



STATE MEDICAL BOARD OF OHIO
77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

March 13, 1992

Chester J. Janecki, Jr., M.D.
330 Dix-Lee-On Drive
Fairburn, Georgia 30213

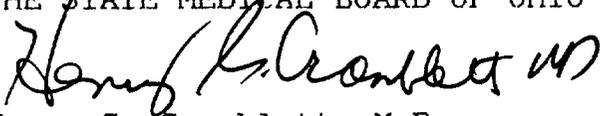
Dear Doctor Janecki:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Kevin P. Byers, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of the Minutes of the State Medical Board, meeting in regular session on March 11, 1992, including a Motion approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

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, M.D.
Secretary

HGC:em

Enclosures

CERTIFIED MAIL RECEIPT NO. P 741 123 647
RETURN RECEIPT REQUESTED

cc: Melvin M. Goldstein, Esq.

CERTIFIED MAIL NO. P 741 123 648
RETURN RECEIPT REQUESTED

Mailed 3/16/92



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; copy of the Report and Recommendation of Kevin P. Byers, Attorney Hearing Examiner, State Medical Board; and an excerpt of Minutes of the State Medical Board, meeting in regular session on March 11, 1992, including a Motion approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Chester J. Janecki, Jr., 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

3/16/92

Date



STATE MEDICAL BOARD OF OHIO

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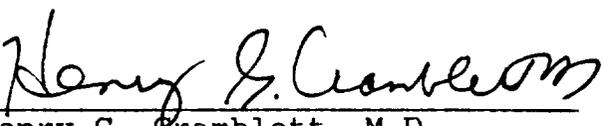
Chester J. Janecki, Jr., M.D.

In order to show compliance with the probationary terms and conditions or contingencies, Dr. Janecki shall concurrently provide the State Medical Board of Ohio with copies of all information submitted to the Florida Board.

3. In the event that Dr. Janecki successfully completes his aftercare treatment contract with PRN prior to the expiration of his Ohio probation, the Board, in its discretion, may request an evaluation by a previously approved physician in order to assess Dr. Janecki's prognosis at the time he is eligible for consideration for probationary release.
4. If Dr. Janecki violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate up to and including the permanent revocation of his certificate to practice medicine and surgery.
5. Upon successful completion of probation, Dr. Janecki's certificate will be fully restored.

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

(SEAL)


Henry G. Cramblett, M.D.
Secretary

3/16/92

Date

STATE OF OHIO
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REPORT AND RECOMMENDATION
IN THE MATTER OF CHESTER J. JANECKI, JR., M.D.

On November 4, 1991, the Matter of Chester J. Janecki, Jr., M.D., came on for hearing before Kevin P. Byers, Attorney Hearing Examiner for the State Medical Board of Ohio

INTRODUCTION AND SUMMARY OF EVIDENCE

I. Basis for Hearing

- A. By letter dated August 14, 1991 (State's Exhibit #1), the State Medical Board notified Chester J. Janecki, Jr., M.D., that it intended to determine whether to limit, revoke, suspend, or refuse to register or reinstate his certificate to practice medicine and surgery, or to reprimand or place him on probation for one or more of the following reasons:
1. On or about October 31, 1991, Dr. Janecki was licensed by the State of Florida, Department of Professional Regulation, Board of Medicine, contingent upon his continued participation with the Physicians Recovery Network (PRN). This contingency is alleged by the Board to have been based upon Dr. Janecki's history of alcohol abuse. The Board alleged that the foregoing acts, conduct, and/or omissions constituted "[t]he limitation, revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that would also have been a violation of this chapter", as that clause is used in Section 4731.22(B)(22), Revised Code, to wit: Section 4731.22(B)(26), Revised Code, relative to impaired practitioners.
 2. In his renewal application for the 1991-1992 biennium, Dr. Janecki answered "No" to question number one which asked "[a]t anytime since signing your last application for renewal of your certificate, have you been addicted to or dependent upon alcohol or any chemical substance?" In fact, on or about February 21, 1989 Dr. Janecki entered the South Miami Hospital addiction treatment program and completed primary care for alcoholism on March 2, 1989.

The Board alleged that the foregoing 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),

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Revised Code; "publishing a false, fraudulent, deceptive, or misleading statement", as that clause is used in Section 4731.22(B)(5), Revised Code; and "obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice", as that clause is used in Section 4731.22(B)(8), Revised Code. Dr. Janecki was also advised of his opportunity for hearing in this Matter.

- B. By letter dated September 6, 1991 and received by the Medical Board on September 9, 1991 (State's Exhibit #2), Dr. Janecki requested a hearing relative to the allegations in the Board letter.

