



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Darcy Clayton Szigety
Master Case No.: M2016-670
Document: Stipulation to Informal Disposition

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

DARCY CLAYTON SZIGETY
Credential No. CHIR.CH.00003209

Respondent

No. M2016-670

**STIPULATION TO INFORMAL
DISPOSITION**

1. STIPULATION

1.1 The executive director of the Chiropractic Quality Assurance Commission (Commission), on designation by the Commission, has made the following allegations.

- A. On February 14, 1996, the State of Washington issued Respondent a credential to practice as a chiropractor. Respondent's credential is currently active.
- B. On or about July 28, 2015, an anonymous complaint was received which alleged that Respondent inappropriately advertised hyperbaric oxygen therapy and that an advertising testimonial found on the website was essentially false and inappropriate.
- C. A review of Respondent's website demonstrated the following:
 - i Respondent advertised that he offered hyperbaric oxygen therapy to "treat diseases or injuries using pressures higher than local atmospheric pressure inside a hyperbaric chamber."
 - ii That hyperbaric therapy is a "...safe way to provide pure oxygen to your body at a cellular level."
 - iii That the "hyperbaric chamber utilizes filtered, pressurized air to dissolve oxygen directly into your body's cerebral and spinal fluids, as well as the plasma with your cells. Once this happens, the body's tissue and vital organs are flooded with oxygen."
 - iv That Respondent marketed hyperbaric treatment to certain populations and ailments such as athletes, pre and post



operation patients, cancer patients, and patients with slow-healing wounds, patients with delayed radiation injuries, patients with soft tissue infections, thermal burns, patients with certain skin grafts and flaps, crush injuries, and diabetes related wounds.

- v Respondent claimed that hyperbaric oxygen therapy is effective at healing wounds and, in turn, reducing risk for amputation, particularly if one had diabetes. Respondent also claimed that hyperbaric therapy was proven treatment for decompression sickness, arterial gas embolism, carbon monoxide poisoning, Delayed radiation injury of the soft tissue or bones, gas gangrene, skin grafts and flaps that are not healing with standard treatment, soft tissue infections in which tissues are dying, anemia due to severe blood loss, crushing injuries where there is not enough oxygen for tissues, certain wounds that are not healing with standard treatment, thermal burns, abscess in the brain or head, osteomyelitis, and blockages of the retinal artery. Respondent also advertised that hyperbaric therapy helped people dealing with fatigue, stress, and insomnia.
- vi Respondent's website did in fact advertise a patient testimonial which communicated that he was referred to Respondent from his interpreter for his L&I case, and that he was hurt on the job and was recommended chiropractic treatment to relieve his pain. The patient recommended anyone with an L&I work injury to see Respondent.

- D. On or about October 26, 2015, Respondent's office manager informed at DOH investigator that a hyperbaric oxygen therapy session was one (1) hour in duration at the cost of one hundred dollars (\$100.00), payable with cash or check. The office manager also confirmed that Respondent was the only doctor associated with the clinic. In addition, Respondent informed the investigator he had

performed hyperbaric oxygen therapy on Patient A (patient in the testimonial) who suffered from severe fatigue and was referred to him from an undisclosed individual at L&I. However, Respondent was unable to produce a copy of the written testimony provided by Patient A, indicating that it had been destroyed.

- E. In response to the investigator's request for a written explanation, Respondent provided a handwritten letter dated December 17, 2015, that confirmed that Respondent offered hyperbaric oxygen treatment to his patient base.
- F. On or about December 21, 2015, Respondent disclosed to the investigator that he was not aware of any rules or regulations that would prevent a chiropractor from performing hyperbaric oxygen therapy on patients.
- G. On or about March 15, 2016, the DOH investigator obtained ten (10) random patient records for Patients B, C, D, E, F, G, H, I, J, and K. A review of these patient records demonstrated approximately three thousand dollars (\$3,000.00) in fees (cash or check only) collected from rendering hyperbaric oxygen therapy to these patients.

1.2 Respondent does not admit any of the allegations in the Statement of Allegations and Summary of Evidence or in Paragraph 1.1 above. This Stipulation to Informal Disposition (Stipulation) shall not be construed as a finding of unprofessional conduct or inability to practice.

1.3 Respondent acknowledges that a finding of unprofessional conduct or inability to practice based on the above allegations, if proven, would constitute grounds for discipline under RCW 18.130.180(3), (4), (7), (12), (13), and (16); RCW 18.25.005; WAC 246-808-505; WAC 246-808-520; WAC 246-808-540; WAC 246-808-600; and WAC 246-808-625.

1.4 Respondent agrees that under RCW 18.130.172, any sanction as set forth in RCW 18.130.160, except subsections (1), (2), (6), and (8), may be imposed as part of this Stipulation, but the Respondent may agree to reimburse the disciplining authority the costs of investigation and processing the complaint up to an amount not exceeding one thousand dollars (\$1,000.00) per allegation.

