



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: John R. Brinkley, MD
Docket No.: 07-11-A-1076MD
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
DEC 28 2007
Adjudicative Clerk Office

In the Matter of

JOHN R. BRINKLEY, MD
Credential No. MD00014634

Docket No. 07-11-A-1076MD

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 program file number 2007-08-0021MD.

1. ALLEGED FACTS

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

1.2 In August 2007, the Department of Health received a complaint from a patient of Respondent alleging that Respondent engaged in unprofessional conduct.

1.3 On August 31, 2007, a Department of Health investigator mailed a letter to Respondent at his address on record with the Department. In the letter, the investigator informed Respondent of the complaint, and asked Respondent to provide, among other things, a written statement concerning the allegation and a copy of Respondent's medical records of the patient.

1.4 On October 11, 2007, the Department of Health investigator mailed a second letter to Respondent at the same address as the August 31, 2007, letter, via certified mail, return receipt requested. In the letter, the investigator informed Respondent that he had not responded to the letter of August 31, 2007, and stated that this was a final request for the information requested in the prior letter. The investigator enclosed a copy of the August 31, 2007, letter. The investigator received a card confirming that the June 1, 2007, letter was received and signed by Respondent on October 12, 2007.

ORIGINAL

1.5 On October 25, 2007, the investigator phoned Respondent's office, but no one answered. There was no answering machine, answering service or voicemail system.

1.6 On October 29, 2007, the investigator visited Respondent's office. No one answered the door.

1.7 Respondent has not responded to the 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(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:

(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 violation provides 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

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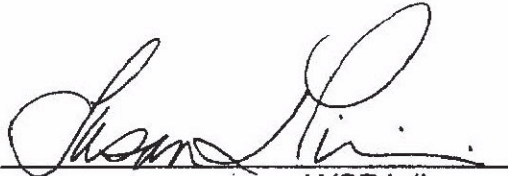
served on Respondent as provided by law, giving Respondent the opportunity to defend against these charges. If Respondent fails to defend against these charges, Respondent shall be subject to discipline and the imposition of sanctions under Chapter 18.130 RCW.

DATED: December 27, 2007

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
COMMISSION

Margelle C. Jensen, Deputy Executive Director

ERIN OBENLAND
HEALTH SERVICES CONSULTANT



SUSAN L. PIERINI, WSBA # 17714
ASSISTANT ATTORNEY GENERAL

FOR INTERNAL USE ONLY:

PROGRAM NO. 2007-08-0021MD



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE:	John R. Brinkley, MD	
	Master Case No.:	M2007-57787
	Docket No.:	07-11-A-1076MD
	Document:	Final Order of Default

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.

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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.

Docket No. 07-11-A-1076MD

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
FINAL ORDER OF DEFAULT
(Failure to Respond)**

This matter comes before the Health Law Judge, Presiding Officer for Final Order of Default. Based on the record, the Presiding Officer, on designation by the Medical Quality Assurance Commission (Commission), now issues the following:

Section 1: FINDINGS OF FACT

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

1.2 The Commission has filed the Declaration of Erin Obenland, Health Services Consultant, with attached exhibits.

1.3 In August 2007, the Department of Health received a complaint from a patient of Respondent alleging that Respondent engaged in unprofessional conduct.

1.4 On August 31, 2007, a Department of Health investigator mailed a letter to Respondent at his address on record with the Department. In the letter, the investigator informed Respondent of the complaint, and asked Respondent to provide, among other things, a written statement concerning the allegation and a copy of Respondent's medical records of the patient.

1.5 On October 11, 2007, the Department of Health investigator mailed a second letter to Respondent at the same address as the August 31, 2007, letter, via certified mail, return receipt requested. In the letter, the investigator informed Respondent that he had not responded to the letter of August 31, 2007, and stated that this was a final request for the information requested in the prior letter. The investigator enclosed a copy of the August 31, 2007, letter. The investigator received a card

confirming that the October 11, 2007, letter was received and signed by Respondent on October 12, 2007.

1.6 On October 25, 2007, the investigator phoned Respondent's office, but no one answered. There was no answering machine, answering service, or voicemail system.

