

State Medical Board of Ohio

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Executive Director

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February 13, 2008

Stefan Semchyshyn, M.D.
211 Scott Lane
Jonesborough, TN 37659

Dear Doctor Semchyshyn:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Gretchen L. Petrucci, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on February 13, 2008, including motions approving and confirming the Findings of Fact and Conclusions 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 must be taken to the Franklin County Court of Common Pleas.

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

THE STATE MEDICAL BOARD OF OHIO

Lance A. Talmage M.D.
Lance A. Talmage, M.D. *RW*
Secretary

LAT:jam
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3931 8317 9186
RETURN RECEIPT REQUESTED

Mailed 3-04-08

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on February 13, 2008, including motions approving and confirming the Findings of Fact and Conclusions 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 Stefan Semchyshyn, 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.

Lance A. Talmage MD
Lance A. Talmage, M.D. RW
Secretary

(SEAL)

February 13, 2008
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

STEFAN SEMCHYSHYN, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on February 13, 2008.

Upon the Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner, designated in this Matter 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 the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

The certificate of Stefan Semchyshyn, M.D., to practice medicine and surgery in the State of Ohio shall be PERMANENTLY REVOKED.

This Order shall become effective immediately upon the mailing of the notification of approval of the Board.

(SEAL)

Lance A. Talmage MD

Lance A. Talmage, M.D. *rw*
Secretary

February 13, 2008

Date

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**REPORT AND RECOMMENDATION
IN THE MATTER OF STEFAN SEMCHYSHYN, M.D.**

The Matter of Stefan Semchyshyn, M.D., was heard by Gretchen L. Petrucci, Hearing Examiner for the State Medical Board of Ohio, on October 2, 2007.

INTRODUCTION

I. Basis for Hearing

By letter dated April 12, 2007, the State Medical Board of Ohio [Ohio Board] notified Stefan Semchyshyn, M.D., that it had proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Ohio Board's action was based on allegations that Dr. Semchyshyn had been denied licensure by several states and had incorrectly answered questions on two of his Ohio certificate renewal applications. More specifically, the Ohio Board alleged:

- (a) In March 1996 and upon reconsideration in July 1998, the Colorado State Board of Medical Examiners issued Licensure Denial Letters based upon Dr. Semchyshyn's violation of Colorado statutes relating to acts of unprofessional conduct.
- (b) In November 2001, the West Virginia Board of Medicine issued a Licensure Denial Letter based upon Dr. Semchyshyn's violation of West Virginia statutes relating to presentation of false, fraudulent statements and misrepresentations in connection with his licensure application; unprofessional, unethical and dishonorable conduct; and failing to practice medicine with the level of care, skill and treatment that is recognized by a reasonable, prudent physician engaged in the same or similar specialty as being acceptable under similar conditions or circumstances.

In May 2004, the West Virginia Board of Medicine again denied his application to practice medicine and surgery in West Virginia.

- (c) In September 2003, the Washington Department of Health denied Dr. Semchyshyn's application to practice in that state based upon acts of unprofessional conduct and misrepresentation or concealment of material facts in obtaining a license.
- (d) In June 2004, the Department of Professional Regulation of the State of Illinois refused to renew Dr. Semchyshyn's Physician and Surgeon License

after determining that he was unfit for registration due to sister-state discipline, in violation of the Illinois statutes.

- (e) In September 2001, Dr. Semchyshyn applied to renew his Ohio certificate and signed the part of the renewal application certifying that the information contained therein was true and accurate. In his 2001 renewal application, Dr. Semchyshyn answered “No” to the question of whether he had any clinical privileges or any other similar institutional authority suspended, restricted, or revoked for reasons other than failure to maintain records on a timely basis or to attend staff meetings.

However, in February 2000, Dr. Semchyshyn had resigned from Wellmont Holston Valley Medical Center in Kingsport, Tennessee, after his clinical privileges had been summarily suspended following instances of inappropriate behavior and his failure to adhere to a 1999 Corrective Action Plan.

- (f) In his September 2003 renewal application, Dr. Semchyshyn answered “No” to the question of whether any board, bureau, department, agency or any other body, including those in Ohio, other than the Ohio Board, had filed any charges, allegations or complaints against him.

However, in May 2003, the Washington State Department of Health had issued a Statement of Charges against Dr. Semchyshyn, alleging violations of Washington statutes based upon acts of unprofessional conduct and misrepresentation or concealment of material facts in obtaining a license.

The Ohio Board further alleged that the Colorado, Illinois, Washington, and West Virginia decisions, individually and/or collectively, constitute “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery * * * in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as set forth in Section 4731.22(B)(22), Ohio Revised Code.

Also, the Ohio Board alleged that Dr. Semchyshyn’s acts, conduct, and/or omissions in connection with his 2001 and 2003 Ohio certificate renewal applications, individually and/or collectively, constitute “[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine or surgery * * *; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the [Ohio] board,” as set forth in Section 4731.22(B)(5), Ohio Revised Code. (State’s Exhibit 1A)

By letter filed on May 17, 2007, Dr. Semchyshyn requested a hearing. (State’s Exhibit 1C)

II. Appearances at the Hearing

On behalf of the State of Ohio: Marc Dann, Attorney General, by Karen A. Unver, Assistant Attorney General.

Dr. Semchyshyn appeared on his own behalf.

PROCEDURAL MATTER

After the close of the hearing, the Hearing Examiner noticed that the August 21, 2007, Entry and Notice of New Hearing Date was not included in the procedural exhibits as had been intended. (Hearing Transcript at 12) With agreement of the parties, the Hearing Examiner reopened the record, marked a copy of that entry as Board Exhibit A, and admitted it in the record. The record closed on December 7, 2007.

EVIDENCE EXAMINED

I. Testimony Heard

Stefan Semchyshyn, M.D.
Kay Rieve

II. Exhibits Examined

Throughout the State's Exhibits and the Respondent's Exhibits, redactions were made to obscure the identity of patients, social security numbers, children's names, and children's dates of birth.

A. State's Exhibits

State's Exhibits 1A through 1L: Procedural exhibits. [Redacted in part.]

State's Exhibit 2: Dr. Semchyshyn's September 2001, September 2003, and December 2005 Ohio certificate renewal applications as maintained by the Board. [Redacted in part.]

State's Exhibit 3: Documents maintained by the Colorado State Board of Medical Examiners related to Dr. Semchyshyn's application for licensure in that state. [Redacted in part.]

