STATE OF OHIO
THE STATE MEDICAL BOARD
77 SOUTH HIGH STREET
17TH FLOOR
COLUMBUS, OHIO 43266-0315

January 11, 1991

Myroslav M. Bych, M.D.
210 Aycrigg Avenue
Passaic, New Jersey 07055

Dear Doctor Bych:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Andrea Mote Kelsey, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on January 9 and 10, 1991, including Motions approving and confirming the Findings of Fact and Conclusions of Law of the Hearing Examiner, and adopting an amended Order.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken to the Franklin County Court of Common Pleas only.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Henry G. Cramblett

Henry G. Cramblett, M.D.
Secretary

HGC:em

Enclosures

CERTIFIED MAIL RECEIPT NO. P 055 327 484
RETURN RECEIPT REQUESTED

Mailed 1/16/91

STATE OF OHIO
STATE MEDICAL BOARD

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Andrea Mote Kelsey, Attorney Hearing Examiner, State Medical Board; and attached excerpt of Minutes of the State Medical Board, meeting in regular session on January 9 and 10, 1991, including Motions approving and confirming the Findings of Fact and Conclusions of Law of the Hearing Examiner, and adopting an amended Order, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Myroslav M. Bych, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

(SEAL)

Henry G. Cramblett, M.D.
Secretary

1/16/91
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF	*
	*
MYROSLAV M. BYCH, M.D.	*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on the 9th and 10th days of January, 1991.

Upon the Report and Recommendation of Andrea Mote Kelsey, Attorney Hearing Examiner, Medical Board, in this matter designated pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval and confirmation by vote of the Board on January 10, 1991, the following Order is hereby entered on the Journal of the State Medical Board for January 10, 1991.

It is hereby ORDERED:

1. That Myroslav M. Bych, M.D., be REPRIMANDED.

2. Further, that Dr. Bych shall give prior written notice to the State Medical Board of Ohio if and when he intends to resume the surgical practice of urology, and shall adhere to any conditions on such practice that the Board may deem appropriate to impose at that time.

This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board of Ohio.

Henry G. Cramblett, M.D.
Secretary

(SEAL)

1/16/91
Date

STATE MEDICAL BOARD
OF OHIO
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REPORT AND RECOMMENDATION
IN THE MATTER OF MYROSLAV M. BYCH, M.D.

The Matter of Myroslav M. Bych, M.D., came on for hearing before me, Andrea Mote Kelsey, Esq., Hearing Examiner for the State Medical Board of Ohio, on October 17, 1990.

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

A. By letter dated August 8, 1990 (State's Exhibit #1), the State Medical Board notified Myroslav M. Bych, M.D., that it proposed to take disciplinary action against his certificate to practice medicine and surgery in the State of Ohio because on an application for a certificate of registration for the 1987-88 biennium, which he signed and returned on or about February 17, 1987, he answered "No" to the question, "At any time since the last renewal of your certificate have you had any hospital privileges suspended or revoked?" when, in fact, St. Mary's Hospital in Passaic, New Jersey, had suspended his privileges to perform Transurethral Prostatectomy surgery in or about February, 1986.

The Board alleged that Dr. Bych's acts, conduct and/or omissions constituted "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the Board," as that clause is used in Section 4731.22(A), Ohio Revised Code; and "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

B. By letter received by the State Medical Board on September 10, 1990 (State's Exhibit #2), Dr. Bych offered an explanation. The Board construed this letter as a hearing request.

II. Appearances

A. On behalf of the State of Ohio: Anthony J. Celebrezze, Jr., Attorney General, by Douglas C. Boatright, Assistant Attorney General

B. On behalf of the Respondent: Dr. Bych, having been duly advised of his right to counsel, appeared on his own behalf.

III. Testimony Heard

A. Presented by the State

Myroslav M. Bych, M.D., as on cross-examination

B. Presented by the Respondent

Dr. Bych testified on his own behalf.