1.7 On October 29, 2007, the investigator visited Respondent's office. No one answered the door.

1.8 Respondent has not responded to the letters and has not provided the requested information as of the date of the Statement of Charges.

1.9 On December 27, 2007, the Commission served Respondent with a copy of the following documents at Respondent's last known address:

- A. Statement of Charges;
- B. Notice of Opportunity for Settlement and Hearing;
- C. Answer to Statement of Charges and Request for Settlement and Hearing;

1.10 The Answer to the Statement of Charges was due in the Adjudicative Service Unit by January 16, 2008.

1.11 To date, the Adjudicative Service Unit has not received an answer to the Statement of Charges. On January 23, 2008, the Adjudicative Service Unit issued a Notice of Failure to Respond.

1.12 The Commission has no reason to believe Respondent is now or was in active military service, or a dependent of a person in active military service at the time the Statement of Charges was served.

Section 2: CONCLUSIONS OF LAW

2.1 The Commission has jurisdiction over Respondent and over the subject matter of this case. RCW 18.130.040.

2.2 Respondent did not file a response to the Statement of Charges within the time allowed. WAC 246-11-270(1)(a)(i) or WAC 246-11-270(3). Respondent is in default and the Commission may issue a final order based on the evidence presented. RCW 18.130.090(1) and RCW 34.05.440.

2.3 Based upon the Findings of Fact, Respondent has committed unprofessional conduct pursuant to RCW 18.130.180(8)(a) and (b).

2.4 Sufficient grounds exist to take disciplinary action against Respondent's credential. RCW 18.130.160 and 18.130.180.

Section 3: ORDER

The COMMISSION ORDERS:

3.1 Respondent's credential to practice as a physician and surgeon in the state of Washington is **INDEFINITELY SUSPENDED**.

3.2 Respondent shall immediately return all credential to the Commission within ten (10) days of receipt of this Order.

3.3 Respondent may not submit a written petition for reinstatement of credential until he complies with the Department's request as stated in the August 31, 2007, and October 11, 2007, letters.

3.4 Respondent shall assume all costs of complying with this Order.

3.5 If Respondent violates any provision of this Order in any respect the Commission may take further action against Respondent's credential.

3.6 The effective date of this Order is that date the Adjudicative Service Unit places the signed order into the U.S. mail. Respondent shall not submit any fees or compliance documents until after the effective date of this Order.

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Section 4: NOTICE TO PARTIES

This Order is subject to the reporting requirements of RCW 18.130.110, Section 1128E of the Social Security Act, 45 CFR Part 61, and any other applicable interstate/national reporting requirements. If adverse action is taken, it must be reported to the Healthcare Integrity Protection Data Bank.

Either Party may file a **petition for reconsideration**. RCW 34.05.461(3); 34.05.470. The petition must be filed within ten (10) days of service of this Order with:

Adjudicative Service Unit
PO Box 47879
Olympia, WA 98504-7879

and a copy must be sent to:

State of Washington
Department of Health
Medical Quality Assurance Commission
PO Box 47866
Olympia WA 98504-7866

The petition must state the specific grounds upon which reconsideration is requested and the relief requested. The petition for reconsideration is considered denied twenty (20) days after the petition is filed if the Adjudicative Service Unit has not responded to the petition or served written notice of the date by which action will be taken on the petition.

A petition for judicial review must be filed and served within thirty (30) days after service of this Order. RCW 34.05.542. The procedures are identified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. A petition for reconsideration is not required before seeking judicial review. If a petition for reconsideration is filed, however, the thirty (30) day period will begin to run upon the resolution of that petition. RCW 34.05.470(3).

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The Order remains in effect even if a petition for reconsideration or petition for review is filed. "Filing" means actual receipt of the document by the Adjudicative Service Unit. RCW 34.05.010(6). This Order was "served" upon you on the day it was deposited in the United States mail. RCW 34.05.010(19).


DATED: February 19, 2008.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION



HEALTH LAW JUDGE
PRESIDING OFFICER

PRESENTED BY:



MICHAEL FARRELL, WSBA #16022
DEPARTMENT OF HEALTH STAFF ATTORNEY

February 7, 2008
DATE

FOR INTERNAL USE ONLY:

PROGRAM NO. 2007-08-0021MD

FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND FINAL ORDER OF DEFAULT (Failure to Respond)
DOCKET NO. 07-11-A-1076MD

PAGE 5 OF 5



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: John R. Brinkley, MD
Master Case No.: M2007-57787
Docket No.:
Document: Order on Reinstatement

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.