State's Exhibit 4: Sections 12-36-116 and 12-36-117, Colorado Revised Statutes.

State's Exhibit 5: November 14, 2001, Licensure Denial Letter and May 13, 2004, Order from the West Virginia Board of Medicine, regarding Dr. Semchyshyn's application for licensure in that state. [Redacted in part.]

State Exhibit 6A: September 5, 2003, Findings of Fact, Conclusions of Law, and Final Order by the Washington Department of Health in the *Matter of the Application for a License to Practice as a Physician and Surgeon of Stefan Semchyshyn, M.D., License No. MD00014159*, Docket No. 03-04-A-1073MD.

State Exhibit 6B: May 6, 2003, Statement of Charges on License Application by the Washington Department of Health in the *Matter of the Application for a License to Practice as a Physician and Surgeon of Stefan Semchyshyn, M. D., License No. MD00014159*, Docket No. 03-04-A-1073MD.

State Exhibit 7: Illinois licensure status information and documents maintained by the State of Illinois in *Department of Professional Regulation of the State of Illinois v. Stefan Semchyshyn MD, Registration Number 36059686*, Case No. 2004-01141-1.

State Exhibit 8: Adverse Action Report in the National Practitioner Data Bank regarding Dr. Semchyshyn. [Redacted in part.]

State Exhibit 9: February 12, 2007, letter from Dr. Semchyshyn to the Board, along with enclosures. [Redacted in part. Also, pages 54-60, 90, 91, and 93-110 of this exhibit were not admitted.]

State Exhibit 10: March 2, 2004, transcript of the proceedings before the West Virginia Board of Medicine, in *In Re: Stefan Semchyshyn, M.D.*; the state's Proposed Findings of Fact and Conclusions of Law in that matter; and Dr. Semchyshyn's proposed Report and Recommendation in that matter. [Redacted in part. Also, pages 3-34 of this exhibit were not admitted.]

B. Respondent's Exhibits¹

Respondent's Exhibit 1: Portions of Dr. Semchyshyn's arguments before the Washington Department of Health in the *Matter of the Application for a License to Practice as a Physician and Surgeon of Stefan Semchyshyn, M.D., License No. MD00014159*, Docket No. 03-04-A-1073MD, and portions of his arguments before the West Virginia Board of Medicine in the appeal in *In Re: Stefan Semchyshyn, M.D.* [Redacted in part.]

Respondent's Exhibit 2 was not admitted.

¹Respondent's exhibits are numbered in a somewhat unusual manner, but the numbering corresponds in large part with the manner in which many of those documents were numbered and marked in other administrative matters.

Respondent's Exhibit 3: Definition of "maternal fetal medicine" from the Society of Maternal Fetal Medicine's website.

Respondent's Exhibit 4: Section 12-36-114 through a portion of Section 12-36-117, Colorado Revised Statutes.

Respondent's Exhibit A: Dr. Semchyshyn's curriculum vitae.

Respondent's Exhibit B1: Dr. Semchyshyn's medical diploma from Queen's University in Kingston, Canada.

Respondent's Exhibit B2: December 27, 1995, letter regarding Dr. Semchyshyn's post-graduate residency training at St. Michael's Hospital in Toronto, Canada, and an evaluation of his performance there.

Respondent's Exhibit B3: March 19, 2003, cover page and revised post-graduate reference letter from the Department of Obstetrics and Gynecology at the University of Toronto to the Missouri State Board of Registration for the Healing Arts.

Respondent's Exhibit B4: Dr. Semchyshyn's Ohio certificate and wallet card.

Respondent's Exhibits B5 through B8: Dr. Semchyshyn's Connecticut, Virginia, Oklahoma, and Mississippi medical licenses.

Respondent's Exhibit B9: Dr. Semchyshyn's Missouri medical license wallet card.

Respondent's Exhibit B10: Dr. Semchyshyn's specialist certificate from the American Board of Obstetrics and Gynecology, Division of Maternal-Fetal Medicine.

Respondent's Exhibit B11: Dr. Semchyshyn's certificate from the American Board of Obstetrics and Gynecology.

Respondent's Exhibit B12: Dr. Semchyshyn's specialist certificate from the Royal College of Physicians and Surgeons of Canada, with a specialty in Obstetrics and Gynecology.

Respondent's Exhibits C1 through C9: Publications, news articles, and newsletters by or involving Dr. Semchyshyn.

- Book jacket to How to Prevent Miscarriage and Other Crises of Pregnancy, by Dr. Semchyshyn and Carol Colman. New York, 1989.
- M.D. News: A Business and Lifestyle Magazine for Physicians. Feb. 1998. [Redacted in part.]

- “‘Boardrooms and Babies’ is Rotary Topic.” Summit Independent Press. 9 Oct. 9, 1991.
- Perinatal News. Dec. 1993. [Redacted in part.]
- Childress, Watt. “Miracle births are local doctor’s goal.” Undated Op-Ed article. [Redacted in part.]
- Hart, Leighton. “How healthy babies help the bottom line.” The Business Journal. 15 May 2000.
- “March of Dimes honors MD for 10 years’ service.” The Star-Ledger. 16 Aug. 1992.
- “[Name Redacted]: 7 lbs., 13 oz. ‘miracle.’” Vailsburg Leader. 25 Aug. 1983. [Redacted in part.]
- Dr. Semchyshyn’s letter to the editor in Medical Economics Magazine. August 2001.

Respondent’s Exhibit C10 was not admitted.

Respondent’s Exhibit C11: August 19, 2004, letter from Reverend Joseph E. Kurtz to Dr. Semchyshyn.

Respondent’s Exhibit C12: August 20, 2004, letter from Reverend J. Terry Steib to Dr. Semchyshyn.

No document was marked or admitted as Respondent’s Exhibit D.

Respondent’s Exhibits E1 and E2: July 28, 1982, and April 11, 1983, letters from James L. Breen, M.D.

Respondent’s Exhibits E3 through E6: Four opinion letters from Drs. Humbert L. Riva, Domenick J. Acerra, John Tasker, and Frank D. Newell regarding Dr. Semchyshyn’s care of two patients at St. Barnabas Medical Center. [Redacted in part.]

Respondent’s Exhibits E7 through E9: Letters and an affidavit from those same two patients at Saint Barnabas Medical Center. [Redacted in part.]

Respondent’s Exhibit E10: July 17, 2001, application status letter from West Virginia Board of Medicine.