II. Appearances

- A. On behalf of the State of Ohio: Lee I. Fisher, Attorney General, by Odella Lampkin, Assistant Attorney General
- B. No appearance on behalf of Dr. Janecki.

III. Testimony Heard

None

IV. Exhibits Examined

In addition to those noted previously, the following exhibits were identified and admitted into evidence in this Matter:

- A. Presented by the State
1. State's Exhibit #3: September 10, 1991 letter to Dr. Janecki from the State Medical Board advising him that a hearing set for September 23, 1991 was postponed until further notice pursuant to Section 119.09, Revised Code.
 2. State's Exhibit #4: September 16, 1991 letter to Dr. Janecki from the State Medical Board scheduling his hearing for October 21, 1991.
 3. State's Exhibit #4A: October 15, 1991 Entry by the Attorney Hearing Examiner granting Dr. Janecki's continuance request and rescheduling the hearing for November 4, 1991.
 4. State's Exhibit #5: October 31, 1990 three-page Order by the Florida Board of Medicine granting Dr. Janecki a license in that state with a contingency requiring that

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he continue to participate in his contract with the Physicians Recovery Network. Attached to this exhibit is a May 23, 1991 certification that the exhibit is a true and correct copy of the original order.

5. State's Exhibit #6: Dr. Janecki's undated application for renewal of his Ohio certificate to practice medicine and surgery which was due on November 1, 1990 for the 1991-1992 biennium.
6. State's Exhibit #7: Dr. Janecki's October 18, 1988 application for renewal of his Ohio certificate to practice medicine and surgery for the 1989-1990 biennium.
7. State's Exhibit #8: Dr. Janecki's Florida licensure file. Attached to this exhibit is a certification dated July 23, 1991 that the records are true and correct copies of the originals.
8. State's Exhibit #9: Twenty-nine pages of excerpts from State's Exhibit #8 which consist of Dr. Janecki's 1990 endorsement application submitted to the State of Florida; his written explanations to that jurisdiction explaining his history of impairment; an August 17, 1990 letter from the Director of the South Miami Hospital Addiction Treatment Program recommending Dr. Janecki for licensure in Florida; a September 11, 1990 letter to the Florida Board of Medicine from the Director of the Physicians Recovery Network supporting Dr. Janecki's application for licensure in Florida; a September 14, 1990 letter to the Florida Board of Medicine from Lynn Hanks, M.D., Dr. Janecki's monitoring physician; a four-page admission note authored by Dr. Hanks dated February 21, 1989 at the time of Dr. Janecki's admission to inpatient treatment for alcoholism, and; a clinical resume authored by Dr. Hanks relative to Dr. Janecki's hospital stay in 1989. Also a part of State's Exhibit #9 is the same certification that the records are true and correct copies as was included in State's Exhibit #8.

B. Presented by Respondent

1. Respondent's Exhibit A: November 12, 1991 two-page affidavit of Chester J. Janecki, M.D.
2. Respondent's Exhibit #1: Five-pages of copies of the Ohio application for 1991-1992 biennial licensure renewal along with a copy of the November 9, 1990 check written

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to the Treasurer, State of Ohio in the amount of \$160.00 signed by Deborah H. Janecki.

3. Respondent's Exhibit #2: Nine-page "Application for Appointment to the Medical Staff" for the Clayton General Hospital, Riverdale, Georgia, signed by Dr. Janecki in June of 1991.
4. Respondent's Exhibit #3: An undated four-page "Application for Appointment to the Medical or Dental Staff" of Grady Memorial Hospital, Atlanta, Georgia.
5. Respondent's Exhibit #4: June 24, 1991 twenty-one-page "Application for Medical Staff Appoinment and Clinical Privileges" for the South Fulton Medical Center, East Point, Georgia.
6. Respondent's Exhibit #5: April 4, 1991 four-page "Application for Appointment to the Medical Staff" for Henry General Hospital, Stockbridge, Georgia.
7. Respondent's Exhibit #6: April 4, 1991 six-page "Application for Professional Liability Insurance" for the MAG Mutual Insurance Company, Atlanta, Georgia.
8. Respondent's Exhibit #7: February 4, 1991 six-page "Application for a License to Practice Medicine by Reciprocity or Endorsement" for the Composite State Board of Medical Examiners of Georgia, Atlanta, Georgia.

V. Other Matters

By Entry of November 22, 1991 the Hearing Examiner tolled the 30-day time period for issuance of a Report and Recommendation upon receipt of a joint notice from the parties that they were attempting to settle the matter after the hearing. The tolling period subsequently expired without notice of settlement to the Hearing Examiner and by Entry of December 23, 1991 it was ordered that the Report and Recommendation would be issued no later than January 22, 1992.

