



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: John R. Brinkley, MD
Master Case No.: M2008-117348
Docket No.:
Document: Statement of Charges

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: **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 Deputy Secretary, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION

FILED
MAY 13 2008
Adjudicative Clerk Office

In the Matter of

No. M2008-117348

JOHN R. BRINKLEY, MD
Credential No. MD00014634

STATEMENT OF CHARGES

Respondent

The Health Services Consultant of the Medical Quality Assurance Commission (Commission), on designation by the Commission, makes the allegations below, which are supported by the evidence contained in case number 2007-50903 (Program No. 2007-11-0043MD)

1. ALLEGED FACTS

1.1 On July 17, 1975, the state of Washington issued Respondent a credential to practice as a physician and surgeon. On February 20, 2008, Respondent was found in default and his credential was suspended for an indefinite period of time under Docket Number 07-11-A-1076MD.

1.2 Respondent is a board-certified psychiatrist. Respondent provided psychiatric care to Patient A from 1996 to December 2006. Patient A suffered from bipolar disorder and had a multiple hospitalizations, severe mood episodes, and suicide attempts. Respondent prescribed a number of medications to Patient A, including Depakote, Lamictal, Klonopin, Trileptal, Topamax, Zyprexa and Vicodin. Patient A saw Respondent more than two-hundred (200) times over the course of the ten (10) years of treatment and became dependent on Respondent to manage his medication.

1.3 Patient A last saw Respondent on or about December 13, 2006. Respondent told Patient A that he would see him again in the middle of January 2007, and that he would confirm the exact date by telephone.

1.4 Shortly thereafter, Patient A had a death in the family, and attempted to contact Respondent to reschedule the tentative appointment scheduled for the middle of January. Patient A and his wife made numerous phone calls to Respondent. They

called and left messages on Respondent's office phone system, and on Respondent's cell phone. They left their phone number on Respondent's digital pager. They called Respondent's home phone, but no one answered. They also sent a fax to Respondent's office asking that the January appointment be rescheduled.

1.5 On January 16, 2007, Patient A's wife sent a letter to Respondent via certified mail, return receipt requested, at his office address of 500 Union Street, Suite 505, Seattle, Washington 98101. In the letter, Patient A's wife stated that they were trying to reach him, asked him why he had abandoned Patient A after ten (10) years, and that this has caused Patient A considerable anxiety and pain. Patient A's wife received the return receipt with Respondent's signature acknowledging that he received the letter.

1.6 On February 12, 2007, Patient A's wife sent another letter to Respondent via certified mail, to the same address, asking Respondent to refill the medications that Respondent has prescribed, specifically Lamictal, Cytomel, Topamax, Pepsid, hydrocodone and Maxalt. Patient A's wife received the return receipt with Respondent's signature acknowledging that he received the letter.

1.7 On February 22, 2007, Patient A faxed a letter to Respondent asking him why he had abandoned him, and asking him to call the pharmacy to authorize refills of the prescriptions he had previously written.

1.8 As a result of Respondent's failure to communicate with Patient A, Patient A's mood became unstable and volatile, his Parkinson's Disease symptoms worsened from the stress, and he made a plan to commit suicide, but did not carry out the plan.

1.9 As of the date of this Statement of Charges, Respondent has not communicated with Patient A since December 2006.

1.10 By failing to communicate with Patient A and by failing to continue to treat him, Respondent abandoned Patient A. Respondent's abandonment of Patient A either harmed Patient A or created a significant risk of harm to Patient A's health.

1.11 In November 2007, Patient A's wife filed a complaint with the Department of Health, alleging that Respondent abandoned Patient A.

1.12 On December 10, 2007, a Department of Health investigator mailed a letter to Respondent at 500 Union Street, Suite 505, Seattle, Washington 98101. In the

letter, the investigator informed Respondent of the complaint, attached a copy of the complaint, and asked Respondent to provide a written statement concerning the allegation and a copy of Respondent's medical records of the patient within fourteen (14) days of the receipt of the letter.

1.13 On January 9, 2007, the Department of Health investigator mailed a second letter to Respondent at the same address as the December 10, 2007, letter. In the letter, the investigator informed Respondent that he had not responded to the letter of December 10, 2007, and stated that this was a final request for the information requested in the prior letter. The investigator enclosed a copy of the December 10, 2007, letter.

1.14 On January 22, 2008, the investigator called Respondent's office, but no one answered the phone and there was no answering system to take messages.

1.15 Respondent has not responded to the investigator's letters and has not provided the requested information as of the date of this Statement of Charges.