FILED
JAN 23 2009
Adjudicative Clerk

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

In the Matter of

JOHN R. BRINKLEY, MD
License No. MD00014634

**No. M2007-57787
(Docket No. 07-11-A-1076MD)**

ORDER ON REINSTATEMENT

Respondent

This matter comes before the Medical Quality Assurance Commission (Commission), on request for reinstatement brought by John R. Brinkley, MD, Respondent. The Commission has reviewed the record, asked questions of Respondent, and issues the following:

1. PROCEDURAL STIPULATIONS

1.1 On July 17, 1975, the state of Washington issued Respondent a license to practice as a physician and surgeon. On December 27, 2007, the Commission issued a Statement of Charges against Respondent for violating RCW 18.130.180(8). On February 20, 2008, the Commission found Respondent in default for failing to file an Answer to the Statement of Charges and issued a Findings of Fact, Conclusions of Law and Final Order of Default, suspending his license for an indefinite period of time.

1.2 On October 3, 2008, the Commission issued a Second Amended Statement of Charges against Respondent in Case M2008-117348. The Commission resolves that case with Stipulated Findings of Fact, Conclusions of Law and Agreed Order, entered the same day as this Order on Reinstatement.

1.3 Respondent requested reinstatement of his license to practice as a physician and surgeon in the state of Washington.

1.4 This Order on Reinstatement 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

The State and Respondent stipulate to the following facts:

2.1 On July 17, 1975, the state of Washington issued Respondent a license to practice as a physician and surgeon. On December 27, 2007, the Commission issued a Statement of Charges against Respondent for violating RCW 18.130.180(8). On February 20, 2008, the Commission found Respondent in default for failing to file an Answer to the Statement of Charges and issued a Findings of Fact, Conclusions of Law and Final Order of Default, suspending his license for an indefinite period of time.

2.2 Respondent requested reinstatement of his license to practice as a physician and surgeon in the state of Washington.

2.3 Respondent appeared personally before the Commission and answered questions from Commission members on the circumstances leading to the two statements of charges against him, and the suspension of his license.

2.4 Respondent and the Commission entered into an Agreed Order in Case M2008-117348, placing Respondent's license on probation and requiring compliance with specific terms and conditions.

2.5 The Commission is satisfied that Respondent is capable of treating patients 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 The request for reinstatement was brought properly before the Commission.

3.3 Respondent's request for reinstatement should be granted. Respondent's license will be subject to the Stipulated Findings of Fact, Conclusions of Law and Agreed Order entered in Case M2008-117348.

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4. ORDER

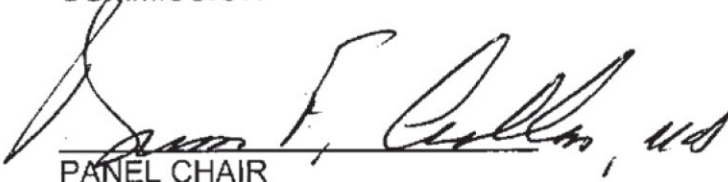
Based on the Findings of Fact and Conclusions of Law, Respondent agrees to entry of the following Agreed Order on Reinstatement:

4.1 Respondent's request for reinstatement of license is GRANTED.

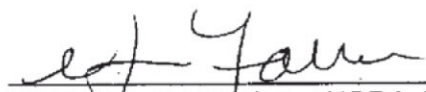
Respondent's license is placed on probation pursuant to the Stipulated Findings of Fact, Conclusions of Law and Agreed Order in Case M2008-117348 and must fully comply with all the terms and conditions in that Order. *This Order is effective January 15, 2009.*

DATED: 15 January, 2009.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
COMMISSION


PANEL CHAIR

PRESENTED BY:


MICHAEL FARRELL, WSBA #16022
STAFF ATTORNEY
MEDICAL QUALITY ASSURANCE COMMISSION

January 15, 2009
DATE