FINDINGS OF FACT

1. On or about October 31, 1990 Dr. Janecki was issued a license by the State of Florida, Department of Professional Regulation, Board of Medicine. This license was issued under the contingency of Dr. Janecki's continued participation in his treatment contract through

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the Physicians Recovery Network. This contingency was placed against Dr. Janecki's Florida certificate due to his February 21, 1989 admission to the South Miami Hospital Addiction Treatment Program where he completed his primary care for alcoholism on March 2, 1989. In his 1991-1992 biennial application for renewal of his certificate to practice medicine and surgery in the State of Ohio, Dr. Janecki answered "No" to the question "[a]t any time since signing your last application for renewal of your certificate, have you been addicted to or dependent upon alcohol or any chemical substance?" This biennial renewal card was due in State Medical Board offices on or before November 1, 1990 although it carries no date stamp from the Board nor did Dr. Janecki date the renewal card when he signed it.

These facts are established by State's Exhibits #5, #6 and #8 and Respondent's Exhibit A.

2. In a number of 1991 applications to various hospitals and to the Georgia Board of Medical Examiners, Dr. Janecki disclosed his February 1989 admission to the South Miami Hospital for the treatment of alcohol abuse. These applications are all dated within seven months after the time that Dr. Janecki's Ohio biennial renewal card was due. In July of 1990 he also informed the Florida Board of his history of alcohol abuse.

These facts are established by Respondent's Exhibits #2, #3, #4, #5, #6 and #7 and State's Exhibits #6 and #8.

3. Since Dr. Janecki's release from the inpatient alcohol program in March of 1989, his clinical performance as an orthopedic surgeon has been described as "outstanding ... exhibiting superior diagnostic acumen as well as superior therapeutic skill." His pursuit of sobriety through abstinence, group attendance, and individual therapy has been characterized "as significant and considerable." All of his post-treatment urine screens have been free of alcohol and his direct monitoring physician has termed Dr. Janecki's recovery as "categorically demonstrating progressive improvement and acquisition of quality recovery ... [t]here has not been any indication whatsoever of any behavior that would alarm us." Dr. Janecki was able to garner several impressive letters of support for his Florida licensure when he applied there in 1990.

These facts are established by State's Exhibit #8.

4. The reports and records of the treatment which Dr. Janecki underwent in the State of Florida indicate that the criterion under Section 4731.25, Revised Code, has been substantially met by the program which Dr. Janecki completed.

These facts are established by administrative notice of the controlling statutes and rules relative to the Medical Practices Act and State's Exhibit #8.

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CONCLUSIONS

1. Contrary to Dr. Janecki's argument, the contingency placed against his Florida medical license at the time of issuance constitutes a "limitation, revocation, or suspension by another state of a license or certificate to practice," pursuant to Section 4731.22(B)(22), Revised Code, to wit: Section 4731.22(B)(26), Revised Code. This latter statute mandates that "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol or other substances," is just cause for the State Medical Board of Ohio to take discipline against a physician. This law does not require proof of present impaired ability to practice and requires only evidence of habitual or excessive use of substances that have the capability to impair a physician's ability to practice. Thus, the State has shown by reliable, probative and substantial evidence that Dr. Janecki's Florida license was granted with a contingency which constitutes a limitation against that license due to his past alcohol abuse. Dr. Janecki was granted a Florida license with the requirement that he continue compliance with his aftercare treatment contract. This contingency clearly requires affirmative acts on Dr. Janecki's part. Although there is no specific penalty mentioned in the Florida order, the implication is that the Florida authorities, upon learning of Dr. Janecki's failure to comply with the recovery contract, could take action to further limit his license.
2. Dr. Janecki answered "No" to an inquiry on his biennial renewal application for the 1991-1992 biennium. This inquiry was directed toward addiction or dependency upon alcohol or any other chemical substance. This inquiry on the renewal card also provides that an applicant may answer "no" to the question if they have successfully completed treatment at a program approved by the State Medical Board of Ohio. Dr. Janecki produced no evidence that he had received prior Board approval for the Florida program. Had the Board previously approved the Florida program, Dr. Janecki could have truthfully answered "no" to the inquiry on the renewal card. Therefore, the State has proven the allegation of Dr. Janecki's misrepresentation under Section 4731.22(A), Revised Code, and his misleading statement under Section 4731.22(B)(5), Revised Code. However, the allegation regarding fraudulent misrepresentation under Section 4731.22(B)(8), Revised Code, has not been shown by the evidence introduced.