2. ALLEGED VIOLATIONS

2.1 Based on the Alleged Facts, Respondent has committed unprofessional conduct in violation of RCW 18.130.180(4) and (8)(a) & (b), which provide:

RCW 18.130.180 Unprofessional conduct. The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

...

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed.

...

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers or documents;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority.

....

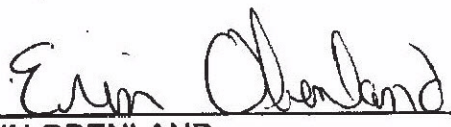
2.2 The above violations provide grounds for imposing sanctions under RCW 18.130.160.

3. NOTICE TO RESPONDENT

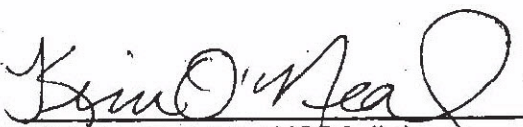
The charges in this document affect the public health, safety and welfare. The Health Services Consultant of the Commission directs that a notice be issued and served on Respondent as provided by law, giving Respondent the opportunity to defend against these charges. If Respondent fails to defend against these charges, Respondent shall be subject to discipline and the imposition of sanctions under Chapter 18.130 RCW.

DATED: May 12, 2008.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
COMMISSION



ERIN OBENLAND
HEALTH SERVICES CONSULTANT



KIM O'NEAL, WSBA #12939
ASSISTANT ATTORNEY GENERAL



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: John R. Brinkley, MD
Master No.: M2008-117348
Document: Amended Statement of Charges

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:

The identity of the complainant if the person is a consumer, health care provider, or employee, pursuant to RCW 43.70.075 (Identity of Whistleblower Protected) and/or the identity of a patient, pursuant to RCW 70.02.020 (Medical Records - Health Care Information Access and Disclosure)

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**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION**

In the Matter of

JOHN R. BRINKLEY, MD
Credential No. MD00014634

Respondent

No. M2008-117348

**AMENDED STATEMENT OF
CHARGES**

FILED
SEP 11 2008
Adjudicative Clerk Office

The Acting Deputy Executive Director of the Medical Quality Assurance Commission (Commission), on designation by the Commission, makes the allegations below, which are supported by the evidence contained in case number 2007-50903 (Program No. 2007-11-0043MD). The patient referred to in this Amended Statement of Charges is identified in the attached Confidential Schedule.

1. ALLEGED FACTS

1.1 On July 17, 1975, the state of Washington issued Respondent a credential to practice as a physician and surgeon. On February 20, 2008, Respondent was found in default and his credential was suspended for an indefinite period of time under Docket Number 07-11-A-1076MD.

1.2 Respondent is a board-certified psychiatrist. Respondent provided psychiatric care to Patient A from 1996 to December 2006. Patient A suffered from bipolar disorder and had a multiple hospitalizations, severe mood episodes, and suicide attempts. Respondent prescribed a number of medications to Patient A, including Depakote, Lamictal, Klonopin, Trileptal, Topamax, Zyprexa and Vicodin. Patient A saw Respondent more than two-hundred (200) times over the course of the ten (10) years of treatment and became dependent on Respondent to manage his medication.

1.3 Patient A last saw Respondent on or about December 13, 2006. Respondent told Patient A that he would see him again in the middle of January 2007, and that he would confirm the exact date by telephone.

1.4 Shortly thereafter, Patient A had a death in the family, and attempted to contact Respondent to reschedule the tentative appointment scheduled for the middle

of January. Patient A and his wife made numerous phone calls to Respondent. They called and left messages on Respondent's office phone system, and on Respondent's cell phone. They left their phone number on Respondent's digital pager. They called Respondent's home phone, but no one answered. They also sent a fax to Respondent's office asking that the January appointment be rescheduled.

1.5 On January 16, 2007, Patient A's wife sent a letter to Respondent via certified mail, return receipt requested, at his office address of 500 Union Street, Suite 505, Seattle, Washington 98101. In the letter, Patient A's wife stated that they were trying to reach him, asked him why he had abandoned Patient A after ten (10) years, and that this has caused Patient A considerable anxiety and pain. Patient A's wife received the return receipt with Respondent's signature acknowledging that he received the letter.

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1.7 On February 22, 2007, Patient A faxed a letter to Respondent asking him why he had abandoned him, and asking him to call the pharmacy to authorize refills of the prescriptions he had previously written.

1.8 As a result of Respondent's failure to communicate with Patient A, Patient A's mood became unstable and volatile, his Parkinson's Disease symptoms worsened from the stress, and he made a plan to commit suicide, but did not carry out the plan.