Respondent’s Exhibit E11: July 2, 2001, letter from counsel for Saint Barnabas Medical Center and Clara Maass Medical Center.

Respondent’s Exhibit E11a: October 29, 1984, letter to Dr. Semchyshyn from the Medical Ethics and Practice Profile Committee of the Department of Obstetrics and Gynecology at Saint Barnabas Medical Center.

Respondent's Exhibit E11b: December 3, 1984, letter to Dr. Semchyshyn from James L. Breen, M.D.

Respondent's Exhibit E12: Case scenarios used by Dr. Semchyshyn in teaching. [Redacted in part.]

Respondent's Exhibit E12a was not admitted.

Respondent's Exhibits E12b and E12c: Two letters commenting on the care of patients at Saint Barnabas Medical Center by physicians other than Dr. Semchyshyn. [Redacted in part.]

Respondent's Exhibits E13 and 14: Two 1985 operative reports from Saint Barnabas Medical Center regarding Dr. Semchyshyn's handling of two patients. [Redacted in part.]

Respondent's Exhibits E15a and E15b: Two notes regarding the inability to release patient records to Dr. Semchyshyn. [Redacted in part.]

Respondent's Exhibits E17 and E18: Progress notes, July 2, 1985 memorandum, and an accompanying account of Dr. Semchyshyn's handling of two patients at Saint Barnabas Medical Center. [Redacted in part.]

Respondent's Exhibits E19 and E20: Portions of the transcript from a hearing at Saint Barnabas Medical Center regarding Dr. Semchyshyn's handling of two patients.

Respondent's Exhibit E21: June 2003 Affidavit by Dr. Semchyshyn's former attorney regarding his contacts and conversations with personnel at Saint Barnabas Medical Center.

Respondent's Exhibit E21a was not admitted.

Respondent's Exhibits E22 and E23: Memoranda regarding protocols at Saint Barnabas Medical Center.

Respondent's Exhibit E24: August 1, 1985, memorandum regarding the suspension of Dr. Semchyshyn's privileges in Gynecology at Saint Barnabas Medical Center.

Respondent's Exhibits E25 and E26: Two reports regarding Dr. Semchyshyn's affiliation with/employment at Saint Barnabas Medical Center. [Redacted in part.]

Respondent's Exhibit F1: August 30, 1995, letter regarding Dr. Semchyshyn's affiliation with Clara Maass Medical Center.

Respondent's Exhibit G1: March 28, 1996, letter from the Colorado Board of Medical Examiners regarding Dr. Semchyshyn's licensure application and July 2, 1997, letter from the U.S. Department of Health & Human Services regarding the Colorado Board of Medical Examiners' July 1996 report to the National Practitioner Data Bank.

Respondent's Exhibit H1: December 18, 2001, letter regarding Dr. Semchyshyn's affiliation with Wellmont Holston Valley Medical Center.

Respondent's Exhibit H1a: June 3, 1999, letter in support of Dr. Semchyshyn.
[Redacted in part.]

Respondent's Exhibit H2: January 26, 1999, notice from Wellmont Holston Valley Medical Center to Dr. Semchyshyn regarding the approval of a Corrective Action Plan for Dr. Semchyshyn and its terms.

Respondent's Exhibit H6: June 10, 1999, notice from Wellmont Holston Valley Medical Center to Dr. Semchyshyn regarding the recommended termination of Dr. Semchyshyn and the basis therefor.

Respondent's Exhibit H7: September 14, 1999, affidavit of John Morrison, M.D., and accompanying curriculum vitae.

Respondent's Exhibit H8: January 4, 2000, findings of the Hearing Committee at Wellmont Holston Valley Medical Center.

Respondent's Exhibit H8a: February 7, 2000, letter of resignation from Wellmont Holston Valley Medical Center by Dr. Semchyshyn.

Respondent's Exhibit H9: July 18, 2000, letter to the Tennessee Department of Health from Dr. Semchyshyn's former attorney regarding the events at Wellmont Holston Valley Medical Center.

Respondent's Exhibit H10: May 2, 2002, letter regarding Dr. Semchyshyn's affiliation with Indian Path Medical Center. [Redacted in part.]

Respondent's Exhibit I1: November 14, 2001, letter from the West Virginia Board of Medicine regarding Dr. Semchyshyn's licensure application.

Respondent's Exhibit I2: September 2003 affidavit of Dr. Semchyshyn's former attorney regarding an answer given by Dr. Semchyshyn on his West Virginia licensure application.

Respondent's Exhibit J1: April 16 2002, letter from St. John Medical Center in Tulsa, Oklahoma, regarding the incomplete status of Dr. Semchyshyn's application at that facility.

Respondent's Exhibit K1: August 20, 2002, memorandum regarding an employment offer extended to Dr. Semchyshyn from the University of Mississippi Medical Center.

Respondent's Exhibits L1, L5, L7, L14, L17, L18, L20 through L25, L34, L41, L43 through L45, L49, L55 through L64, L66 through L69, L71, L72, L73, L75, L76, L79, L80, L82 through L85, L89 through L93, L95, L97 through L101, L103, L104 through L125, L127, L128, L129, L131 through L135, L138 through L140, L142, L144 through L149, L152 through L155, L157, and L159 through L166: Letters of praise, support and recommendation for Dr. Semchyshyn from patients, patients' family members, colleagues, and other medical professionals. [Redacted in part. Also, some of these exhibits are duplicates: Respondent's Exhibits L69 and L146 are the same letter; Respondent's Exhibits L75 and L148 are the same letter; Respondent's Exhibit L157 is the same as State Exhibit 9 at 71; Respondent's Exhibit L163 is a duplicate of State Exhibit 9 at 83; and Respondent's Exhibit L164 is a duplicate of State Exhibit 9 at 84.]

Respondent's Exhibit L3: Opinion letter of Humbert L. Riva, M.D. regarding Dr. Semchyshyn's care of two patients at Saint Barnabas Medical Center. [Note: This is a duplicate of Respondent's Exhibit E3.]

Respondent's Exhibits L33 and L126: January 1996 letters regarding Dr. Semchyshyn's affiliation with Lutheran General Hospital.

Respondent's Exhibit L38: May 19, 1997, letter from the Women's Hospital at Centennial Medical Center regarding the use of tocolytic therapy at that institution.

