

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43215

May 29, 1981

Ivan Czornyj, M.D.
4429 State Road
Cleveland, OH. 44109

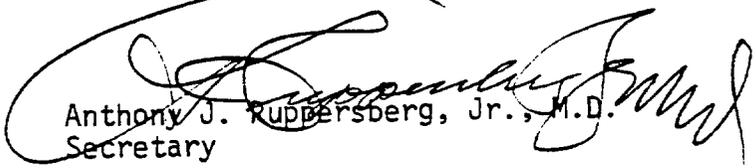
Dear Doctor Czornyj:

Please find enclosed a certified copy of the Findings and Order as they have been entered in the Journal of the State Medical Board of Ohio and a certified copy of the Motions by the State Medical Board, meeting in regular session on May 13, 1981, modifying the Findings and Order.

You are hereby notified that you may appeal this Order to the Court of Common Pleas of the county in which your place of business is located, or the county in which you reside. If you are not a resident and have no place of business in this state, you may appeal to the Court of Common Pleas of Franklin County, Ohio.

To appeal as stated above, you must file a notice of appeal with the Board setting forth the Order appealed from, and the grounds of the appeal. You must also file a copy of such notice with the court. Such notices of appeal shall be filed within fifteen (15) days after the date of mailing of this letter and in accordance with Section 119.12, Revised Code.

THE STATE MEDICAL BOARD


Anthony J. Ruppberg, Jr., M.D.
Secretary

AR:em

Enclosures

CERTIFIED MAIL NO. P32 4679624
RETURN RECEIPT REQUESTED

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43215

CERTIFICATION

I hereby certify that the attached copy of the Findings and Order of the State Medical Board of Ohio, in the matter of Ivan Czornyj, M.D., is a true and complete copy of the Findings and Order as they appear in the Journal of the State Medical Board; and that the attached copy of the Motions approved by the State Medical Board, meeting in regular session on May 13, 1981, is a true and complete copy as it appears in the Journal of the State Medical Board.



ANTHONY RIPPERSBERG, JR., M.D.

SECRETARY

29 May 1981
DATE

STATE OF OHIO
THE STATE MEDICAL BOARD

REPORT AND RECOMMENDATION
IN THE MATTER OF IVAN CZORNYJ, M.D.

APR - 6 PM 3:04

The matter of Ivan Czornyj, M.D., came on for hearing before me Evelyn L. Cover, D.O., Member of the State Medical Board of Ohio, on October 1, 1979.

OHIO STATE
MEDICAL BOARD

INTRODUCTION AND SUMMARY OF EVIDENCE

1. State's Exhibit #1 is a citation letter dated May 24, 1979, from the Ohio State Medical Board. It alleges violations of Section 4731.22 (B) (11), Ohio Revised Code. State's Exhibit #2 is a letter dated June 13, 1979, informing Dr. Czornyj of the underlying charges, and making a correction from the first letter indicating that he committed not a misdemeanor, but a felony. This second letter alleges violations of Section 4731.22 (B) (10) and (B) (11).
2. State's Exhibit #3 is a letter dated June 20, 1979, from Thomas A. Kelly of the law firm of Cassidy and Mottl indicating their representation of Dr. Czornyj and requesting a hearing. Mr. B. Douglas Anderson appeared as Legal Counsel for the State Medical Board.
3. State's Exhibit #9 is a letter dated August 29, 1979, from Mr. Reiman, also from the law firm of Cassidy and Mottl, indicating that it is his intention to present the contentions in writing rather than to be present at a formal hearing.
4. State's Exhibit #10 is a letter dated September 6, 1979, to Mr. Reiman from the State Medical Board indicating that the hearing has been scheduled for October 1, 1979.
5. State's Exhibit #11 is a certified copy of a court document being a true bill of indictment against Ivan Czornyj in the Cuyahoga Common Pleas Court.
6. State's Exhibit #12 and 13 are certified copies of court documents. They are journal entries in the Cuyahoga Common Pleas Court case against Dr. Czornyj. (Transcript at 7)
7. This proceeding arose because Dr. Czornyj was convicted of a felony related to obtaining Schedule II drugs by deception. Dr. Czornyj was fully advised of his Chapter 119 rights. His attorney elected to waive appearing in person and submit his contentions in writing as is provided for under Chapter 119.
8. The record of the hearing on October 1, 1979, was kept open for the contentions in writing to be submitted on behalf of Dr. Czornyj.
9. Mr. Kurt Coront appeared as a witness and his testimony revealed the following:
 - A. Mr. Coront is employed as an investigator for the State Medical Board.