1.5 The parties wish to resolve this matter by means of this Stipulation pursuant to RCW 18.130.172(1).

1.6 This Stipulation is of no force and effect and is not binding on the parties unless and until it is accepted by the Commission.

1.7 This Stipulation is not formal disciplinary action. However, if the Commission accepts this Stipulation, 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).

1.8 The Commission agrees to forgo further disciplinary proceedings concerning the allegations.

1.9 Respondent agrees to successfully complete the terms and conditions of this informal disposition.

1.10 Respondent understands that a violation of this Stipulation, if proven, would constitute grounds for discipline under RCW 18.130.180 and the imposition of sanctions under RCW 18.130.160.

2. COMPLIANCE WITH SANCTION RULES

2.1 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."

2.2 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. Here, the disciplining authority determined that probation with meaningful oversight will appropriately address the conduct contained in this case.

2.3 The disciplining authority considered the following aggravating factors:

A. Presence of pattern and frequency of the misconduct.

3. INFORMAL DISPOSITION

The parties agree to the following:

3.1 Respondent's credential to practice as a chiropractor in the State of Washington shall be placed on **PROBATION** for at least three (3) years commencing on

the effective date of this Stipulation. During the course of probation, Respondent shall comply with all of the following terms and conditions.

3.2 Respondent shall reimburse costs to the Commission in the amount of four thousand four dollars and forty-eight cents (\$4,004.48), which must be received by the Commission within two (2) years of the effective date of this Stipulation. The reimbursement 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.

3.3 Within six (6) months of the effective date of this Stipulation, Respondent shall refund to Patients A-K (and/or any other person or entity who paid on Patient B-K's behalf) all fees that Respondent charged for Hyperbaric Oxygen Therapy. Respondent shall provide the Commission or its designee with:

A. A list of all fees charged in relation to the above referenced services.

The list must specify the following:

- i A description of each service/treatment provided;
- ii Date of each service/treatment;
- iii Amount charged for each service/treatment to the patient, insurer and/or other third party (payor) that paid each fee; and
- iv Name and current contact information for all payor(s) identified in answer to subsection iii above.

In addition, Respondent must submit supporting documentation for the above referenced list to the Commission. The Department of Health (DOH) must receive the list and supporting documentation within thirty (30) days of the effective date of this Stipulation. DOH must approve the proposed refund amount before Respondent will be considered in compliance with this paragraph.

B. Proof of payment to Patients A- K (or payor(s)) of a refund for all such fees charged. DOH must receive this proof within six (6) months of the effective date of this Stipulation.

Respondent will not be in compliance with this Stipulation if he fails to refund the fees charged to Patients A-K (and/or other payor(s)) and/or to provide the Commission with

the above referenced list, supporting documentation, and proof of payment within the times specified.

3.4 In addition to any other inspections it may make, the Department of Health and/or Board or Commission may audit records and review Respondent's practice at his place of employment on an unannounced basis up to four (4) times per year for the duration of this Stipulation or unless deemed no longer required by the Commission or its designee if Respondent is notified in writing. The audit shall be related to Respondent's advertising and procedures offered in the clinic.

3.5 In addition to mandatory continuing education, within twelve (12) months of the effective date of this Stipulation, Respondent shall complete eighteen (18) hours of continuing education, pre-approved by the Commission or its designee, as follows:

- A. Twelve (12) hours of continuing education in the area of billing and documentation.
- B. Six (6) hours of continuing education in the area of ethics.

Respondent shall provide the Commission with proof of completion of such continuing education within thirty (30) days of such completion. Failure to complete the required minimum hours of pre-approved continuing education in the specified areas within the specified time(s) shall constitute a violation of this Stipulation.

3.6 Respondent shall take and pass the Commission's jurisprudence examination within six (6) months of the effective date of this Stipulation.

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

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

3.9 Any documents required by this Stipulation shall be sent to Department of Health Compliance at PO Box 47858, Olympia, WA 98504-7873.

3.10 Respondent is responsible for all costs of complying with this Stipulation.

3.11 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.

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

4. RESPONDENT'S ACCEPTANCE

I, DARCY CLAYTON SZIGETY, have read, understand and agree to this Stipulation. This Stipulation may be presented to the Commission without my appearance. I understand that I will receive a signed copy if the Commission accepts this Stipulation.


DARCY CLAYTON SZIGETY
RESPONDENT

8-23-16

DATE

_____, WSBA #
ATTORNEY FOR RESPONDENT


DATE

5. COMMISSION ACCEPTANCE

The Commission accepts this Stipulation to Informal Disposition. All parties shall be bound by its terms and conditions.


DATED: September 12, 2016

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
CHIROPRACTIC QUALITY ASSURANCE
COMMISSION



PANEL CHAIR

PRESENTED BY:



ALEXANDER H. LEE, WSBA #35824
DEPARTMENT OF HEALTH STAFF ATTORNEY

9/1/16

DATE