Respondent's Exhibit L52: September 14, 1999, affidavit of John Morrison, M.D., without the accompanying curriculum vitae referenced in the affidavit. [Note: This affidavit is a duplicate of Respondent's Exhibit H7.]

Respondent's Exhibits L86 and L150: Opinion letter of John J. Tasker, M.D., regarding Dr. Semchyshyn's use of cervical cerclage and tocolysis in Tennessee. [Note: These exhibits are the same opinion letter.]

Respondent's Exhibits L87, L94, L96, L130, L136, L137, L141, L143: Eight letters of praise, support and recommendation for Dr. Semchyshyn from several members of his community.

Respondent's Exhibit L102: A former patient of Dr. Semchyshyn's letter regarding other physicians' medical mismanagement. [Redacted in part.]

Respondent's Exhibit L151: August 15, 2001, letter regarding Holston Valley Medical Center's evaluation of Dr. Semchyshyn when he applied for membership at that facility.

Respondent's Exhibits L156 and L158: Excerpts of the testimony presented to the West Virginia Board of Medicine. [Redacted in part. Note: These exhibits are duplicates of portions of State Exhibit 9.]

Respondent's Exhibit M1: "Risk Taker." The Business Journal of Tri-Cities Tennessee/Virginia 15 May 1998. [Redacted in part.]

Respondent's Exhibit M2: "Hospital News Congratulates 2nd Annual Exceptional Service Award Winners!" Hospital News May 1990: Vol. 3.

Respondent's Exhibit M3: Semchyshyn, Stefan. "Patients made key to successful prenatal care." Innovations Undated.

Respondent's Exhibits M4 through M9 : Certificates of recognition from Toastmasters International, Kingsport Convention & Visitors Bureau, East Tennessee State University James H. Quillen College of Medicine, and Kingsport Family Practice Residents.

Respondent's Exhibit N: September 28, 2007, declaration of Christopher Swanson, without the attachment referenced in the declaration.

Respondent's Exhibit O: List of Respondent's proposed exhibits. [Redacted in part.]

C. Board Exhibit

Board Exhibit A: Additional procedural exhibit.

SUMMARY OF THE EVIDENCE

All exhibits and the transcript of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

Background

1. Stefan Semchyshyn, M.D., was born in Bosnia and grew up in Serbia. As a young man, he worked as a machinist and toolmaker. Then, at age 20, he left Serbia and came to North America. He graduated from Waterloo Lutheran University, in Waterloo, Canada, in 1967. He obtained his medical degree in 1971 from Queen's University in Kingston, Canada. In 1975, he completed a residency in obstetrics and gynecology [OB/GYN] at St. Michael's Hospital in Toronto, Canada. (Respondent's Exhibit [Resp. Ex.] A at 1; Resp. Ex. B1; Hearing Transcript [Tr.] at 39-40, 175)

2. Dr. Semchyshyn came to the United States in 1976. From 1976 to 1978, Dr. Semchyshyn completed two years in a research fellowship in maternal-fetal medicine [MFM] at The Ohio State University, in Columbus, Ohio. He testified that he was the first fellow of MFM at The Ohio State University under the “renowned” Dr. Frederick Zuspan.² Dr. Semchyshyn explained that he became a specialist in OB/GYN and in the subspecialty of MFM, which is the “branch of medicine caring for the [high-risk,] complicated pregnancies and childbirth.” (Tr. at 40, 101, 173; Resp. Ex. A at 1)

The Society of MFM describes a MFM specialist as an “obstetrician/gynecologist who has completed 2-3 years of additional formal education and clinical experience within an American Board of Obstetrics and Gynecology (ABOG) approved [MFM] Fellowship Program and is eligible for or certified by ABOG as having a special competence in: 1) the diagnosis and treatment of women with complications of pregnancy; 2) pre-existing medical conditions which may be impacted by pregnancy; and 3) medical conditions which impact the pregnancy itself.” (Resp. Ex. 3)

3. Between 1978 and 2002, Dr. Semchyshyn held privileges or appointments at a variety of hospitals in several states:

Time Period	Location	Position(s)
1978-1979	Texas Tech University Health Sciences Center in Lubbock, Texas	Attending Physician
1979-1981	Lutheran General Hospital in Park Ridge, Illinois	Attending Physician/ Member of staff
1981-1982	Overlook Hospital in Summit, New Jersey	Attending Physician
1982-1985	Saint Barnabas Medical Center in Livingston, New Jersey	Assistant Director of the OB/GYN Department, Director of MFM, and Attending Physician
1985-1992	St. Michael’s Medical Center in Newark, New Jersey	Attending Physician
1990-1994	Clara Maass Medical Center in Belleville, New Jersey	Attending Physician/ Member of staff
1994-1996	Columbus Hospital in Newark, New Jersey	Attending Physician
1996-2000	Wellmont Holston Valley Medical Center in Kingsport, Tennessee	Member of staff

²Also, one of Dr. Semchyshyn’s exhibits describes Dr. Zuspan as one of the “founding fathers” of MFM in this country and an honorary life-time member of the Society of Perinatal Obstetricians, and describes the Society of Perinatal Obstetricians as the professional society for MFM subspecialists. (Resp. Ex. L127)

Time Period (continued)	Location (continued)	Position(s) (continued)
1996-2002	Mountain States Health Alliance, Indian Path Hospital, in Kingsport, Tennessee	Member of staff

(Resp. Exs. A at 2, F1, H1, H10, L33, L78, L126; Tr. at 40)

4. In addition to the hospital privileges and appointments, Dr. Semchyshyn has had a solo practice and has held a number of teaching positions in the various states where he has practiced medicine. Furthermore, in 1984, Dr. Semchyshyn earned a master’s degree in business administration from Pace University in New York. (Resp. Ex. A at 1-2, 6; State’s Exhibit [St. Ex.] 9 at 13)

Dr. Semchyshyn was a consultant for a number of organizations for many years. He has received a variety of awards and honors, both academic and professional. Furthermore, he has published numerous articles, chapters, books and newsletters. Finally, he has provided numerous national and international presentations. (Resp. Exs. A at 2-3 and 6-17, M2, M6, M7)

5. Dr. Semchyshyn has held medical licenses in Canada and in 12 U.S. states: Connecticut, Illinois, Kentucky, Missouri, Mississippi, New Jersey, New York, Ohio, Oklahoma, Tennessee, Texas, and Virginia. Also, Dr. Semchyshyn is board-certified in OB/GYN by the American Board of Obstetrics and Gynecology and by the Royal College of Physicians and Surgeons of Canada, and he is board-certified in MFM by the American Board of Obstetrics and Gynecology. (Resp. Exs. A at 1, B4-B12; St. Ex. 9 at 13, 18; St. Ex. 10 at 138; Tr. at 174-175)