APR - 6 2 3 04

- B. Mr. Coront investigated Dr. Czornyj. He received complaints via the District Office of the Drug Enforcement Administration regarding possible indiscriminate prescribing of drugs by the doctor. (Transcript at 10)
- C. The investigation revealed that many of Dr. Czornyj's prescriptions were prescribed to questionable patients so that the pharmacists became suspicious as to the use of the drugs involved. (Transcript at 10)
- D. State's Exhibit #14 is a daily activity report concerning Dr. Czornyj, signed by Mr. Coront.
- E. Mr. Coront was asked to address his sole attention to the event of October 18, 1977. By the way of clarification for the Hearing Examiner, it was indicated that it's solely the event of October 18, 1977 which forms the basis for the conviction. Mr. Coront summarized what happened on October 18, 1977:

" On October 18, 1977, Clarence Bennett, Detective of the Parma Police Department, Mary Simon, equipped with an aid unit, and myself proceeded to the office of Dr. Czornyj. (An aid unit is a transmitter so that others can listen in on the conversation) Mary Simon went in while Detective Bennett and I waited in a car outside of the office. She was called into the inner examining room where she proceeded to tell Dr. Czornyj that she was a friend of the first informant that had made the buy on October 11 and that she was having a party and needed some Quaaludes to be uninhibited. Dr. Czornyj proceeded to take a brief medical history and take her blood pressure and wrote her out a prescription for 30 Quaaludes, 300 milligrams." (Transcript at 14, 15)

This conversation was transmitted to Mr. Coront through the unit aid Mary Simon was wearing.

10. Mr. Clarence Bennett was called to the stand. His testimony revealed the following:
- A. Mr. Bennett is a detective in the Parma Police Department. He was employed there in October of 1977 and was involved in the investigation of Dr. Czornyj. (Transcript at 16)
- B. Mr. Bennett described the events of October 18, 1977. (This description was essentially the same as Mr. Coront's.) (Transcript at 16, 17)
- C. The prescription given by Dr. Czornyj to Mary Simon was marked as State's Exhibit #16. Mr. Bennett received the prescription from Mary Simon as soon as she came out of Dr. Czornyj's office.
- D. Mary Simon did not present the evidence herself because she was on a

87 APR -6 PM 3 04

on a three month honeymoon in Ireland.

OHIO STATE
MEDICAL BOARD

II. Dr. Czornyj's Exhibit #1 is the written contention of Dr. Ivan Czornyj dated September 26, 1979. This written contention states the following:

- A. Dr. Czornyj contends that he did plead guilty to a violation of Ohio Revised Code Section 2925.22 but that there exists extenuating circumstances.
- B. The plea was made, at least in part, in order to avoid the great expense involved in full litigation of the charges brought against Dr. Czornyj. Dr. Czornyj is not wealthy; he made only \$11,000.00 in 1976; he has had tax problems since 1976. He has not made a profit, and was in fact losing money in 1979. It was within the above context that Dr. Czornyj was charged with the violations which are explained below.

In November of 1977, Dr. Czornyj was charged with four counts of knowingly selling or offering to sell a controlled substance and four counts of intentionally making, uttering or selling a false prescription. All of these charges were dropped, and Dr. Czornyj plead guilty to the lesser included offense of deception to obtain a Schedule II drug, in violation of Ohio Revised Code Section 2925.22. Four visits, one each by four different individuals, were the basis for the eight above described charges.

- C. On October 18, 1977, one Mary Simon, age 23 and single, visited Dr. Czornyj. She worked as a waitress. The symptoms she described included anxiety and nervousness which she claimed stemmed from her being overworked. Though she did not on that day have identification, she begged Dr. Czornyj to take her case and claimed she would bring some identification with her on the next office visit. Dr. Czornyj indicated that the prescription for Quaaludes was only a temporary solution and that more would be involved in remedying the underlying cause of her anxiety and nervousness.
- D. According to Dr. Czornyj's attorney, besides the circumstances described above, there are other reasons not to take actions adverse to Dr. Czornyj's certificate to practice medicine. There had been times during the year 1977 when Dr. Czornyj was threatened with violence unless he prescribed drugs. Prior to opening the office where this type of incident occurred, Dr. Czornyj worked at medical clinics where experienced secretaries and nurses screened patients, thus providing an effective buffer between the doctor and persons who could potentially use coercion to get drugs. Without this type of buffer, Dr. Czornyj was ill prepared to handle the abuse, both physical and verbal, he experienced up to the time of the incidents that were the basis of the above described charges.