In accord with the foregoing Findings and Conclusions, the following Proposed Order is offered with the acknowledgment that Dr. Janecki underwent an inpatient alcohol program nearly three years ago and, according to all information submitted to this Board, has maintained sobriety since that point. He has also complied with his aftercare recovery contract and has been licensed in two states since undergoing

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his alcohol treatment. It appears that the Florida program which Dr. Janecki completed would satisfy the minimum standards for impaired physician treatment providers under Section 4731.25, Revised Code. Furthermore, it appears that in a number of applications for hospital privileges and insurance, Dr. Janecki honestly and fully responded to inquiries regarding any history of substance abuse.

PROPOSED ORDER

It is hereby ORDERED that:

1. The certificate of Chester J. Janecki, Jr., M.D., to practice medicine and surgery in Ohio shall be under the following probationary terms for a minimum of three (3) years:
 - a. Dr. Janecki shall provide the Board with acceptable documentation evidencing compliance with the treatment plan and aftercare arranged through the State of Florida and the Physicians Recovery Network.
 - b. In the event that Dr. Janecki has not been engaged in the active practice of medicine and surgery or his Ohio license has lapsed for a period in excess of two (2) years prior to an application for reinstatement, the Board may exercise its discretion under Section 4731.222, Revised Code, and require additional evidence of his fitness to resume practice.
2. Dr. Janecki's certificate shall be subject to the same conditions, terms, and limitations as then in effect under the Florida Order of October 31, 1990.

In order to show compliance with the probationary terms and conditions or contingencies, Dr. Janecki shall concurrently provide the State Medical Board of Ohio with copies of all information submitted to the Florida Board.

3. In the event that Dr. Janecki successfully completes his aftercare treatment contract with PRN prior to the expiration of his Ohio probation, the Board, in its discretion, may request an evaluation by a previously approved physician in order to assess Dr. Janecki's prognosis at the time he is eligible for consideration for probationary release.
4. If Dr. Janecki violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate up

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to and including the permanent revocation of his certificate to practice medicine and surgery.

5. Upon successful completion of probation, Dr. Janecki's certificate will be fully restored.

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

KEVIN P. BYERS
Kevin P. Byers
Attorney Hearing Examiner



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

EXCERPT FROM THE MINUTES OF MARCH 11, 1992

REPORTS AND RECOMMENDATIONS

Dr. Gretter announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Dr. Gretter asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and order, and any objections filed in the matters of Robert J. Eastway, Jr., D.O.; James G. Gianakopoulos, M.D.; William J. Strandwitz, III, M.T.; Chester J. Janecki, Jr., M.D.; Marian Korosec, M.D., N.E. Ohio Emergency Affiliates; Laurel Matthews-Price, M.D.; and Avelino S. B. Rosales, M.D. A roll call was taken:

ROLL CALL:	Dr. Cramblett	- abstain
	Mr. Albert	- aye
	Dr. Stephens	- aye
	Mr. Jost	- abstain
	Dr. Garg	- aye
	Dr. Kaplansky	- aye
	Dr. Heidt	- aye
	Dr. Hom	- aye
	Dr. Agresta	- aye
	Dr. Gretter	- aye

Dr. Hom indicated that she did not review the record in the matter of William J. Strandwitz, III, M.T., and would therefore abstain from voting in that case.

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

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

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REPORT AND RECOMMENDATION IN THE MATER OF CHESTER J. JANECKI, JR., M.D.

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DR. O'DAY MOVED TO APPROVE AND CONFIRM MR. BYERS' PROPOSED FINDINGS OF FACT,



STATE MEDICAL BOARD OF OHIO

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EXCERPT FROM THE MINUTES OF MARCH 11, 1992
IN THE MATER OF CHESTER J. JANECKI, JR., M.D.

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CONCLUSIONS, AND ORDER IN THE MATER OF CHESTER J. JANECKI, JR., M.D. DR. AGRESTA
SECONDED THE MOTION.

.....

A roll call vote was taken on Dr. Agresta's motion:

ROLL CALL VOTE:	Dr. Cramblett	- abstain
	Dr. O'Day	- aye
	Mr. Albert	- aye
	Dr. Stephens	- abstain
	Mr. Jost	- abstain
	Dr. Garg	- abstain
	Dr. Kaplansky	- nay
	Dr. Heidt	- aye
	Dr. Hom	- aye
	Dr. Agresta	- aye
	Dr. Gretter	- aye

The motion carried.