Dr. Semchyshyn has been denied a medical license in three states: Colorado, Washington, and West Virginia. Additionally, Illinois refused to renew his Illinois medical license. More details regarding those decisions are set forth below. (St. Exs. 3, 5, 6A, 7)

6. Dr. Semchyshyn has not actively practiced medicine since 2002. However, he testified that he has kept his continuing medical education current, participated in “support groups,” and read medical-related materials. Dr. Semchyshyn also testified that he hopes to impart his knowledge and experience elsewhere as a volunteer doctor or volunteer teacher. Additionally, Dr. Semchyshyn explained that he does not intend to practice medicine in Ohio, but he seeks to maintain his Ohio certificate because it was his first medical license in the United States. (Tr. at 70, 171-173)

7. Dr. Semchyshyn acknowledged that he has encountered professional difficulties during his career, but testified that they have all stemmed from two physicians with whom he worked at Saint Barnabas Medical Center [Saint Barnabas] in the 1980s. The first physician was James L. Breen, M.D., who was Dr. Semchyshyn’s immediate supervisor at Saint Barnabas. The second physician is Fred M. Jacobs, M.D., J.D., who was a pulmonologist and the chief administrator at Saint Barnabas. (St. Ex. 9 at 18-22, 26; St. Ex. 10 at 139, 141, 157-158, 161, 171; Tr. at 185-186)

Events at Saint Barnabas Medical Center, 1982-1985

8. Dr. Semchyshyn stated that he had been asked for several years by Dr. Breen to take a position at Saint Barnabas. Dr. Semchyshyn eventually agreed and began working there in 1982. Dr. Semchyshyn stated that, during his first two years at Saint Barnabas, he had been quite successful, popular and busy. (Tr. at 40-41, 134; Resp. Ex. E1, E2)
9. In 1984, the Medical Ethics and Practice Profile Committee of the Department of Obstetrics and Gynecology at Saint Barnabas recommended that Dr. Semchyshyn's contract not be renewed due to inappropriate medical conduct. The notice indicated that the problems relate to failing to follow protocols, "interdepartmental department," delivery of care outside accepted standards of medical practice, failure to come to the hospital when summoned, his treatment of inevitable abortions, his experimental cerclage therapies,³ and problems with interpersonal communications and departmental guidelines. (Resp. Ex. E11a)

Dr. Semchyshyn explained that, in addition, Saint Barnabas had claimed that he had mismanaged the care of two patients. Moreover, Dr. Semchyshyn stated that he had bruised Dr. Jacobs' ego during their joint care of a particular patient. Additionally, Dr. Semchyshyn stated that he had been pursuing moneys owed to him by the hospital. (Tr. at 42-43, 53-55, 153-154, 165; Resp. Exs. 1 at 15, E18; St. Ex. 9 at 19-20)
10. Dr. Semchyshyn stated that he had an administrative hearing at Saint Barnabas. Dr. Semchyshyn claimed that the two patients' charts were illegally modified and the incorrect patient information was presented at that hearing. (Tr. at 50-51; Resp. Exs. E19, E20)
11. In August 1985, Saint Barnabas suspended Dr. Semchyshyn's gynecological surgical privileges. (Resp. Ex. E24; Tr. at 51; St. Ex. 9 at 15, 18, 20) Later, all of his privileges at Saint Barnabas were suspended. (St. Ex. 5 at 14; St. Ex. 10 at 125)

Practice in New Jersey after Saint Barnabas until 1996

12. After Saint Barnabas, Dr. Semchyshyn opened his own medical practice and continued to work in New Jersey, at several different hospitals, until 1996. Specifically, he worked at St. Michael's Medical Center in Newark, Clara Maass Medical Center [Clara Maass] in Belleville, and Columbus Hospital in Newark. Dr. Semchyshyn worked at Clara Maass, an affiliate of the Saint Barnabas Medical Center, from 1990 to 1994. The Senior Vice President of Medical Affairs at Clara Maass reported to the Colorado Board in 1995 that Dr. Semchyshyn's performance was acceptable, but a "concern" was raised regarding the indications and contra-indications for cervical cerclage. The "outcome of the differences" led Dr. Semchyshyn to resign from Clara Maass in 1994. (Resp. Exs. A at 2; F1)

³Dr. Semchyshyn performed cervical cerclage, a surgical procedure to stitch the cervix closed. (Resp. Ex. C4)

Colorado Board's Licensure Denial

13. Dr. Semchyshyn testified that, in the mid-1990s, he was offered a position in Colorado and he, therefore, applied for a medical license in that state. Dr. Semchyshyn described the process as follows:

The Colorado State [Board of Medical Examiners] seemed to want more and more information from me. The more I supplied, the more they asked for. The process was unusually laborious, long, and slow, unlike any other I ever encountered before.

(Tr. at 56; see also, St. Ex. 3 at 7-8)

14. In March 1996, the Colorado State Board of Medical Examiners [Colorado Board] issued a Licensure Denial Letter, notifying Dr. Semchyshyn that the Colorado Board had refused to grant him a medical license. The letter stated that the Colorado Board may refuse to grant a license if an applicant has done any acts that constitute "unprofessional conduct" as defined in the Colorado statutes.⁴ The Colorado Board identified the underlying basis for finding unprofessional conduct as: (a) two medical malpractice cases that Dr. Semchyshyn had reported, (b) the limitation of his privileges at Saint Barnabas, and (c) concerns regarding his care raised by Clara Maass. (St. Ex. 3 at 3; Resp. Ex. G1)
15. Dr. Semchyshyn sought reconsideration of the Colorado Board's March 1996 decision. In July 1998, the Colorado Board voted to deny Dr. Semchyshyn's reconsideration request. Accordingly, the Colorado Board's previous licensure denial remains. (St. Ex. 3 at 2)
16. Dr. Semchyshyn testified that the Colorado Board's licensure denial occurred "because my adversaries from New Jersey have friends in Colorado who are voting against me. So I did not get a license, and officially they told me one thing but in reality it was a conspiracy. * * * I strongly believe and other sources have told me that those two malpractice cases which Colorado used against me were instigated by my adversaries in New Jersey." (Tr. at 57-59; see also St. Ex. 9 at 18-19)