After considering all of the testimony and evidence presented at the hearing, and after having read the transcript and all exhibits introduced, I make the following findings:

81 APR -6 PM 3:04

FINDINGS OF FACT ^{OHIO STATE}
MEDICAL BOARD

Based on the testimony and evidence, I find:

1. In November of 1977, Dr. Czornyj was charged with four counts of knowingly, selling or offering to sell a controlled substance and four counts of intentionally making, uttering or selling a false prescription. All of these charges were dropped, and Dr. Czornyj plead guilty to the lesser included offense of deception to obtain Schedule II drug, in violation of Ohio Revised Code, Section 2925.22. Four visits, one each by four different individuals, were the basis for the eight above described charges.
2. An investigation by Mr. Coront, an investigator from the State Medical Board, revealed that many of Dr. Czornyj's prescriptions were prescribed to questionable patients.
3. The event of October 18, 1977, is the sole basis for the conviction of Dr. Czornyj.

CONCLUSIONS

1. On or about November 1, 1978, in the Court of Common Pleas, Cuyahoga County, State of Ohio, in Case No. CR 36014, Dr. Czornyj was convicted pursuant to a guilty plea, of the following felony to wit: deception to obtain Schedule II drug, in violation of Section 2955.22, Ohio Revised Code.
2. Dr. Czornyj did violate Sections 4731.22 (B) (10) and (B) (11) of the Ohio Revised Code which states that conviction of a felony constitutes grounds to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate a certificate to practice medicine and surgery.

PROPOSED ORDER

It is hereby proposed that Dr. Ivan Czornyj's license to practice medicine in the state of Ohio be suspended for a period of six (6) months. The suspension shall be stayed and Dr. Czornyj shall be placed on probation for one year upon the following conditions:

- A. He is prohibited from prescribing, administering, or dispensing all controlled substances;
- B. Dr. Czornyj shall cooperate fully with the State Medical Board of Ohio and its agents and employees and when requested, make his records available for inspection;
- C. Dr. Czornyj shall obey all federal, state, and local laws, including all laws and rules governing the practice of medicine in Ohio;

81 122 - 5 - 13 04

OHIO STATE
MEDICAL BOARD

- D. If, Dr. Czornyj violates probation in any respect, the State Medical Board of Ohio, after giving written notice and the opportunity to be heard, may take the appropriate action under the provisions of Section 4731.22, Ohio Revised Code.

This Order shall become effective on a date to be determined by the State Medical Board of Ohio.



Evelyn L. Cover, D.O., President
State Medical Board

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 510
65 South Front Street
Columbus, Ohio 43215

May 13, 1981

REPORT AND RECOMMENDATION IN THE MATTER OF IVAN CZORNYJ, M.D.

Mr. Bumgarner, Mr. Wenger, Mr. Falleur and Mr. Jurca remained out of the room.

Dr. Cover asked the Board if it had read the transcript and considered all evidence, including the objections and the request of extension of the stay in this matter. A roll call was taken:

ROLL CALL:	Dr. Lancione	- aye
	Dr. Lovshin	- aye
	Dr. Clarke	- aye
	Dr. Yut	- aye
	Dr. Oxley	- aye
	Mr. Paulo	- aye
	Dr. Ferritto	- aye
	Dr. Ruppertsberg	- aye

Dr. Cover advised the Board that she is in favor of granting the extension, however, she felt that she was fair to Dr. Czornyj in the Order.

DR. FERRITTO MOVED TO DENY DR. CZORNYJ'S REQUEST FOR EXTENSION OF TIME. DR. LANCIONE SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Lancione	- aye
	Dr. Lovshin	- aye
	Dr. Clarke	- aye
	Dr. Yut	- aye
	Dr. Oxley	- aye
	Mr. Paulo	- aye
	Dr. Ferritto	- aye
	Dr. Ruppertsberg	- aye

The motion carried.

Dr. Cover read the Proposed Order from the following Report and Recommendation:

.....