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

August 14, 1991

Chester J. Janecki, Jr., M.D.
Doctor's Hospital - Sports Medicine
5000 University Drive
Coral Gables, FL 38146

Dear Doctor Janecki:

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) By way of an Order issued on or about October 31, 1990, you were licensed by the State of Florida Department of Professional Regulation Board of Medicine, contingent upon your continued participation in your contract with the Physician's Recovery Network (PRN). This contingency was based upon your history of alcohol abuse. (A copy of that Order is attached hereto and fully incorporated herein).

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively constitute "the limitation, revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that would also have been a violation of this chapter, except for nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: Section 4731.22(B)(26), Ohio Revised Code.

- (2) You signed and submitted an application for biennial renewal of your certificate to practice medicine and surgery in the State of Ohio for the 1991-1992 biennium to the State Medical Board of Ohio, which was due on or before November 1, 1990.

Mailed 8/15/91

August 14, 1991

On that application, you answered "No" to question number 1 which asks "(a)t anytime since signing your last application for renewal of your certificate have you been addicted to or dependent upon alcohol or any chemical substance?". In fact, on or about February 21, 1989, you entered the South Miami Hospital Addiction Treatment Program and completed primary care for alcoholism on March 2, 1989.

Your acts, conduct, and/or omissions as alleged in paragraph (2) 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, your acts, conduct, and/or omissions as alleged in paragraph (2) 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.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "obtaining of, or attempting to obtain money or anything of value by fraudulent misrepresentations in the course of practice," as that clause is used in Section 4731.22(B)(8), Ohio Revised Code.

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.

August 14, 1991

Chester J. Janecki, Jr., M.D.
Page 3

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 055 328 930
RETURN RECEIPT REQUESTED

FILED

Department of Professional Regulation
AGENCY

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE CLERK

Shirley G. [Signature]

DATE 11-5-90

IN RE: THE APPLICATION FOR
LICENSURE BY ENDORSEMENT
OF CHESTER JOSEPH JANECKI, M.D.

ORDER

1. You are hereby notified pursuant to Section 120.60(3), Florida Statutes, that the Board of Medicine voted to GRANT your application for licensure as a physician by endorsement contingent upon your continuing to participate in your contract with the Physicians Recovery Network (PRN).
2. The Board of Medicine reviewed and considered your application for licensure by endorsement on October 5, 1990, in Miami, Florida and has determined that said licensure by endorsement be GRANTED with the contingency set forth above, stating as grounds therefore:
that you have a history of alcohol abuse. Although the Board believes that you are currently able to practice medicine with reasonable skill and safety, it is appropriate to monitor your ability under the stress of a full medical practice. This contingency is intended only as a term of licensure and should not be construed as disciplinary action by the Board.
3. You are further notified that you have the right to an administrative hearing on the Board of Medicine's intent to GRANT your application for licensure with the specified contingency.

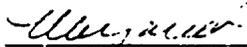
Any such hearing would be conducted in accordance with the provisions of Section 120.57, Florida Statutes, and Rule Chapter 28-5, Florida Administrative Code. You may choose a formal hearing pursuant to Section 120.57(1), Florida Statutes, or an informal hearing pursuant to Section 120.57(2), Florida Statutes. If you desire a formal hearing, your petition must be in substantial compliance with the requirements of Rule Section 28-5.201, Florida Administrative Code, including a statement of the material facts in dispute. At any hearing you have the right to be represented by an attorney or other qualified representative, to take testimony, to call or cross-examine witnesses, to have subpoena and subpoena duces tecum issued, and to present written evidence or argument.

4. Pursuant to the provisions of Rule Section 28-5.111, Florida Administrative Code, you must affirmatively request a hearing on this matter within 21 days of your receipt of this Order. Unless a request for a hearing is received on or before the above stated deadline, this Order of the Board of Medicine shall in accord with in the provisions of Section 120.59(4), Florida Statutes, and Rule Section 28-5.111(2), Florida Administrative Code, become final. If you desire to petition for a hearing, you may do so by mailing your request to the Executive

Director, Board of Medicine, 1940 North Monroe Street,
Tallahassee, Florida 32399-0750.

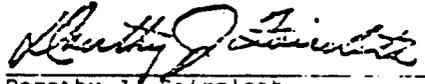
Signed this 31 day of October, 1990.

BOARD OF MEDICINE


MARGARET C.S. SKINNER, M.D.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing ORDER has been provided by certified mail to Chester Joseph Jannecki, M.D., 10241 S.W. 136th Street, Miami, Florida 33176, on or before 5:00 p.m., this 5 day of November, 1990.


Dorothy J. Faircloth