1.9 As of the date of this Statement of Charges, Respondent has not communicated with Patient A since December 2006.

1.10 By failing to communicate with Patient A and by failing to continue to treat him, Respondent abandoned Patient A. Respondent's abandonment of Patient A either harmed Patient A or created a significant risk of harm to Patient A's health.

1.11 In November 2007, Patient A's wife filed a complaint with the Department of Health, alleging that Respondent abandoned Patient A.

1.12 On December 10, 2007, a Department of Health investigator mailed a letter to Respondent at 500 Union Street, Suite 505, Seattle, Washington 98101. In the letter, the investigator informed Respondent of the complaint, attached a copy of the complaint, and asked Respondent to provide a written statement concerning the allegation and a copy of Respondent's medical records of the patient within fourteen (14) days of the receipt of the letter.

1.13 On January 9, 2007, the Department of Health investigator mailed a second letter to Respondent at the same address as the December 10, 2007, letter. In the letter, the investigator informed Respondent that he had not responded to the letter of December 10, 2007, and stated that this was a final request for the information requested in the prior letter. The investigator enclosed a copy of the December 10, 2007, letter.

1.14 On January 22, 2008, the investigator called Respondent's office, but no one answered the phone and there was no answering system to take messages.

1.15 Respondent has not responded to the investigator's letters and has not provided the requested information as of the date of this Statement of Charges.

2. ALLEGED VIOLATIONS

2.1 Based on the Alleged Facts, Respondent has committed unprofessional conduct in violation of RCW 18.130.180(4) and (8)(a) & (b), which provide:

RCW 18.130.180 Unprofessional conduct. The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

...

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed.

...

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers or documents;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority.

....

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

3. NOTICE TO RESPONDENT


The charges in this document affect the public health, safety and welfare. The **Acting Deputy Executive Director** of the Commission directs that a notice be issued and served on Respondent as provided by law, giving Respondent the opportunity to defend against these charges. If Respondent fails to defend against these charges, Respondent shall be subject to discipline and the imposition of sanctions under Chapter 18.130 RCW.

DATED: September 9, 2008.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
COMMISSION



BEVERY TEETER
ACTING DEPUTY EXECUTIVE DIRECTOR



KIM O'NEAL, WSBA #12939
ASSISTANT ATTORNEY GENERAL

CONFIDENTIAL SCHEDULE

This information is confidential and is NOT to be released without the consent of the individual or individuals named below. RCW 42.56.240(1)

Patient A





STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: John R. Brinkley, MD
Master No.: M2008-117348
Document: Second Amended Statement of Charges

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:

The identity of the complainant if the person is a consumer, health care provider, or employee, pursuant to RCW 43.70.075 (Identity of Whistleblower Protected) and/or the identity of a patient, pursuant to RCW 70.02.020 (Medical Records - Health Care Information Access and Disclosure)

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**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION**

In the Matter of

JOHN R. BRINKLEY, MD
License No. MD00014634

Respondent

No. M2008-117348

**SECOND AMENDED
STATEMENT OF CHARGES**

FILED
OCT 06 2008
Adjudicative Clerk Office

The Disciplinary Manager of the Medical Quality Assurance Commission (Commission), on designation by the Commission, makes the allegations below, which are supported by the evidence contained in case number 2007-50903 (Program No. 2007-11-0043MD) and 2008-125616. The patients referred to in this Second Amended Statement of Charges are identified in the attached Confidential Schedule.

1. ALLEGED FACTS

1.1 On July 17, 1975, the state of Washington issued Respondent a credential to practice as a physician and surgeon. On February 20, 2008, Respondent was found in default and his credential was suspended for an indefinite period of time under Docket Number 07-11-A-1076MD.

1.2 Respondent is a board-certified psychiatrist. Respondent provided psychiatric care to Patient A from 1996 to December 2006. Patient A suffered from bipolar disorder and had a multiple hospitalizations, severe mood episodes, and suicide attempts. Respondent prescribed a number of medications to Patient A, including Depakote, Lamictal, Klonopin, Trileptal, Topamax, Zyprexa and Vicodin. Patient A saw Respondent more than 200 times over the course of the ten years of treatment and became dependent on Respondent to manage his medication.

1.3 Patient A last saw Respondent on or about December 13, 2006. Respondent told Patient A that he would see him again in the middle of January 2007, and that he would confirm the exact date by telephone.

1.4 Shortly thereafter, Patient A had a death in the family, and attempted to contact Respondent to reschedule the tentative appointment scheduled for the middle

ORIGINAL

of January. Patient A and his wife made numerous phone calls to Respondent. They called and left messages on Respondent's office phone system, and on Respondent's cell phone. They left their phone number on Respondent's digital pager. They called Respondent's home phone, but no one answered. They also sent a fax to Respondent's office asking that the January appointment be rescheduled.