DR. LANCIONE MOVED TO APPROVE AND CONFIRM DR. COVER'S REPORT AND RECOMMENDATION IN THE MATTER OF IVAN CZORNYJ, M.D. DR. YUT SECONDED THE MOTION. A discussion followed:

Dr. Lovshin asked if it was implied in the probation that Dr. Czornyj report periodically to the Board. Dr. Cover stated that it wasn't because she felt it would be too much of a financial burden, but she did feel that an investigator should keep

an eye on him and request his records for inspection.

DR. LOVSHIN MOVED TO MODIFY DR. COVER'S PROPOSED ORDER TO ADD THAT DURING THE PERIOD OF PROBATION, DR. CZORNYJ WILL APPEAR BEFORE THE BOARD OR A DESIGNEE OF THE BOARD EVERY THREE MONTHS. DR. LANCIONE SECONDED THE MOTION. A discussion followed.

Dr. Ferritto asked Dr. Lovshin if he would object to Dr. Czornyj reporting to one of the Board Members instead of the full Board. Dr. Lovshin stated that he felt Dr. Czornyj should report before the Board at least once, feeling that it would impress upon him that the Board is interested in him.

A roll call vote was taken on Dr. Lovshin's motion to modify Dr. Cover's Order:

ROLL CALL VOTE:	Dr. Lancione	- aye
	Dr. Lovshin	- aye
	Dr. Clarke	- aye
	Dr. Yut	- aye
	Dr. Oxley	- aye
	Mr. Paulo	- aye
	Dr. Ferritto	- aye
	Dr. Ruppertsberg	- aye

The motion carried.

Dr. Yut asked Dr. Cover why she did not take Dr. Czornyj's D.E.A. certificate from him during the time of his probation. Dr. Cover stated that she did not believe that she had the authority to do this, and asked Mr. Valentine to check on this. The matter was tabled until the answer could be found.

.....

At this time Mr. Valentine advised that the Board cannot take the D.E.A. certificate because the Board does not issue the D.E.A. certificate. He continued that the Board does, in these cases, send a report to the D.E.A., and the D.E.A. will pick up the certificate.

Dr. Yut asked if the Board could order Dr. Czornyj to surrender his D.E.A. certificate. Mr. Valentine stated that it could.

DR. YUT MOVED TO MODIFY DR. COVER'S MODIFIED ORDER TO ADDITIONALLY REQUIRE DR. CZORNYJ TO SURRENDER HIS D.E.A. CERTIFICATE FOR THE TERM OF THE PROBATION, AND THAT HE NOT REAPPLY FOR THE D.E.A. CERTIFICATE WITHOUT THE KNOWLEDGE AND APPROVAL OF THE BOARD. DR. CLARKE SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:	Dr. Lancione	- aye
	Dr. Lovshin	- aye
	Dr. Clarke	- aye
	Dr. Yut	- aye
	Dr. Oxley	- aye
	Mr. Paulo	- aye

Dr. Ferritto - aye
Dr. Ruppertsberg - aye

The motion carried.

The Proposed Order in the matter of Ivan Czornyj, M.D. now reads as follows:

PROPOSED ORDER

It is hereby proposed that Dr. Ivan Czornyj's license to practice medicine in the state of Ohio be suspended for a period of six (6) months. The suspension shall be stayed and Dr. Czornyj shall be placed on probation for one year upon the following conditions:

- A. He is prohibited from prescribing, administering, or dispensing all controlled substances. Dr. Czornyj shall surrender his D.E.A. certificate for the term of the probation, and he shall not reapply for the D.E.A. certificate without the knowledge and approval of the Board;
- B. Dr. Czornyj shall appear before the Board or a designee of the Board every three months. Dr. Czornyj shall cooperate fully with the State Medical Board of Ohio and its agents and employees and when requested, make his records available for inspection;
- C. Dr. Czornyj shall obey all federal, state, and local laws, including all laws and rules governing the practice of medicine in Ohio;
- D. If Dr. Czornyj violates probation in any respect, the State Medical Board of Ohio, after giving written notice and the opportunity to be heard, may take the appropriate action under the provisions of Section 4731.22, Ohio Revised Code.

This Order shall become effective on a date to be determined by the State Medical Board of Ohio.