Practice in Tennessee, 1996 -2002

17. Instead of going to Colorado, Dr. Semchyshyn moved in 1996 to Tennessee and took a position with Wellmont Holston Valley Medical Center [Wellmont]. Dr. Semchyshyn obtained a

⁴In the Ohio Board's administrative hearing, the State and Dr. Semchyshyn both presented the Colorado statute that contains the definition of "unprofessional conduct." However, those versions of the statute have 2004 and 2006 effective dates. (St. Ex. 4; Resp. Ex. 4) Inasmuch as the submitted definitions may substantively differ from the definition that existed in March 1996 and July 1998, those exhibits have not been relied upon by the Hearing Examiner.

medical license in Tennessee. (St. Ex. 10 at 141; Resp. Ex. H1) He testified:

I was fortunate to [get a medical] license in Tennessee, and I thought that I would practice there without any hindrance since they were fully aware of my predicament and vulnerability having told them my background in New Jersey. Little did I know that they would capitalize on my vulnerability and repeat the process like in New Jersey.

(Tr. at 59; see also St. Ex. 9 at 6, 21, 23)

18. In January 1999, the Wellmont medical staff asked Dr. Semchyshyn to sign a corrective action plan [CAP] due to concerns over his use of tocolytics⁵ and cervical cerclage in the treatment of high risk pregnancies. (Resp. Ex. H2)
19. In June 1999, the Medical Executive Committee at Wellmont recommended that Dr. Semchyshyn's privileges be terminated. He requested a hearing. (Resp. Ex. H6)
20. Dr. Semchyshyn testified at the present hearing that Wellmont had identified only two instances of alleged inappropriate behavior on his part: (a) he had refused to refer his patients to the hospital's home health care service and chose, instead, to continue to use the service he had used previously; and (b) he had sent a patient's mother to the hospital administration to get permission for Dr. Semchyshyn's proposed treatment of the daughter.⁶ (Tr. at 86, 94-98)

However, the June 1999 notice letter from Wellmont stated that the Medical Executive Committee's recommendation was made after consideration of the following concerns:

- (a) Dr. Semchyshyn's lack of decision-making in the case of a 28-year old female patient who had been admitted with 18-week fetal demise and who had returned to the operating room due to excessive bleeding after a dilation and evacuation. Subsequently, a hysterectomy was performed. Quality of care concerns were noted with regard to the indications for cerclage, indications for dilation and evacuation, possible undetected uterine perforation, and overall care rendered to a "clinically unstable" bleeding patient.
- (b) Dr. Semchyshyn's care in the case of a 24-year old female with 24-week gestation twins that had resulted in maternal/fetal death. The patient was diagnosed with varicella pneumonia and was treated with multiple tocolytics and steroids.
- (c) Dr. Semchyshyn's care in the case of a 41-year old female, gravida 2, para 1, with 16-week gestation and premature rupture of membranes. Patient was

⁵Tocolytics are medications dispensed to stop premature labor. (Tr. at 88)

⁶Dr. Semchyshyn further testified that Wellmont had warned against his planned course of treatment stating, "[W]e don't do that here." Dr. Semchyshyn stated that he had treated the patient the way he had planned. (Tr. at 96)

treated with multiple tocolytics, which were contraindicated in light of less than 20-week gestation fetus, grossly premature rupture of membranes, increased white blood cells, fever, vaginal bleeding and cervix long, thick and closed.

- (d) Multiple cases involving Dr. Semchyshyn's patients with pulmonary edema and the use of multiple tocolytics.
- (e) Multiple cases involving placement by Dr. Semchyshyn of cervical cerclage without evidence of appropriate indications (in accordance with American College of Obstetricians and Gynecologists' criteria).
- (f) Multiple instances of Dr. Semchyshyn's "inappropriate behavior which continue despite efforts to resolve." Most recently noted was "the incident occurring on 6/2/99, when the situation required involvement of Risk Management, Security, Quality Resources, Administration, and legal counsel representing both Wellmont Holston Valley" and Dr. Semchyshyn.
- (g) Dr. Semchyshyn's inappropriate performance of fetal non-stress tests and his inappropriate response to the nursing staff regarding fetal monitoring.
- (h) Despite numerous attempts, Dr. Semchyshyn failed to agree or adhere to stipulations of a Corrective Action Plan, which was approved by the Quality Management Committee on December 10, 1998, and by the Medical Executive Committee on January 5, 1999.⁷

(Resp. Ex. H6)

21. About August 1999, Dr. Semchyshyn's privileges at Wellmont were summarily suspended "based on the investigation of a reported incident when he allegedly [had] misrepresented a hospital policy, misinformed a patient and created undue stress and potentially endangered a patient and her unborn child." He testified at the present hearing that he was later given "special permission" to treat one patient while the suspension was in effect. (Tr. at 148; St. Ex. 10 at 122)

⁷There is conflicting evidence as to whether Dr. Semchyshyn actually *entered* into a CAP or other remedial measure with Wellmont. On the one hand, he indicated in response to an Ohio Board interrogatory that he had entered into the CAP. On the other hand, the June 1999 Wellmont termination notice stated that he had failed to agree to the CAP. Also, Dr. Semchyshyn's proposed findings in the West Virginia administrative proceeding (which is detailed later in this Report and Recommendation) indicate that he had asked for a hearing in response to the proposed CAP. Further, Dr. Semchyshyn testified that he did not fail to adhere to the 1999 CAP because he had participated in negotiations. Finally, Dr. Semchyshyn testified that he was not required to follow that CAP because he had requested a hearing and because it was "outside the bylaws." (St. Ex. 9 at 16, 61; St. Ex. 10 at 120-123, 202; Resp. Exs. H2, H6, H9; Tr. at 119-120, 144)

22. In January 2000, the Wellmont Hearing Committee issued its findings. Dr. Semchyshyn testified that he was cleared of any wrongdoing at Wellmont. However, a comparison of the notice letter and the committee findings indicates that the Wellmont Hearing Committee agreed with some of the concerns noted by the Medical Executive Committee and found no basis for others. (Tr. at 61; St. Ex. 9, at 6, 23; St. Ex. 10 at 122-123; Resp. Exs. H6, H8)