1.5 On January 16, 2007, Patient A's wife sent a letter to Respondent via certified mail, return receipt requested, at his office address of 500 Union Street, Suite 505, Seattle, Washington 98101. In the letter, Patient A's wife stated that they were trying to reach him, asked him why he had abandoned Patient A after ten years, and that this has caused Patient A considerable anxiety and pain. Patient A's wife received the return receipt with Respondent's signature acknowledging that he received the letter.

1.6 On February 12, 2007, Patient A's wife sent another letter to Respondent via certified mail, to the same address, asking Respondent to refill the medications that Respondent had prescribed, specifically Lamictal, Cytomel, Topamax, Pepsid, hydrocodone and Maxalt. Patient A's wife received the return receipt with Respondent's signature acknowledging that he received the letter.

1.7 On February 22, 2007, Patient A faxed a letter to Respondent asking him why he had abandoned him, and asking him to call the pharmacy to authorize refills of the prescriptions he had previously written.

1.8 As a result of Respondent's failure to communicate with Patient A, Patient A's mood became unstable and volatile, his Parkinson's Disease symptoms worsened from the stress, and he made a plan to commit suicide, but did not carry out the plan.

1.9 As of the date of this Statement of Charges, Respondent has not communicated with Patient A since December 2006.

1.10 By failing to communicate with Patient A and by failing to continue to treat him, Respondent abandoned Patient A. Respondent's abandonment of Patient A either harmed Patient A or created a significant risk of harm to Patient A's health.

1.11 In November 2007, Patient A's wife filed a complaint with the Department of Health, alleging that Respondent abandoned Patient A.

2. ALLEGED VIOLATIONS

2.1 Based on the Alleged Facts, Respondent has committed unprofessional conduct in violation of RCW 18.130.180(4), (8)(a) & (b), (7) and RCW 18.71.021, which provide:

RCW 18.130.180 Unprofessional conduct. The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

...

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed.

...

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers or documents;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority.

....

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice.

RCW 18.71.021 License required. No person may practice or represent himself or herself as practicing medicine without first having a valid license to do so.

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

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1.12 On December 10, 2007, a Department of Health investigator mailed a letter to Respondent at 500 Union Street, Suite 505, Seattle, Washington 98101. In the letter, the investigator informed Respondent of the complaint, attached a copy of the complaint, and asked Respondent to provide a written statement concerning the allegation and a copy of Respondent's medical records of the patient within 14 days of the receipt of the letter.

1.13 On January 9, 2008, the Department of Health investigator mailed a second letter to Respondent at the same address as the December 10, 2007, letter. In the letter, the investigator informed Respondent that he had not responded to the letter of December 10, 2007, and stated that this was a final request for the information requested in the prior letter. The investigator enclosed a copy of the December 10, 2007, letter.

1.14 On January 22, 2008, the investigator called Respondent's office, but no one answered the phone and there was no answering system to take messages.

1.15 In May 2008, the Commission issued a Statement of Charges against Respondent alleging that he violated RCW 18.130.180(4) by providing negligent care to Patient A, and that he violated (8)(a) and (b) by failing to cooperate with the investigation.

1.16 In August 2008, Respondent provided the records of Patient A.

1.17 On February 19, 2008, a Health Law Judge, on designation by the Commission, issued Findings of Fact, Conclusions of Law and Final Order of Default (failure to respond) suspending Respondent's license to practice as a physician and surgeon in the state of Washington. Respondent's license remains suspended.

1.18 On March 19, 2008, Respondent wrote a prescription to Patient B for 180 tablets of propranolol 20mg. On March 21, 2008, Respondent wrote a prescription to Patient B for 30 tablets of EMSAM transdermal patches 40 mg.

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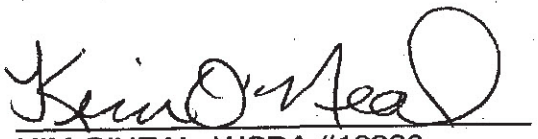
3. NOTICE TO RESPONDENT

The charges in this document affect the public health, safety and welfare. The Disciplinary Manager of the Commission directs that a notice be issued and served on Respondent as provided by law, giving Respondent the opportunity to defend against these charges. If Respondent fails to defend against these charges, Respondent shall be subject to discipline and the imposition of sanctions under Chapter 18.130 RCW.

