RE: John B. Cornell
   Master Case No.: M2014-627
   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
CHIROPRACTIC QUALITY ASSURANCE COMMISSION

In the Matter of

JOHN B. CORNELL
Credential No. CH/R.CH.00001046

No. M2014-627
STIPULATED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
AGREED ORDER

Respondent

The Chiropractic Quality Assurance Commission (Commission), through Patrick F. Hanley, Jr., Department of Health Staff Attorney, and Respondent, represented by counsel, John C. Peick, stipulate and agree to the following:

1. PROCEDURAL STIPULATIONS

1.1 On September 25, 2015, the Commission issued a Statement of Charges against Respondent. On June 3, 2016, the Commission issued an Amended Statement of Charges against Respondent.

1.2 Respondent understands that the Commission is prepared to proceed to a hearing on the allegations in the Amended Statement of Charges.

1.3 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.

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

1.5 Respondent waives the opportunity for a hearing on the Amended Statement of Charges provided that the Commission 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 Commission and served by the Adjudicative Clerk Office.

1.8 If the Commission 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 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 and the Commission stipulate to the following facts:

2.1 On February 7, 1975, the State of Washington issued Respondent a credential to practice as a chiropractor. Respondent’s credential is currently active.

2.2 Respondent owns and operates a clinic that offers chiropractic treatment, Cornell Chiropractic Office, Inc., a Washington corporation, UBI no. 601253982.

2.3 Respondent is a member of H3 Therapy, LLC, a Washington limited liability company, UBI no. 603117628. H3 Therapy, LLC was providing a concentrated oxygen environment in a tent-like structure for its customers to use for fixed periods of time.

2.4 On or about June 22, 2013, Respondent referred Patient A for mild hyperbaric treatment. The referral form states the diagnosis was “inflammation-based.” The referral form states the treatment is intended to reduce inflammation. Respondent did not examine Patient A at any point and/or did not document examining Patient A at any point.

2.5 On or about June 21, 2013, Respondent referred Patient B for mild hyperbaric treatment. The referral form does not state a diagnosis or other reason for the referral. Respondent did not examine Patient B at any point and/or did not document examining Patient B at any point.

2.6 On or about July 17, 2013, Respondent referred Patient C for mild hyperbaric treatment. The referral form states the treatment is intended to reduce inflammation. Respondent did not examine Patient C at any point and/or did not document examining Patient C at any point.

2.7 On or about July 18, 2013, Respondent referred Patient D for mild hyperbaric treatment. The referral form states the diagnosis was “reduce inflammation.” Respondent did not examine Patient D at any point and/or did not document examining Patient D at any point.
2.8 On or about June 21, 2013, Respondent referred Patient E for mild hyperbaric treatment. The referral form does not state a diagnosis or other reason for the referral. The referral form states the treatment is intended to reduce inflammation. Respondent did not examine Patient E at any point and/or did not document examining Patient E at any point.

2.9 On or about November 14, 2013, Respondent referred Patient F for mild hyperbaric treatment. The referral form states the diagnosis was migraines. The referral form states the treatment is intended to reduce inflammation. Respondent did not examine Patient F at any point and/or did not document examining Patient F at any point.

2.10 On or about November 13, 2013, Respondent referred Patient G for mild hyperbaric treatment. The referral form does not state a diagnosis or other reason for the referral. The referral form states the treatment is intended to reduce inflammation. Respondent did not examine Patient G at any point and/or did not document examining Patient G at any point.

2.11 On or about January 27, 2015, Respondent referred Patient H for mild hyperbaric treatment. The referral form does not state a diagnosis or other reason for the referral. The referral form states the treatment is intended to make Patient H “feel better, reduce inflammation, to reduce pain,” and for the patient “to be more active.” Respondent did not examine Patient H at any point and/or did not document examining Patient H at any point.

3. CONCLUSIONS OF LAW

The Commission 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 there is evidence sufficient to justify findings of unprofessional conduct in violation of RCW 18.130.180(4) and (7), based respectively, on RCW 18.25.005(3) and WAC 246-808-560.

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 Respondent's alleged conduct falls in Tier A of the "Practice Below Standard of Care" schedule, WAC 246-16-810. The sanction range associated with that tier does adequately address the alleged facts of this case.

4.3 The disciplining authority considered the following aggravating factors:
   A. None noted.

4.4 The disciplining authority considered the following mitigating factors:
   A. Full and free disclosure to the Commission's investigators.

5. AGREED ORDER

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

5.1 Respondent's credential to practice as a chiropractor in the state of Washington shall be MONITORED for at least eighteen (18) months commencing on the effective date of this Agreed Order. During the course of monitoring, Respondent shall comply with all of the following terms and conditions.

5.2 In addition to any other inspections it may make, the Department of Health and/or Commission may audit records and review Respondent's practice at his place of employment on an unannounced basis up to three (3) times for the duration of this Agreed Order.

5.3 Respondent shall pay a fine to the Commission in the amount of two thousand five hundred dollars ($2,500.00), 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 personal check, certified or cashier's check, or money order, made payable to the Department of Health and mailed to the Department of Health, Commission, at PO Box 1099, Olympia, WA 98507-1099. Credit or Debit cards can also be used for payment at the front counter of the Department of Health building at 111 Israel Road SE, Tumwater, WA 98501, during regular business hours.
5.4 Within twelve (12) months of the effective date of this Agreed Order, Respondent shall complete a minimum of twelve (12) hours of continuing education, pre-approved by the Commission, in the area of ethics and boundaries. Respondent shall provide the Commission with proof of completion of such continuing education within thirty (30) days of such completion. Failure to complete and show proof of completion of the required minimum hours of pre-approved continuing education in the specified area within the specified times shall constitute violations of this Agreed Order. These twelve (12) hours of continuing education shall be in addition to mandatory continuing education hours that may be required for credential renewal.

5.5 Respondent shall take and pass the Commission's jurisprudence examination within sixty (60) days of the effective date of this Agreed Order.

5.6 Within one (1) year of the effective date of this Agreed Order, Respondent shall take and successfully pass, with a score of three hundred seventy-five (375) or higher, the National Board of Chiropractic Examiners Ethics and Boundaries Examination (NBCE E&B). Respondent shall forward a copy of the test results or test transcripts provided by the National Board of Chiropractic Examiners (NBCE) to the Commission as evidence of successful completion. Results should be sent to the Department of Health, Chiropractic Quality Assurance Commission, PO Box 47858, Olympia, WA 98504-7867.

5.7 Respondent shall cease all business of hyperbaric chamber and oxygen therapy, immediately on the effective date of this Agreed Order.

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

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

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

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

5.12 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.
5.13 The effective date of this Agreed Order is the date the Adjudicative Clerk 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. 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 credential 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 credential 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.

7. ACCEPTANCE

I, JOHN B. CORNELL, 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.

[Signature]
JOHN B. CORNELL
RESPONDENT

8/12/2016
DATE

[Signature]
JOHN C. PEICK, WSBA #6249
ATTORNEY FOR RESPONDENT

8/19/2016
DATE
8. ORDER

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

DATED: 9-22-2016, 2016

STATE OF WASHINGTON:
DEPARTMENT OF HEALTH
CHIROPRACTIC QUALITY ASSURANCE COMMISSION

PANEL CHAIR

PRESENTED BY:

PATRICK HANLEY, JR., WSBA #28924
DEPARTMENT OF HEALTH STAFF ATTORNEY
9-23-2016
DATE