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IV. Exhibits Examined

In addition to State's Exhibits #1 and #2, identified above, the following exhibits were identified and admitted into evidence in this Matter:

A. Presented by the State

1. State's Exhibit #3: September 10, 1990 letter to Dr. Bych from the State Medical Board, setting hearing for September 24, 1990 and postponing it pursuant to Section 119.09, Ohio Revised Code.

2. State's Exhibit #4: September 20, 1990 letter to Dr. Bych from the State Medical Board setting hearing for October 17, 1990.

3. State's Exhibit #5: July 11, 1990 letter to the State Medical Board from the Division of Law, Department of Law and Public Safety, State of New Jersey, enclosing certified copies of Statement in Writing under Oath submitted to that agency by Dr. Bych and dated November 28, 1988.

4. State's Exhibit #6: February 22, 1990 letter to the State Medical Board from the Division of Law, Department of Law and Public Safety of New Jersey, enclosing a copy of that agency's "Demand for Statement in Writing under Oath" and the statutory authorization for it (N.J.S.A. 45:1-18a).

5. State's Exhibit #7: Copies of Dr. Bych's Ohio renewal applications for the 1985-86 and 1987-88 biennia.

B. Presented by the Respondent

1. Respondent's Exhibit A: One page of a biennial renewal application, Board of Medical Examiners, Division of Consumer Safety, Department of Law and Public Safety, State of New Jersey, with attached letter from Dr. Bych, dated October 2, 1987.

* 2. Respondent's Exhibit B: Pathologist's Report, St. Mary's Hospital, Passaic, New Jersey, dated August 19, 1975.

3. Respondent's Exhibit C: Letter from Frank C. Hamm, M.D., dated November 24, 1959.

4. Respondent's Exhibit D: Excerpt from the Bylaws, Rules and Regulations of the Medical/Dental Staff, St. Mary's Hospital, Passaic, New Jersey.

5. Respondent's Exhibit E: September 26, 1990 letter to the State Medical Board from Dr. Bych with two attachments regarding his hospital privilege status and his retraining.

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6. Respondent's Exhibit F: Letter dated October 24, 1990 from Thomas F. Dwyer, counsel for St. Mary's Hospital, Passaic, New Jersey, enclosing copy of Agreement dated April 12, 1988 between Dr. Bych and the Executive Committee of the Medical Staff of St. Mary's Hospital and Extension, dated April 17, 1989.

* NOTE: THE EXHIBIT MARKED WITH AN ASTERISK (*) ABOVE HAS BEEN SEALED TO PROTECT PATIENT CONFIDENTIALITY.

V. Post-Hearing Admissions and Closing of Hearing Record

By letter dated September 26, 1990 Dr. Bych requested that two documents be brought to the Board's attention. Though not produced at hearing, that letter with its two attachments appears in the record as Respondent's Exhibit E.

Additionally, after the conclusion of the hearing, the Board received a letter from Thomas F. Dwyer, counsel for St. Mary's Hospital, Passaic, New Jersey, requesting that the letter and an attached document be entered into evidence. By letter of October 30, 1990 the Attorney Hearing Examiner advised Dr. Bych of the requirement that he, or his representative, make a motion to reopen the record and that if he remained unrepresented, he might make such a motion by letter. Dr. Bych moved the letter into evidence on November 5, 1990. The Assistant Attorney General responded on November 7, 1990 that the State had no objection to the admission of the evidence. Accordingly, by Entry of November 8, 1990 the Attorney Hearing Examiner admitted it as Respondent's Exhibit F. The record is therefore deemed closed as of that date.

The Attorney Hearing Examiner's letter, Respondent's letter, the State's Response to Motion to Admit Additional Evidence and Entry are also made part of the record in this Matter.

FINDINGS OF FACT

1. In his application for renewal of his Ohio medical license for the 1987-88 biennium, received by the Board in February of 1987, Dr. Bych answered "No" to the question "At any time since the last renewal of your certificate have you...had any hospital privileges suspended or revoked?" In fact, his privileges to perform Transurethral Prostatectomies (TURP privileges) at St. Mary's Hospital, Passaic, New Jersey, had been suspended in February of 1986, approximately one year previously.