DATED: October 3, 2008.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
COMMISSION


DANI NEWMAN
DISCIPLINARY MANAGER


KIM O'NEAL, WSBA #12939
ASSISTANT ATTORNEY GENERAL

CONFIDENTIAL SCHEDULE

This information is confidential and is NOT to be released without the consent of the individual or individuals named below. RCW 42.56.240(1)

Patient A



Patient B



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: John R. Brinkley, MD
Master Case No.: M2008-117348
Docket No.:
Document: Agreed Order

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:

Information regarding an individual's health care, including where they received health care services, their medical condition, care provided, etc., pursuant to RCW 42.56.360 (Public Records Disclosure) and RCW 70.02.020 (Medical Records – Health Care Information Access and Disclosure)

If you have any questions or need additional information regarding the information that was withheld, please contact:

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Fax: (360) 586-2171

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FILED

JAN 30 2009

Adjudicative Clerk

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION**

In the Matter of

JOHN R. BRINKLEY, MD
License No. MD00014634

Respondent

No. M2008-117348

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

The Medical Quality Assurance Commission (Commission), through Michael L. Farrell, Department of Health Staff Attorney, and Respondent, represented by counsel, Gary Eliassen, stipulate and agree to the following:

1. PROCEDURAL STIPULATIONS

1.1 On May 13, 2008, the Commission issued a Statement of Charges against Respondent. On September 10, 2008, the Commission issued an Amended Statement of Charges against Respondent. On October 3, 2008, the Commission issued a Second Amended Statement of Charges against Respondent.

1.2 In the Second Amended Statement of Charges, the Commission alleges that Respondent violated RCW 18.130.180(4), (8)(a) & (b), (7), and RCW 18.71.021.

1.3 Respondent understands that the State is prepared to proceed to a hearing on the allegations in the Second Amended Statement of Charges.

1.4 Respondent understands that if the allegations are proven at a hearing, the Commission has the authority to impose sanctions pursuant to RCW 18.130.160.

1.5 Respondent has the right to defend against the allegations in the Second Amended Statement of Charges by presenting evidence at a hearing.

1.6 Respondent waives the opportunity for a hearing on the Statement of Charges provided that the Commission accepts this Stipulated Findings of Fact, Conclusions of Law and Agreed Order (Agreed Order).

1.7 The parties agree to resolve this matter by means of this Agreed Order.

1.8 Respondent understands that this Agreed Order is not binding unless and until it is signed and accepted by the Commission.

1.9 If the Commission accepts this Agreed Order, it 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.

1.10 If the Commission rejects this Agreed Order, Respondent waives any objection to the participation at hearing of any Commission members who heard the Agreed Order presentation.

2: FINDINGS OF FACT

Respondent acknowledges that the evidence is sufficient to justify the following findings:

2.1 On July 17, 1975, the state of Washington issued Respondent a license to practice as a physician and surgeon. On February 20, 2008, Respondent was found in default and his credential was suspended for an indefinite period of time under Docket Number 07-11-A-1076MD.

2.2 Respondent is a board-certified psychiatrist. Respondent provided psychiatric care to Patient A from 1996 to December 2006. Patient A suffered from bipolar disorder and had multiple hospitalizations, severe mood episodes, and suicide attempts. Respondent prescribed a number of medications to Patient A, including Depakote, Lamictal, Klonopin, Trileptal, Topamax, Zyprexa and Vicodin. Patient A saw Respondent more than 200 times over the course of the ten years of treatment and became dependent on Respondent to manage his medication.

2.3 Patient A last saw Respondent on or about December 13, 2006. Respondent told Patient A that he would see him again in the middle of January 2007, and that he would confirm the exact date by telephone.

2.4 Shortly thereafter, Patient A had a death in the family, and attempted to contact Respondent to reschedule the tentative appointment scheduled for the middle of January. Patient A and his wife made numerous phone calls to Respondent. They called and left messages on Respondent's office phone system, and on Respondent's cell phone. They left their phone number on Respondent's digital pager. They called

Respondent's home phone, but no one answered. They also sent a fax to Respondent's office asking that the January appointment be rescheduled.

2.5 On January 16, 2007, Patient A's wife sent a letter to Respondent via certified mail, return receipt requested, at his office address of 500 Union Street, Suite 505, Seattle, Washington 98101. In the letter, Patient A's wife stated that they were trying to reach him, asked him why he had abandoned Patient A after ten years, and that this has caused Patient A considerable anxiety and pain. Patient A's wife received the return receipt with Respondent's signature acknowledging that he received the letter.

