



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
Olympia, Washington 98504

RE: Daniel R. Cohen  
Master Case No.: M2021-773  
Document: Statement of Charges

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

APR 01 2022

Adjudicative Clerk Office

In the Matter of

No. M2021-773

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

STATEMENT OF CHARGES

Respondent

This matter was referred by the Medical Quality Assurance Commission (Commission) to the Secretary of Health per RCW 18.130.062. An Expedited Case Management Team, on delegation by the Secretary of Health (Secretary), makes the allegations below, which are supported by the evidence contained in case nos. 2021-2050 and 2021-2051.

**1. ALLEGED FACTS**

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

1.2 In or around July of 2020, and at all times relevant to the allegations herein, Respondent was working as a psychiatrist under a physician and surgeon license.

1.3 In July of 2020, Patient A presented to Respondent for diagnosis and treatment for anxiety and panic disorder. The first few sessions were via video conferencing, and later became in-person meetings.

1.4 While the doctor-patient relationship initially proceeded normally, the relationship started to change in or around September of 2020.

1.5 Sometime in September of 2020, and for a few months thereafter, Respondent started frequently texting Patient A, stating he was thinking about her, that he missed her, and that he wished he could be with her. Respondent's messages to Patient A were sexually suggestive or blatantly sexual in nature.

1.6 The text messages were sent both during and within a few months after the end of the doctor-patient relationship.

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## 2. ALLEGED VIOLATIONS

2.1 Based on the Alleged Facts, Respondent has committed unprofessional conduct in violation of RCW 18.130.180(7) and WAC 246-919-630(1), (2)(j) and (k), (3), and (5), which provide in part:

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

...

(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;

...

**WAC 246-919-630 Sexual misconduct.**

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Patient" means a person who is receiving health care or treatment, or has received health care or treatment without a termination of the physician-patient relationship. The determination of when a person is a patient is made on a case-by-case basis with consideration given to a number of factors, including the nature, extent and context of the professional relationship between the physician and the person. The fact that a person is not actively receiving treatment or professional services is not the sole determining factor.

(b) "Key third party" means a person in a close personal relationship with the patient and includes, but is not limited to, spouses, partners, parents, siblings, children, and guardians or proxies.

(2) A physician shall not engage in sexual misconduct with a current patient or a key third party. A physician engages in sexual misconduct when he or she engages in any of the following behaviors with a patient or key third party:

...

(j) Soliciting a date; or

...

(k) Communicating regarding the sexual history, preferences, or fantasies of the physician;

...

(3) A physician shall not engage in any of the conduct described in subsection (2) of this section with a former patient or key third party if the physician:

- (a) Uses or exploits the trust, knowledge, influence, or emotions derived from the professional relationship; or
- (b) Uses or exploits privileged information or access to privileged information to meet the physician's personal or sexual needs.

...

(5) To determine whether a patient is a current patient or a former patient, the commission will analyze each case individually, and will consider a number of factors including, but not limited to, the following:

- (a) Documentation of formal termination;
- (b) Transfer of the patient's care to another health care provider;
- (c) The length of time that has passed since the last health care services to the patient;
- (d) The length of time of the professional relationship;
- (e) The extent to which the patient has confided personal or private information to the physician;
- (f) The nature of the patient's health problem; and
- (g) The degree of emotional dependence and vulnerability of the patient.

....

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

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### 3. NOTICE TO RESPONDENT

The charges in this document affect the public health, safety and welfare. The Expedited Case Management Team 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: March 31, 2022

STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
SECRETARY OF HEALTH

Kirby Putscher  
Kirby Putscher (Mar 28, 2022 11:36 PDT)

KIRBY PUTSCHER  
CASE MANAGEMENT ADMINISTRATOR

Tracy Bahm

TRACY BAHM, WSBA #22950  
ASSISTANT ATTORNEY GENERAL