   These facts are established by State's Exhibits #2, #5 and #7, Respondent's Exhibits A, E, and F, and the testimony of Dr. Bych (Tr. at 13-19, 22, 36).

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2. On his New Jersey biennial renewal form for approximately the same time period, Dr. Bych answered "Yes" to the question "Have your practice privileges been curtailed, limited, suspended or revoked in any way by any agency, authority or jurisdiction, including but not limited to a state licensing agency, Department of Health CDS Registry, Drug Enforcement Administration, Hospital, Medicaid, Medicare?" In addition, in a statement made under oath to the New Jersey licensing authority in November, 1988 he disclosed the suspension of TURP privileges in answer to the question "Name all hospitals or other licensed health care facilities both within and outside New Jersey at which you have held privileges during this period. For each institution, indicate the extent and scope of such privileges and whether those privileges were ever terminated, suspended, revoked, limited, or made subject to supervision. For each item, indicate the date(s), the institution, and the reason stated by the institution for its action."

   These facts are established by State's Exhibits #5 and #6, Respondent's Exhibit A, and the testimony of Dr. Bych (Tr. at 15-17, 21-22, 35).

3. Dr. Bych testified at hearing that when he had filled out the Ohio 1987-88 renewal card, he had consulted with an attorney/physician friend as to whether the TURP privilege suspension constituted a suspension or revocation of hospital privileges. He also represented that his hospital privileges at St. Mary's were now fully restored. In fact, however, as his later testimony and evidence showed, his TURP privileges are still conditional upon supervision.

   These facts are established by State's Exhibits #2 and #5, Respondent's Exhibits E and F, and the testimony of Dr. Bych (Tr. at 13, 22-23, 29, 33-39).

4. Dr. Bych further testified that the suspension of his TURP privileges had led to the deterioration of his practice. Malpractice concerns prevented other physicians from referring their patients to him for surgery. The financial survival of a urology practice depends on surgery and TURP is the most common surgical procedure. He is currently on leave of absence from St. Mary's Hospital.

   These facts are established by Respondent's Exhibit F and the testimony of Dr. Bych (Tr. at 39-40).

CONCLUSIONS OF LAW

1. Dr. Bych's acts, conduct and/or omissions as set forth in Finding of Fact #1 above, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the Board", as that clause is used in Section 4731.22(A), Ohio Revised Code.

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2. Further, Dr. Bych's acts, conduct and/or omissions as set forth in Finding of Fact #1 above, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

* * * * * *

Dr. Bych has pointed out in mitigation that he truthfully answered the more detailed questions contained in the New Jersey biennial renewal application and the Demand for Statement under Oath. He has also pointed out that the question on the Ohio renewal application is subject to misinterpretation.

The events surrounding Dr. Bych's loss of TURP privileges and the consequences of that loss were devastating to him, by his own admission. The effect was equivalent to that of a full suspension or revocation. While it may be true, as he contends, that Ohio's question could be more artfully worded, it is clear from his testimony that he understood its thrust. Immediately upon reading the question, he inquired of a friend whether he should disclose his loss of TURP privileges. He omitted, however, to inquire of the agency issuing the question and the agency that could give him the only authoritative answer - the State Medical Board of Ohio.

PROPOSED ORDER

It is hereby ORDERED that:

1. The certificate of Myroslav M. Bych, M.D., to practice medicine and surgery in the State of Ohio shall be REVOKED. Such revocation shall be stayed, and Dr. Bych's certificate shall be SUSPENDED for an indefinite period of time, but not less than ninety (90) days.