2.6 On February 12, 2007, Patient A's wife sent another letter to Respondent via certified mail, to the same address, asking Respondent to refill the medications that Respondent had prescribed, specifically Lamictal, Cytomel, Topamax, Pepsid, hydrocodone and Maxalt. Patient A's wife received the return receipt with Respondent's signature acknowledging that he received the letter.

2.7 On February 22, 2007, Patient A faxed a letter to Respondent asking him why he had abandoned him, and asking him to call the pharmacy to authorize refills of the prescriptions he had previously written.

2.8 Patient A's mood became unstable and volatile, his Parkinson's Disease symptoms worsened, and he made a plan to commit suicide, but did not carry out the plan.

2.9 In November 2007, Patient A's wife filed a complaint with the Department of Health, alleging that Respondent abandoned Patient A.

2.10 On December 10, 2007, a Department of Health investigator mailed a letter to Respondent at 500 Union Street, Suite 505, Seattle, Washington 98101. In the letter, the investigator informed Respondent of the complaint, attached a copy of the complaint, and asked Respondent to provide a written statement concerning the allegation and a copy of Respondent's medical records of the patient within fourteen (14) days of the receipt of the letter.

2.11 On January 9, 2008, the Department of Health investigator mailed a second letter to Respondent at the same address as the December 10, 2007, letter. In the letter, the investigator informed Respondent that he had not responded to the letter of

December 10, 2007, and stated that this was a final request for the information requested in the prior letter. The investigator enclosed a copy of the December 10, 2007, letter.

2.12 On January 22, 2008, the investigator called Respondent's office, but no one answered the phone and there was no answering system to take messages.

2.13 On February 20, 2008, the Commission suspended Respondent's license to practice as a physician and surgeon in the state of Washington. The Commission notified Respondent of the suspension by mailing an Order to Respondent at his official address of record, and by sending an investigator to Respondent's office. The investigator visited Respondent's office during normal business hours, but the office was closed.

2.14 In May 2008, the Commission issued a Statement of Charges against Respondent alleging that he violated RCW 18.130.180(4) by providing negligent care to Patient A, and that he violated (8)(a) and (b) by failing to cooperate with the investigation.

2.15 In August 2008, Respondent provided the records of Patient A.

2.16 On March 19, 2008, Respondent wrote a prescription to Patient B for 180 tablets of propranolol 20mg. On March 21, 2008, Respondent wrote a prescription to Patient B for 30 tablets of EMSAM transdermal patches 40 mg. When Respondent wrote these prescriptions, he was not aware his license to practice medicine had been suspended because he had not opened his mail.

2.17 Respondent's inattention to his practice and to the Commission was the result of a number of serious issues in Respondent's personal life. Since Respondent's suspension of his license in February 2008, Respondent has worked to resolve these issues, and takes responsibility for the unprofessional conduct detailed in the preceding paragraphs.

2.18 In November and December 2008, Respondent underwent a psychiatric evaluation by Marvin Seppala, MD. Dr. Seppala found that Respondent does not have an active mood disorder, that his cognitive abilities are intact, and that he does not have a mental health condition that would impair his ability to practice medicine safely.

2.19 In December 2008, Respondent underwent a physical examination by James Coghlan, MD. Dr. Coghlan found Respondent to be in good physical health.

2.20 Respondent has prepared an office protocol for the operation of his office. The office protocol states that he will designate an office assistant, and details how he will

handle scheduling of patients, maintaining a day planner, maintaining a call log, and handling of sample medication, among other things.

2.21 In December 2008, Respondent entered into [REDACTED]

[REDACTED] Medical Director, wrote a letter to the Commission dated December 30, 2008, stating that Respondent is not currently impaired and is able to practice psychiatry with reasonable skill and safety.

3. CONCLUSIONS OF LAW

The State and Respondent agree to the entry of the following Conclusions of Law:

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

3.2 Respondent has committed unprofessional conduct in violation of RCW 18.130.180(4), (8)(a) & (b), (7), and RCW 18.71.021.

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

4. AGREED ORDER

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

4.1 Probation. Respondent's license to practice as a physician and surgeon has been suspended since February 20, 2008. The Commission has lifted the suspension of Respondent's license by signing an Order on Reinstatement of License in Case M2007-57787 on the same date as this Agreed Order. Through this Agreed Order, Respondent's license to practice as a physician and surgeon in the state of Washington is placed on PROBATION for a period of two years. During the period of probation, Respondent will comply with the following terms and conditions.

4.2 Psychotherapy. Respondent will enter into psychotherapy with a therapist approved by the Commission or its designee. Respondent will cause the therapist to submit quarterly reports to the Washington Physicians Health Program (WPHP). In the reports, the therapist will inform the WPHP of Respondent's progress in treatment, changes in prognosis or diagnosis, and additional recommendations, if any, to protect the

public. Respondent will be permitted to change therapists only with prior written approval by the Commission or its designee.