The Wellmont Hearing Committee recommended that the hospital and Dr. Semchyshyn be given 30 days to negotiate a CAP and, if Dr. Semchyshyn failed to participate and negotiate, his privileges should be terminated. Dr. Semchyshyn testified that he had proposed a plan, but the hospital refused to accept it. Thereupon, Dr. Semchyshyn chose not to negotiate a CAP and he stated that the hospital also chose not to negotiate a CAP. Dr. Semchyshyn resigned from Wellmont in February 2000. (Resp. Exs. H8, H8a; St. Ex. 5 at 14; St. Ex. 9, at 6, 14, 62; Tr. at 119-120, 142-143, 167-169)

23. Dr. Semchyshyn admitted that he had resigned from Wellmont after the suspension had begun. (Tr. at 176-177; St. Ex. 9, at 14)
24. Thereafter, Dr. Semchyshyn continued to practice medicine in Tennessee until 2002 when he retired. (Tr. at 171-172)

West Virginia Board's Licensure Denial

25. Dr. Semchyshyn applied for a medical license in West Virginia in 2001. (St. Ex. 10 at 119)
26. In November 2001, the West Virginia Board of Medicine [West Virginia Board] issued a Licensure Denial Letter, finding that Dr. Semchyshyn had violated West Virginia statutes relating to: (a) the presentation of false, fraudulent statements and misrepresentations in connection with his licensure application; (b) unprofessional, unethical and dishonorable conduct; (c) the denial of a license to practice medicine in another jurisdiction; and (d) the failure to practice medicine with the level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same or similar specialty as being acceptable under similar conditions or circumstances. The West Virginia Board identified the underlying bases for its findings as: (a) the denial of a medical license by Colorado in 1996; (b) an incorrect answer in the West Virginia license application to the question: "Have you ever, in any jurisdiction, for any reason: been denied a license to practice medicine?"; (c) two malpractice settlements;⁸ (d) his resignation from Wellmont in 2000 after a summary suspension of his medical staff privileges related to quality of care concerns; (e) many instances of inappropriate behavior; (f) his failure to adhere to a 1999 Corrective Action Plan; and (g) problems with his medical staff privileges at Saint Barnabas based on the quality of care

⁸The West Virginia Board referenced malpractice *settlements*, but the West Virginia Board's Hearing Examiner described the two malpractice incidents as: (a) a 1990 settlement for \$100,000, related to a vaginal delivery performed by Dr. Semchyshyn in 1987; and (b) a 1991 jury verdict for \$1,000,000, related to a dilation and curettage performed by Dr. Semchyshyn in 1998. (St. Ex. 5 at 3, 13; see also St. Ex. 10 at 200-201 and Resp. Ex. 1 at 8-9)

- rendered, his conduct, and the suspension of his gynecological privileges. (St. Ex. 5 at 2; St. Ex. 10 at 115-118; Resp. Ex. 11)
27. Dr. Semchyshyn appealed the November 2001 licensure denial and a hearing was held. (Tr. at 72; St. Ex. 5 at 5, 9)
 28. In May 2004, the West Virginia Board considered the evidence presented in the appeal. The West Virginia Board denied his application to practice medicine and surgery in West Virginia. (St. Ex. 5 at 5-7)
 29. Dr. Semchyshyn argued that, legally, the West Virginia Board's 2004 decision is in error for several reasons. First, Dr. Semchyshyn claimed that the decision is wrong because his prior licensure denial does not establish a legal basis upon which West Virginia could find unprofessional conduct or take disciplinary action. (Tr. at 64; Resp. Ex. 1 at 1-28) Second, while he admitted that he had stated in the application that he had had no prior license denial, he contended that he had had a good faith belief that it was a proper answer. Dr. Semchyshyn explained that he had consulted an attorney prior to completing the West Virginia Board application and, based upon that consultation, he thought he had appropriately answered the question about any prior license denial. Moreover, Dr. Semchyshyn testified that, during an interview with the West Virginia Board staff, he had changed the answer to that application question, but the West Virginia Board ignored the fact that he had changed the answer. Finally, he contended that the two malpractice actions relied upon by the West Virginia Board were instigated by "unfriendly doctors" and, thus, not a proper basis upon which to deny him a medical license in that state. (Tr. at 79-83, 114-115, 121-123, 138, 159; St. Ex. 5 at 13; Resp. Ex. E21, I2)

Washington Board's Licensure Denial

30. Dr. Semchyshyn applied for a medical license in Washington in January 2003. In May 2003, the Washington Department of Health [Washington Board] filed charges against Dr. Semchyshyn in the *Matter of the Application for a License to Practice as a Physician and Surgeon of Stefan Semchyshyn, M. D., License No. MD00014159*, Docket No. 03-04-A-1073MD. (St. Ex. 6B)
31. A hearing was held and, in September 2003, the Washington Board denied Dr. Semchyshyn's application to practice in that state based upon acts of unprofessional conduct and misrepresentation or concealment of material facts in obtaining a license. The Washington Board concluded that Dr. Semchyshyn's failure to honestly answer one question on the West Virginia license application had constituted conduct involving dishonesty and constituted misrepresentation or concealment, for which the Washington Board determined that sanctions could be imposed under Washington law. (St. Ex. 6A; Tr. at 140-141)

Illinois Board's Licensure Renewal Denial

32. In March 2004, the Department of Professional Regulation of the State of Illinois [Illinois Board] sent a notice to Dr. Semchyshyn, stating that it intended to refuse to renew his Illinois medical license because of the action taken by the Washington Board. Dr. Semchyshyn testified that the Illinois notice was sent to the address he had provided 20 years earlier and, therefore, he did not receive the notice and he did not contest the intended action. (Tr. at 112; St. Ex. 7)
33. In June 2004, the Illinois Board issued an order refusing to renew Dr. Semchyshyn's Illinois license after determining he was unfit for registration due to discipline by the Washington Board, in violation of the Illinois statutes. (St. Ex. 7)
34. Dr. Semchyshyn testified at the present hearing that he had left Illinois in 1981, in good standing. He explained that he had later allowed his Illinois license to lapse because he did not need it. He further testified that, since that time, he has neither intended nor requested that his Illinois medical license be renewed. Therefore, he believes that the Illinois Board's action was unnecessary, inappropriate, malicious, and intended to cause him harm. Also, Dr. Semchyshyn argued that the Illinois Board improperly took action because: (a) he never had a Washington medical license upon which Washington could take disciplinary action and Illinois could rely; and (b) the Washington license denial is not "disciplinary action." (Tr. at 74-77, 112-113, 124, 165-166; St. Ex. 9 at 23)

