearances. Thereafter, Respondent must make personal appearances annually or as frequently as the Commission otherwise requires until the Commission terminates this Stipulation, unless the Commission waives the need for an

appearance. Dates and locations of appearances will be determined by the Commission.

3.5 **Cost Recovery.** Within one year of the effective date of this Stipulation, Respondent shall pay one thousand dollars (\$1,000) to recover some of the costs of investigating and processing this matter. The cost recovery 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, Medical Quality Assurance Commission at P.O. Box 1099, Olympia, Washington 98507-1099.

3.6 **Obey Laws.** Respondent must obey all federal, state and local laws and all administrative rules governing the practice of the profession in Washington.

3.7 **Costs.** Respondent must assume all costs of complying with this Stipulation.

3.8 **Violations.** If Respondent violates any provision of this Stipulation in any respect, the Commission may initiate further action against Respondent's license.

3.9 **Change of Address.** Respondent must inform the Commission and the Adjudicative Clerk Office in writing, of changes in his residential and/or business address within thirty (30) days of such change.

3.10 **Effective Date.** 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.

3.11 **Termination of Stipulation.** Respondent shall be subject to the terms of this Stipulation for two years. After two (2) years of satisfactory compliance, or after completing all the requirements of the STID in less than two (2) years but not less than one (1) year, and at the Commission's discretion, Respondent may submit a written request to the Commission to either of the addresses provided in paragraph 3.3 to terminate this Stipulation. When Respondent files such request, a date and time will be arranged for Respondent's appearance before the Commission, unless the Commission waives the need for Respondent's personal appearance. The Commission will have sole discretion to grant or deny Respondent's request to terminate this Stipulation.

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4. COMPLIANCE WITH SANCTION RULES

4.1 The Commission applies WAC 246-16-800, *et seq.*, to determine appropriate sanctions. Tier B of the "Practice Below Standard of Care" schedule, WAC 246-16-810, applies to cases where substandard practices caused moderate patient harm or risk of moderate to severe patient harm. Respondent contributed to moderate patient harm to Patient A by improperly securing the plate used to stabilize Patient A's wrist fracture as one of the screws protruded into Patient A's radiocarpal joint. Respondent's decision to delay CT scan imaging and hardware removal for a month contributed to Patient A's wrist to heal improperly and require additional surgery for partial correction. Patient A is still able to use his right wrist to some degree but has limited mobility.

4.2 Tier B requires the imposition of sanctions ranging from two years of oversight to five years of oversight, unless revocation. Under WAC 246-16-800(3)(d), the starting point for the duration of the sanctions is the middle of the range. The Commission uses aggravating and mitigating factors to move towards the maximum or minimum ends of the range. The mitigating and aggravating factors in this case, listed below, justify moving toward the minimum end of the range.

MITIGATING

- Respondent has no prior disciplinary action on file with the Commission,
- Respondent cooperated with the Commission's investigation, and

AGGRAVATING

- Respondent's treatment of Patient A contributed to Patient A's wrist healing improperly and requiring additional surgery for repair.

4.3 The sanctions in this case include one to two years of meaningful oversight, a course on complex wrist fractures, a research paper, and a cost recovery. The sanctions are appropriate within the Tier B range given the facts of the case and will adequately protect the public.

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5. RESPONDENT'S ACCEPTANCE

I, LEONARD B. KOLODYCHUK, MD, Respondent, certify that I have read this Stipulation in its entirety; that my counsel of record, D. JEFFREY BURNHAM, has fully explained the legal significance and consequence of it; that I fully understand and agree to all of it; and that it may be presented to the Commission without my appearance. If the Commission accepts the Stipulation, I understand that I will receive a signed copy.

L. Kolodychuk
LEONARD B. KOLODYCHUK, MD
RESPONDENT

03/22/17
DATE

[Signature]
D. JEFFREY BURNHAM, WSBA# 22679
ATTORNEY FOR RESPONDENT

March 9, 2017
DATE

6. COMMISSION'S ACCEPTANCE

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

DATED: April 6, 2017.

STATE OF WASHINGTON
MEDICAL QUALITY ASSURANCE
COMMISSION

[Signature]
no
PANEL CHAIR

PRESENTED BY:

Gordon L. Wright
GORDON L. WRIGHT, WSBA# 32997
COMMISSION STAFF ATTORNEY

ORIGINAL