DR. YUT MOVED TO APPROVE AND CONFIRM THE MODIFIED REPORT AND RECOMMENDATION OF DR. COVER IN THE MATTER OF IVAN CZORNYJ, M.D. DR. RUPPERSBERG SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:

Dr. Lancione	- aye
Dr. Lovshin	- aye
Dr. Clarke	- aye
Dr. Yut	- aye
Dr. Oxley	- aye
Mr. Paulo	- aye
Dr. Ferritto	- aye
Dr. Ruppertsberg	- aye

The motion carried.

DR. YUT MOVED THAT AN EFFECTIVE DATE OF JUNE 1, 1981 BE PLACED UPON THE ORDER.
DR. RUPPERSBERG SECONDED THE MOTION. All members voted aye. The motion carried.

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 1006
180 East Broad Street
Columbus, Ohio 43215

June 13, 1979

Ivan Czornyj, M.D.
Parmatown Medical Building
6688 Ridge Road, Suite 1225
Parma, Ohio 44129

Dear Doctor Czornyj:

Please be advised that the letter of citation dated May 24, 1979 and previously sent to you by certified mail #506635, return receipt requested, is hereby amended to read as follows:

In accordance with Chapter 119, Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine or surgery under the provisions of Section 4731.22, Revised Code, for one or more of the following reasons:

1. On or about November 1, 1978, in the Court of Common Pleas, Cuyahoga County, State of Ohio, in Case No. CR 36014, you were convicted pursuant to a guilty plea, of the following felony, to wit: deception to obtain Schedule II drug, in violation of Section 2925.22, Ohio Revised Code.

Pursuant to Section 4731.22(B)(10), and Section 4731.22(B)(11), Revised Code, conviction of a felony is grounds to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine and surgery.

You are advised that you are entitled to a hearing in this matter if you request such hearing within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

Ivan Czornyj, M.D.

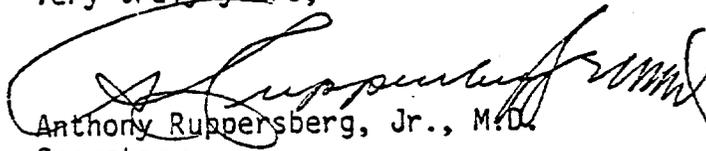
Page 2

June 13, 1979

In the event there is no request for such hearing made within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine or surgery.

A copy of the Medical Practice Act is enclosed for your examination.

Very truly yours,



Anthony Ruppertsberg, Jr., M.D.
Secretary

AR:es

Enclosure

CERTIFIED MAIL #508871
RETURN RECEIPT REQUESTED

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 1006
180 East Broad Street
Columbus, Ohio 43215

May 24, 1979

Ivan Czornyj, M.D.
Parmatown Medical Building
6688 Ridge Road, Suite 1225
Parma, OH 44129

Dear Doctor Czornyj:

In accordance with Chapter 119, Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine or surgery under the provisions of Section 4731.22, Revised Code, for one or more of the following reasons:

1. On or about November 1, 1978, in the Court of Common Pleas, Cuyahoga County, State of Ohio, in Case No. CR 36014, you were convicted pursuant to a guilty plea, of the following misdemeanor, to wit: deception to obtain Schedule II drug, in violation of Section 2925.22, Ohio Revised Code.

Pursuant to Section 4731.22(B)(11), Revised Code, conviction of a misdemeanor committed in the course of practice is grounds to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine and surgery.

You are advised that you are entitled to a hearing in this matter if you request such hearing within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

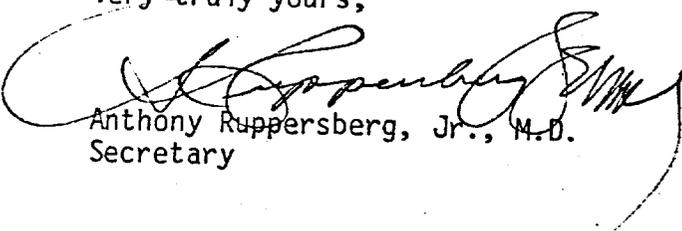
Ivan Czornyj, M.D.

-2-

In the event there is no request for such hearing made within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine or surgery.

A copy of the Medical Practice Act is enclosed for your examination.

Very truly yours,



Anthony Ruppertsberg, Jr., M.D.
Secretary

AR:sp

Enclosure

CERTIFIED MAIL #506635
RETURN RECEIPT REQUESTED