2. The State Medical Board shall not consider reinstatement of Dr. Bych's certificate to practice unless and until all of the following minimum requirements are met:

   a. Dr. Bych shall submit to the Board an application for reinstatement, accompanied by all appropriate fees.

   b. In the event that any license held by Dr. Bych is restricted as a direct result of this Order, Dr. Bych shall so specify in his application for reinstatement and shall provide the Board with acceptable documentation verifying same. Dr. Bych shall provide written documentation acceptable to the Board verifying that he otherwise holds a full and unrestricted license to practice

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medicine and surgery in all other states in which he is at the time of application or has been in the past licensed, or that he would be entitled to such license but for the nonpayment of renewal fees.

c. Dr. Bych shall provide documentation of successful completion of a retraining program in Transurethral Prostatectomy surgery, or the equivalent, such program to be approved in advance by the Board.

d. In the event that Dr. Bych has not been engaged in the active practice of medicine or surgery for a period in excess of two (2) years prior to his application for reinstatement, the Board may exercise its discretion under Section 4721.222, Ohio Revised Code, to require additional evidence of his fitness to resume practice, including additional training or examination.

3. Upon reinstatement of his Ohio certificate, should he desire to commence practice in Ohio, Dr. Bych shall file with the Board a written notice of his intent to commence the practice of medicine and surgery in Ohio and his certificate shall be subject to the following probationary terms, conditions, and limitations for a period of three (3) years:

a. Dr. Bych shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.

b. Dr. Bych shall submit quarterly declarations under penalty of perjury stating whether or not there has been compliance with all the conditions of probation.

c. Dr. Bych shall appear in person for interviews before the full Board or its designated representative at six (6) month intervals, or as otherwise requested by the Board.

d. In the event that Dr. Bych should leave Ohio for three (3) continuous months, or reside or practice outside the State, Dr. Bych must notify the State Medical Board in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period.

4. If Dr. Bych violates probation in any respect, the Board after giving Dr. Bych notice and an opportunity to be heard, may set aside the stay Order and impose the revocation of his certificate.

5. Upon successful completion of probation, Dr. Bych's certificate shall be fully restored.

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This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board of Ohio.

Andrea Mote Kelsey
Attorney Hearing Examiner

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EXCERPT FROM THE MINUTES OF JANUARY 9 & 10, 1991

REPORTS AND RECOMMENDATIONS

Mr. Albert advised that the findings and orders appearing on the Board's agenda are those in the matters of Anthony Pannozzo, M.D.; Bartis Mazeika, D.O.; James B. Chong, M.D.; and Myroslav M. Bych, M.D.

Mr. Albert asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of Anthony Pannozzo, M.D.; Bartis Mazeika, D.O.; James B. Chong, M.D.; and Myroslav M. Bych, M.D. A roll call was taken:

ROLL CALL:	Dr. O'Day	- aye
	Dr. Gretter	- aye
	Dr. Stephens	- aye
	Mr. Jost	- aye
	Dr. Ross	- aye
	Dr. Kaplansky	- aye
	Dr. Hom	- aye
	Ms. Rolfes	- aye
	Dr. Agresta	- aye
	Mr. Albert	- aye

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

.....

All Assistant Attorneys General, all Enforcement Coordinators, and Mr. Schmidt left the meeting at this time.

.....

REPORT AND RECOMMENDATION IN THE MATTER OF MYROSLAV M. BYCH, M.D.

Mr. Albert stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and order in the above matter. No objections were voiced by Board Members present.

DR. AGRESTA MOVED TO APPROVE AND CONFIRM MS. KELSEY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF MYROSLAV M. BYCH, M.D. DR. GRETTER SECONDED THE MOTION.

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Mr. Albert asked if there were any questions concerning the proposed findings of fact, conclusions, and order in the above matter.

MR. JOST MOVED THAT THE PROPOSED ORDER IN THE MATTER OF MYROSLAV M. BYCH, M.D., BE MODIFIED AS FOLLOWS:

1. DELETE PARAGRAPH 2C AND RENUMBER PARAGRAPH 2D ACCORDINGLY.

2. ADD NEW PARAGRAPH 3 TO READ AS FOLLOWS:

   Prior to performing Transurethral Prostatectomy surgery, Dr. Bych shall provide documentation of successful completion of a retraining program in Transurethral Prostatectomy surgery, or the equivalent, such program to be approved in advance by the Board.

