



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Daniel R. Cohen
Master Case No.: M2023-31
Document: Agreed 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
DEPARTMENT OF HEALTH
SECRETARY OF HEALTH**

In the Matter of

DANIEL R. COHEN
Credential No. MD.MD.60445146

Respondent

No. M2023-31

**STIPULATED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
AGREED ORDER**

This matter was referred by the Medical Quality Assurance Commission (Commission) to the Secretary of Health per RCW 18.130.062. The Expedited Case Management Team, on delegation by the Secretary of Health, and through Daniel B. Havirco, Jr., Department of Health Staff Attorney, and Respondent, represented by counsel, Philip M. deMaine, stipulate and agree to the following:

1. PROCEDURAL STIPULATIONS

- 1.1 On March 14, 2023, a Statement of Charges was issued against Respondent.
- 1.2 Respondent understands that the Department is prepared to proceed to a hearing on the allegations in the Statement of Charges.
- 1.3 Respondent understands that if the allegations are proven at a hearing, the Secretary of Health (Secretary) has the power and authority to impose sanctions pursuant to RCW 18.130.160.
- 1.4 Respondent has the right to defend against the allegations in the Statement of Charges by presenting evidence at a hearing.
- 1.5 Respondent waives the opportunity for a hearing on the Statement of Charges provided that the Secretary accepts this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order (Agreed Order).
- 1.6 The parties agree to resolve this matter by means of this Agreed Order.
- 1.7 Respondent understands that this Agreed Order is not binding unless and until it is signed by the health law judge and served by the Adjudicative Clerk's Office.
- 1.8 If the Secretary accepts this Agreed Order, it will be reported to 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) and the Uniform Disciplinary Act. RCW 18.130.110.

1.9 If the Secretary rejects this Agreed Order, Respondent waives any objection to the participation at hearing of the presiding officer who heard the Agreed Order presentation.

2. FINDINGS OF FACT

While Respondent does not admit to the following findings of fact, he agrees it is likely that a finding of committal would be entered under the clear and convincing evidence standard; further, Respondent wishes to take advantage of surrendering his credential voluntarily.

2.1 On April 7, 2014, the State of Washington issued Respondent a credential to practice as a physician and surgeon. Respondent's credential is currently suspended.

2.2 On or about and between 2017 Patient A presented to Respondent for treatment of PTSD (Post Traumatic Stress Disorder) and other issues.

2.3 Sometime near the end of 2018 or the beginning of 2019, Respondent's mother passed away, and he asked Patient A to drive him to the airport, which she agreed to do.

2.4 Respondent missed his flight and decided he would spend the night in a nearby hotel, where Patient A accompanied him.

2.5 Respondent kissed or attempted to kiss Patient A, telling her his desire to have sexual relations with her. Patient A pushed him away, reminding Respondent he was married. The Respondent proceeded to smoke some marijuana and then fell asleep until the next morning.

2.6 After the incident described above, Respondent stopped seeing Patient A in person, but continued to call and text her, telling Patient A he loved her.

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3. CONCLUSIONS OF LAW

Respondent and the Department agree to the entry of the following Conclusions of Law:

3.1 The Secretary of Health, acting through the presiding officer, has jurisdiction over Respondent and over the subject matter of this proceeding. RCW 18.130.062.

3.2 Respondent has committed unprofessional conduct in violation of RCW 18.130.180(7) and (24), and WAC 246-16-100(1)(d), (m), and (q).

3.3 The above violations provide grounds for imposing sanctions under RCW 18.130.160.

4. COMPLIANCE WITH SANCTION RULES

4.1 The disciplining authority applies WAC 246-16-800, *et seq.*, to determine appropriate sanctions. WAC 246-16-800(2)(c) requires the disciplining authority to impose terms based on a specific sanction schedule unless "the schedule does not adequately address the facts in a case."

4.2 While Respondent's conduct falls in Tier A of the "Sexual Misconduct or Contact" schedule, WAC 246-16-820, and otherwise adequately addresses the alleged facts of this case. However, pursuant to WAC 246-16-800(2)(b)(iii), surrender of a credential may be imposed when the license holder is at the end of his or her effective practice, surrender alone is enough to protect the public, and the license holder agrees to retire and not resume practice, which is the case here. The disciplining authority accepts Respondent's surrender of his credential and is satisfied this sanction adequately protects patient safety and public health.

4.3 The respondent is at the end of his effective practice and surrender alone is enough to protect the public.

5. AGREED ORDER

Based on the Findings of Fact and Conclusions of Law, Respondent agrees to entry of the following Agreed Order:

5.1 Respondent **SURRENDERS** his credential to practice as a physician and surgeon and agrees to never resume the practice of physician and surgeon in the State of Washington, including any temporary, emergency, or volunteer practice. Respondent understands that he has no right to reapply for licensure or to apply for license renewal, reinstatement or reactivation of his physician and surgeon credential.

5.2 Respondent shall obey all federal, state and local laws and all administrative rules governing the practice of the profession in Washington.

5.3 The Secretary or its designee may verify Respondent's compliance with the terms and conditions of this Agreed Order, if applicable.

5.4 Any documents required by this Agreed Order shall be sent to Department of Health Compliance at PO Box 47873, Olympia, WA 98504-7873.

5.5 Respondent is responsible for all costs of complying with this Agreed Order.

5.6 Respondent shall inform the Department of Health Office of Customer Service, in writing, of changes in Respondent's residential and/or business address within thirty (30) days of the change. The mailing address for the Office of Customer Service is PO Box 47865, Olympia, WA 98504-7865.

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

6. ACCEPTANCE

I, DANIEL R. COHEN, have read, understand and agree to this Agreed Order. This Agreed Order may be presented to the Secretary without my appearance. I understand that I will receive a signed copy if the Secretary accepts this Agreed Order.



DANIEL R. COHEN
RESPONDENT

5/2/23

DATE

s/ Philip M. deMaine

PHILIP M. DEMAINE, WSBA #28389
ATTORNEY FOR RESPONDENT

5/2/23

DATE

7. ORDER

The Secretary of Health accepts this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

DATED: May 4, 2023.



HEALTH LAW JUDGE
PRESIDING OFFICER

PRESENTED BY:



DANIEL B. HAVIRCO, JR., WSBA #19922
DEPARTMENT OF HEALTH STAFF ATTORNEY

May 4, 2023

DATE