RE: Walter F. Foto

Master Case No.: M2009-946

Document: Order of Release

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
DENTAL QUALITY ASSURANCE COMMISSION

In the Matter of

WALTER F. FOTO
Credential No. DENT.DE.00008264
Credential No. DEAP.GA.10000320

Respondent

No. M2009-946
No. M2009-1486

ORDER UPON COMPLETION
OF CONDITIONS

This matter comes before the Dental Quality Assurance Commission
(Commission), for an order upon completion of conditions. The Commission, having
reviewed the record, issues the following:

1. PROCEDURAL BACKGROUND

1.1 On August 21, 1998, the state of Washington issued Respondent a
credential to practice as a dentist. Respondent's credential is currently active, subject to
certain terms and conditions.

1.2 On August 23, 2001, the state of Washington issued Respondent a dentist
general anesthesia permit. Respondent's permit is currently active, subject to certain
terms and conditions.

1.3 This Order Upon Completion of Conditions is subject to the federal reporting
requirements pursuant to Section 1128E of the Social Security Act and 45 CFR Part 61,
RCW 18.130.110 and any other applicable interstate/national reporting requirements. It is
a public document and will be available on the Department of Health web site.

2. FINDINGS OF FACT

2.1 On August 21, 1998, the state of Washington issued Respondent a
credential to practice as a dentist. On August 23, 2001, the state of Washington issued
Respondent a dentist general anesthesia permit. Respondent's dentist credential and
dentist general anesthesia permit are both active and subject to the Commission's
November 4, 2011 Stipulated Findings of Fact, Conclusions of Law and Agreed Order,
the 2011 Agreed Order Respondent was to comply with, among other terms, the following
conditions:
A. In addition to mandatory continuing education, within one (1) year of the effective date of this Agreed Order, Respondent shall successfully complete twenty-nine (29) hours of continuing education (CE), pre-approved by the Commission or its designee, as follows:

i. Seven (7) hours of continuing education (CE) in the area of risk management/recordkeeping in a proportion to be pre-approved by the Commission or its designee; and

ii. Twenty-two (22) hours of continuing education (CE) in the area of "Dental Ethics and Conduct" offered by www.DentalBehavioralResources.com (evaluator).

Successful completion of the above referenced CE under this sub-paragraph requires that:

a. Prior to the date that the course begins, Respondent shall show the evaluator a copy of this Agreed Order. The evaluator's designee must acknowledge in writing to the Commission or its designee that he or she has seen this Agreed Order.

b. The evaluator endorse in writing to the satisfaction of the Commission or its designee, in their sole discretion, that Respondent has successfully completed and has actively participated in the CE.

Respondent shall provide the Commission with proof of completion of the above course-work within thirty (30) days of completion. Failure to complete the required minimum hours of pre-approved continuing education in the specified areas within the specified time(s) under the specified conditions shall constitute violation of this Agreed Order. [2011 Agreed Order Paragraph 5.1]

B. Respondent shall take and pass the Commission's jurisprudence examination within six (6) months of the effective date of this Agreed Order. [2011 Agreed Order Paragraph 5.2]
C. Respondent shall pay a fine to the Commission in the amount of ten thousand dollars ($10,000.00) which must be received by the Commission within one (1) year of the effective date of this Agreed Order. The fine 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, Dental 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. [2011 Agreed Order Paragraph 5.3]

D. Respondent shall permit a DOH investigator, on an unannounced basis, to audit Respondent's practice once every six (6) months for a one (1) year period beginning six (6) months after the effective date of this Agreed Order. The audit will occur at the Respondent's place(s) of employment and require review of at least ten (10) complete treatment charts that involve patients who had oral surgery that Respondent performed at least six (6) months after the effective date of this Agreed Order. Five (5) of the ten (10) charts must involve Respondent's record of vital signs during surgery. The other five (5) charts must involve Respondent's prescription records. [2011 Agreed Order Paragraph 5.4]

2.2 The Commission has reviewed Respondent's file to determine compliance with the 2011 Agreed Order, and has concluded that Respondent has substantially complied with the Agreed Order's terms and conditions.

3. CONCLUSIONS OF LAW

Based on the Findings of Fact, the Commission makes the following Conclusions of Law:

3.1 The Commission has jurisdiction over Respondent and over the subject matter of this proceeding.

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3.2 The release from the terms and conditions should be granted and the Commission's oversight and monitoring of Respondent's compliance should be terminated.

4. ORDER

Based on the Findings of Fact and Conclusions of Law, the Commission ORDERS that:

4.1 Release from the terms and conditions of the 2011 Agreed Order be GRANTED and that the Commission's oversight and monitoring of Respondent's compliance be terminated. Respondent may be issued a credential without conditions, limitations, and/or restrictions, subject to relevant regulatory requirements for credentialing.

DATED: 7/24/13, 2013

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
DENTAL QUALITY ASSURANCE COMMISSION

PANEL CHAIR

PRESENTED BY:

ELYETTE WEINSTEIN, WSBA #14227
DEPARTMENT OF HEALTH STAFF ATTORNEY

DATE: 7/26/13