3. RENUMBER ALL SUBSEQUENT PARAGRAPHS ACCORDINGLY.

DR. STEPHENS SECONDED THE MOTION.

Mr. Jost stated that Dr. Bych should not be permitted to perform Transurethral Prostatectomy (TURP) surgery in Ohio if he has been restricted from performing it in New Jersey. He added that the Board shouldn't restrict Dr. Bych from practice altogether. He supports the proposed suspension because Dr. Bych did not inform the Board of this restriction at the last renewal.

Dr. Stephens stated that he believes the Board has had similar situations where a physician checked "no" to the question about restricted privileges on the renewal card, but he does not remember what the discipline has been in the past. He added that he doesn't believe that the discipline was as harsh as that proposed.

Mr. Jost stated that the Board has disciplined physicians in the past for failing to disclose disciplinary actions.

Dr. Stephens stated there is a question as to whether Dr. Bych failed to disclose or misinterpreted the wording of the question.

Mr. Jost stated that that is the argument the Board always gets, and doctors are informed that they should have called the Board offices if there is a question.

Dr. Agresta stated that the Board considered a case the previous month where the physician was in military service and had practice restrictions. The Board settled that that was not a case of fraud. He added that he does not know about this case.

Dr. Stephens stated that he only wants to know what the Board has done in previous

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cases.

Ms. Sage stated that, in some instances, the Board has suspended a license for two years in cases of fraud. There are mitigating factors in each case that may determine the length of suspension.

Dr. Stephens stated that Dr. Bych indicated that he checked the "no" box because he was under the impression that he did not have to give that information concerning the limitation of his surgical privileges.

Dr. Agresta stated that he did give the information to another state. Dr. Agresta stated that he doesn't know why Dr. Bych didn't give the information to Ohio.

Dr. O'Day stated that she believes Dr. Bych just misunderstood the Board's application.

Dr. Gretter also noted that Dr. Bych informed New Jersey of the limitation, and he had questions concerning whether or not Dr. Bych was trying to deceive Ohio.

Mr. Jost stated that he continues to feel strongly that if someone answers "no" to such questions when they should answer "yes", some action is necessary. He stated that if a physician has a question as to how to answer the question, he should contact the Board.

Dr. Gretter stated that the Board doesn't tell the physicians to contact it if they have questions. He questioned whether the Board should penalize a physician for not calling when it doesn't tell them that they should call.

Ms. Rolfes questioned whether the limitation of a procedure is the same as a limitation of privileges. She stated that being denied permission to perform a procedure is not the same as being denied privileges.

Dr. Agresta stated that it is a surgical privilege.

Dr. Stephens stated that Dr. Bych still had hospital privileges, but there was a modification of the hospital privileges.

Dr. Gretter added that Dr. Bych has said he's not going to do any more TURPs.

A roll call vote was taken on Mr. Jost's motion to amend:

ROLL CALL VOTE:	Dr. O'Day	- nay
	Dr. Gretter	- nay
	Dr. Stephens	- nay

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Mr. Jost	- aye
Dr. Ross	- aye
Dr. Kaplansky	- nay
Dr. Hom	- aye
Ms. Rolfes	- aye
Dr. Agresta	- nay

The motion failed.

A roll call vote was taken on Dr. Agresta's motion to approve and confirm:

ROLL CALL VOTE:

Dr. O'Day	- nay
Dr. Gretter	- nay
Dr. Stephens	- nay
Mr. Jost	- aye
Dr. Ross	- aye
Dr. Kaplansky	- nay
Dr. Hom	- nay
Ms. Rolfes	- abstain
Dr. Agresta	- nay

The motion failed.

MR. JOST MOVED TO TABLE THE MATTER OF MYROSLAV M. BYCH, M.D. DR. O'DAY SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE:

Dr. O'Day	- aye
Dr. Gretter	- aye
Dr. Stephens	- aye
Mr. Jost	- aye
Dr. Ross	- nay
Dr. Kaplansky	- aye
Dr. Hom	- aye
Ms. Rolfes	- aye
Dr. Agresta	- aye

The motion carried.