4.3 WPHP. Respondent will continue to comply with the psychiatric monitoring contract he signed with the Washington Physicians Health Program (WPHP). Respondent will authorize and request Mick Oreskovich, MD, Director of the WPHP, to prepare and submit a written report to the Commission every three months, addressing Respondent's compliance with the contract and his ability to practice medicine in a safe manner. The report will be due thirty (30) days prior to scheduled compliance reviews before the Commission. Respondent will inform the maker of the report of the date of each scheduled compliance review. Respondent agrees that both oral and written communication regarding his compliance with the WPHP and his progress in treatment shall be shared between the WPHP and the Commission.

4.4 Copy of Order. Respondent will provide a copy of this Agreed Order to his supervisor and partners, if any, and the administrator or medical director of any clinic, group, hospital or institution in which he practices.

4.5 Fine. Within 12 months of the effective date of this Agreed Order, Respondent will pay a fine to the Commission in the amount of two thousand dollars (\$2,000.00). The fine will 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. In lieu of paying this fine, Respondent may perform 40 hours of community service by providing psychiatric care to uninsured patients. The community service must be approved in advance by the Commission or its designee. Respondent will provide proof of this community service within one hundred eighty (180) days of the effective date of this Agreed Order.

4.6 Office Visits. In order to monitor compliance with this Agreed Order, Respondent agrees that a representative of the Commission may make announced semi-annual visits to Respondent's practice to inspect the office and/or medical records and interview Respondent's partners, supervisors, co-workers and staff.

4.7 Compliance Appearances. Respondent will appear before the Commission twelve months from the date this Agreed Order is signed by the Commission, or as soon

thereafter as the Commission's schedule permits, and present proof that he is complying with this Order. After the first appearance, Respondent will continue to make compliance appearances every twelve months unless otherwise instructed in writing by the Commission or its representative, until the Commission releases Respondent from the terms and conditions of this Order.

4.8 Petition for Modification or Termination. Respondent may petition the Commission to modify this Agreed Order no sooner than one year from the effective date of this Agreed Order. Respondent may petition to terminate the terms and conditions of this Agreed Order no sooner than two years from the effective date of this Agreed Order. The Commission has sole discretion to grant or deny Respondent's petition, and may request Respondent to undergo another psychological evaluation. This will depend on a number of factors, including the recommendations of the psychological evaluation, Respondent's compliance with the terms and conditions of this Agreed Order, and Respondent's demonstration that he can practice medicine with reasonable skill and safety. The Commission is not bound by the recommendations in the psychological evaluation.

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

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

4.11 Violation of Order. If Respondent violates any provision of this Agreed Order in any respect, the Commission may take further action against Respondent's license.

4.12 Change of Address. Respondent shall inform the Program and the Adjudicative Clerk Office, in writing, of changes in Respondent's residential and/or business address within thirty (30) days of the change.

4.13 Effective Date. The effective date of this Agreed Order is the date the Commission signs the Agreed Order. If required, Respondent shall not submit any fees or compliance documents until after the effective date of this Agreed Order.

5. FAILURE TO COMPLY

Protection of the public requires practice under the terms and conditions imposed in this order. Failure to comply with the terms and conditions of this order may result in suspension of the license after a show cause hearing. If Respondent fails to comply with the terms and conditions of this order, the Commission may hold a hearing to require Respondent to show cause why the license should not be suspended. Alternatively, the Commission may bring additional charges of unprofessional conduct under RCW 18.130.180(9). In either case, Respondent will be afforded notice and an opportunity for a hearing on the issue of non-compliance.

6. COMPLIANCE WITH SANCTION SCHEDULE

RCW 18.130.390 and WAC 246-16-800, et. seq., require the Commission to impose sanctions that fall within one of the sanction schedules in WAC 246-16-800, et. seq., or to explain why the Commission is deviating from those sanction schedules. The conduct described in the Findings of Fact is the type of conduct described in Tier B of the sanction schedule entitled "Practice Below Standard of Care" and is set forth in WAC 246-16-810. The sanctions imposed in this Agreed Order fall within the range set forth in Tier B of that sanctions schedule.

7. ACCEPTANCE

I, John R. Brinkley, MD, Respondent, have read, understand and agree to this Agreed Order. This Agreed Order may be presented to the Commission without my appearance. I understand that I will receive a signed copy if the Commission accepts this Agreed Order.

John R. Brinkley MD

RESPONDENT

January 13, 2009
DATE

Gary Eliassen for

GARY ELIASSEN, WSBA # 2010
ATTORNEY FOR RESPONDENT

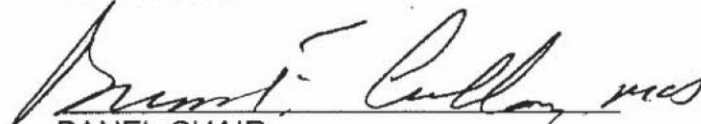
Jan. 15, 2009
DATE

8. ORDER

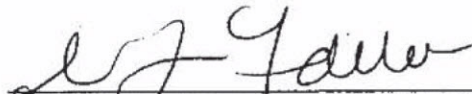
The Commission accepts and enters this Stipulated Findings of Fact, Conclusions of Law and Agreed Order.

DATED: 23 January, 2009.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
COMMISSION


PANEL CHAIR

PRESENTED BY:



MICHAEL FARRELL, WSBA #16022
DEPARTMENT OF HEALTH STAFF ATTORNEY

January 26, 2009
DATE



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: John R. Brinkley, MD
Master Case No.: M2008-117348
Document: Order of Release

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: **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 Deputy Secretary, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION**

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

JOHN R. BRINKLEY, MD
License No. MD00014634

Respondent

NO. M2008-117348

**ORDER ON TERMINATION OF
ORDER**

This matter comes before the Medical Quality Assurance Commission (Commission), on a request for termination of Stipulated Findings of Fact, Conclusions of Law and Agreed Order dated January 23, 2009, brought by John Brinkley, MD, Respondent. The Commission, having reviewed the record, issues the following:

Section 1: PROCEDURAL BACKGROUND

1.1 On July 17, 1975, the state of Washington issued Respondent a license to practice as a physician and surgeon. Respondent's license is currently active.

1.2 Respondent requested termination of a Stipulated Findings of Fact, Conclusions of Law and Agreed Order dated January 23, 2009, which placed conditions on Respondent's license to practice as a physician and surgeon in the state of Washington.

1.3 This Order will be reported to the Health Integrity and Protection Databank (HIPDB)(45 CFR Part 61), the Federation of State Medical Board's Physician Data Center and elsewhere as required by law. HIPDB will report this Agreed Order to the National Practitioner Data Bank (45 CFR Part 60).

1.4 This Order is a public document. It will be placed on the Department of Health's website, disseminated via the Commission's listserv, and disseminated according to the Uniform Disciplinary Act (Chapter 18.130 RCW). It may be disclosed to the public upon request pursuant to the Public Records Act (Chapter 42.56 RCW). It will remain part of Respondent's file according to the state's records retention law and cannot be expunged.

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Section 2: FINDINGS OF FACT

2.1 On January 23, 2009, the Commission entered a Stipulated Findings of Fact, Conclusions of Law and Agreed Order in In the Matter of John R. Brinkley, MD. No. M2008-117348.

2.2 The Commission reviewed Respondent's file to determine compliance with the January 23, 2009, Stipulated Findings of Fact, Conclusions of Law and Agreed Order and concluded Respondent has complied with the terms and conditions.

Section 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.

3.2 The request for termination was brought properly before the Commission.

3.3 Respondent's request for termination of the Stipulated Findings of Fact, Conclusions of Law and Agreed Order should be granted and the Commission's oversight and monitoring of Respondent's compliance terminated.

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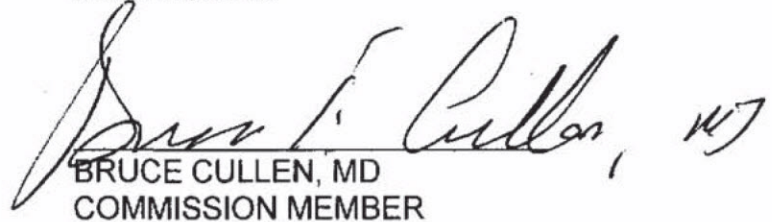
Section 4: ORDER

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

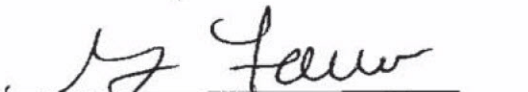
4.1 The request for termination of the Stipulated Findings of Fact, Conclusions of Law and Agreed Order dated January 23, 2009 is GRANTED. Respondent's license to practice as a physician and surgeon in the state of Washington is uncumbered.

DATED: 21 January, 2011.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
COMMISSION


BRUCE CULLEN, MD
COMMISSION MEMBER

PRESENTED BY:


MICHAEL FARRELL, WSBA #16022
STAFF ATTORNEY

January 21, 2011
DATE