.....

MR. JOST MOVED TO REMOVE THE MATTER OF MYROSLAV M. BYCH, M.D. FROM THE TABLE. DR. O'DAY SECONDED THE MOTION. A roll call vote was taken:

ROLL CALL VOTE: Dr. O'Day - aye

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Mr. Jost	- aye
Dr. Ross	- aye
Dr. Kaplansky	- aye
Dr. Hom	- aye
Ms. Rolfes	- aye
Dr. Agresta	- aye

The motion carried.

MR. JOST MOVED THAT THE PROPOSED ORDER IN THE MATTER OF MYROSLAV M. BYCH, M.D., BE AMENDED TO READ AS FOLLOWS:

It is hereby ORDERED:

1. That Myroslv M. Bych, M.D., be reprimanded.

2. Further, that Dr. Bych shall give prior written notice to the State Medical Board of Ohio if and when he intends to resume the surgical practice of urology, and shall adhere to any conditions on such practice that the Board may deem appropriate to impose at that time.

DR. O'DAY SECONDED THE MOTION.

Dr. O'Day stated that Dr. Bych is not actively practicing outside an office setting. She stated that she understands that he is close to retirement. She believes the proposed amendment would give the Board adequate controls. Concerning the issue of the renewal card, Dr. O'Day stated that it is possible that Dr. Bych misunderstood the language.

Mr. Jost stated that his primary concern was the way the question was answered. The card asks whether a physician's privileges have been revoked. Dr. Bych understood that question to pertain to medical staff privileges rather than clinical privileges. Mr. Jost stated that it is important for the Board to know about limitations on a physician's clinical privileges. Such limitations may indicate that the physician is incompetent. Mr. Jost stated that he was concerned that the Board not be left in a position where anyone with restrictions on their clinical privileges would respond negatively to the question on the renewal card because they thought the card referred to medical staff privileges. He stated that the question appearing on the current renewal card being used by the Board does specify clinical privileges, and therefore he has less concern about this case.

A roll call vote was taken on Mr. Jost's motion:

ROLL CALL VOTE:	Dr. O'Day	- aye

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Mr. Jost	- aye
Dr. Ross	- aye
Dr. Kaplansky	- aye
Dr. Hom	- aye
Ms. Rolfes	- aye
Dr. Agresta	- aye

The motion carried.

DR. KAPLANSKY MOVED TO APPROVE AND CONFIRM MS. KELSEY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER AS AMENDED IN THE MATTER OF MYROSLAV M. BYCH, M.D. DR. AGRESTA SECONDED THE MOTION. A roll call vote was taken.

ROLL CALL VOTE:

Dr. O'Day	- aye
Mr. Jost	- aye
Dr. Ross	- aye
Dr. Kaplansky	- aye
Dr. Hom	- aye
Ms. Rolfes	- aye
Dr. Agresta	- aye

The motion carried.

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THE STATE MEDICAL BOARD
77 SOUTH HIGH STREET
17TH FLOOR
COLUMBUS OH 43215

August 8, 1990

Myroslav M. Bych, M.D.
210 Aycrigg Avenue
Passaic, NJ 07055

Dear Doctor Bych:

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, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

(1) In applying for a certificate of registration to practice medicine and surgery for the 1987-1988 biennium, which you signed and returned on or about February 17, 1987, you answered "No" to the question, "At any time since the last renewal of your certificate have you had any hospital privileges suspended or revoked?"

In fact, St. Mary's Hospital in Passaic, New Jersey suspended your privileges to perform Transurethral Prostatectomy surgery in or about February 1986.

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, such acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Mailed 8/9/90

August 8, 1990

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board 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 by such other representative as is permitted to practice before this agency, 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.

In the event that there is no request for such hearing received 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, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,

Henry G. Cramblett, M.D.
Secretary

HGC:jmb

Enclosures:

CERTIFIED MAIL #P 746 510 142
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