Ohio Certificate Renewal Applications

35. In September 2001, Dr. Semchyshyn completed an application to renew his Ohio certificate. By signing the application, he certified that the information contained in the application was true and correct. In particular, he indicated that, since he had last signed a certificate renewal application, he had not had any clinical privileges or other similar institutional authority suspended, restricted or revoked for reasons other than failure to maintain records on a timely basis or to attend staff meeting. (St. Ex. 2 at 2; Tr. at 15-18)
36. As noted earlier, Dr. Semchyshyn's clinical privileges at Wellmont had been summarily suspended, about August 1999, "based on the investigation of a reported incident when he allegedly misrepresented a hospital policy, misinformed a patient and created undue stress and potentially endangered a patient and her unborn child." (St. Ex. 8; St. Ex. 9 at 14; St. Ex. 10 at 122)
37. Dr. Semchyshyn testified that, in September 2001, his wife (who was also his office manager) had filled out the certificate renewal form and checked the boxes. He stated that he simply had signed the form, but he acknowledged that he was responsible for it. He further stated: "I do regret that I did not verify the accuracy of what was checked." (Tr. at 71, 133-135)

38. In September 2003, Dr. Semchyshyn again completed an application to renew his Ohio certificate. By signing that application, he certified that the information contained in the application was true and correct. In particular, he indicated that, during the period of time since he had last signed a certificate renewal application (which was September 2001), no board, bureau, department, agency, or other body, including those in Ohio, other than the Ohio Board, had filed any charges, allegations or complaints against him. (St. Ex. 2 at 3-4; Tr. at 19-20)

However, on May 6, 2003, the Washington Department of Health had issued a Statement of Charges against Dr. Semchyshyn in the *Matter of the Application for a License to Practice as a Physician and Surgeon of Stefan Semchyshyn, M. D., License No. MD00014159*, Docket No. 03-04-A-1073MD. Specifically, the statement of charges alleged: (a) the licensure denials by Colorado in 1996 and by West Virginia in 2001 constituted “unprofessional conduct” in violation of Section 18.130.180(5), Revised Code of Washington; and (b) Dr. Semchyshyn’s negative answer to the question in his 2001 West Virginia application of whether he had ever been denied a license to practice medicine had constituted an act of dishonesty or corruption, and had constituted misrepresentation or concealment of a material fact in obtaining a license, in violation of Sections 18.130.180(1) and (2), Revised Code of Washington. (St. Ex. 6A at 2-3)

39. Dr. Semchyshyn testified that, similar to what had happened with his 2001 renewal application, he simply had signed the 2003 renewal form after his wife had completed it. (Tr. at 71-72, 133-135)
40. With regard to the answers on his 2001 and 2003 Ohio certificate renewal applications, Dr. Semchyshyn testified that he feels badly that he answered as he did, but he contends that he had no reason to lie to the Ohio Board and he did not intentionally keep information from the Ohio Board. Additionally, Dr. Semchyshyn argued that Section 4731.22(B)(5), Ohio Revised Code, does not apply to his oversights on the renewal applications. (Tr. at 73-74, 78)

Dr. Semchyshyn also testified that, during the time of his 2001 and 2003 Ohio certificate renewals, his mother-in-law was very ill and he had often visited her. Moreover, his wife had suffered a stroke and he had closed down his solo practice. (Tr. at 188-189)

41. Dr. Semchyshyn next renewed his Ohio certificate in December 2005. (St. Ex. 2 at 5-7) Administrative notice is taken of the fact that Dr. Semchyshyn’s Ohio certificate expired on January 1, 2008. *Ohio eLicense Center Home Page*. 15 Jan. 2008. State of Ohio. <<https://license.ohio.gov/lookup>>.

Dr. Semchyshyn’s Further Testimony and Exhibits

42. Dr. Semchyshyn testified that he has repeatedly had difficulties with Saint Barnabas since his departure. He testified that, specifically, he could not get references without Dr. Breen’s interference. He claimed that he had to hire attorneys in order for Saint Barnabas to verify his

employment and affiliation. He noted also that, once, Dr. Breen had failed to respond to an information request, and Dr. Semchyshyn “had to withdraw [his] application since [Dr. Breen had] refused to respond and verify my tenure.” (Tr. at 53, 157; see also St. Ex. 5 at 16-17; St. Ex. 9 at 5, 20, 23; Resp. Exs. E11, E25, E26, and J1)

43. Similarly, Dr. Semchyshyn stated that Dr. Jacobs has a “lifelong grudge” against Dr. Semchyshyn, noting specifically that Dr. Jacobs has indicated that, for the “rest of his working life, he would do whatever is necessary to prevent Dr. Semchyshyn from getting a medical license and/or medical privileges.” Additionally, Dr. Semchyshyn stated that “highly derogatory” information was provided by Dr. Jacobs’ office on two occasions to prospective employers. (Tr. at 54-55, 169; St. Ex. 9 at 87; Resp. Ex. E21)

44. In summary, Dr. Semchyshyn testified:

Needless to say, I had to settle to work in places no one dared to go in, like Newark, New Jersey. As a result for the next 20 years and the rest of my career, I had to work twice as hard and for half the pay because the obstacles posed by Saint Barnabas Medical Center and Dr. Breen. In spite of all the hurdles, I have always placed my patients’ welfare as top priority. Never settled for mediocrity and always striving for excellence.

* * *

You see, I take care of the patients that no one else will or can because of the risk factors. Not only do I manage to save babies, but also save money by preventing the need for costly hospitalizations and care. Hospital[s] would make much more money if they did not -- if they did not practice prevention. Premature babies are [a] very expensive and lucrative business.

So it is -- so it was in the [New Jersey and Tennessee hospitals’] interest to get rid of me and be free to practice the way they did before and make money. So they accuse me of wrongdoing, when in fact I was doing exactly what I was supposed to do.

* * *

I gave what my patients needed and what they wanted. My patients were happy with my work, but the colleagues and the hospital, the hospitals were embarrassed and pursued me as a threat medically as well as economically.

(Tr. at 53, 60-61; see also St. Ex. 10 at 140, 163-164)

45. Also, Dr. Semchyshyn stated:

So it goes down to, as I see it, it may be misinterpretation of what I'm saying, but I sort of believe there's common distrust of my work. I have terrific rapport with my patients. But my colleagues feel uncomfortable, even though I try to say I am on their side, I will try to help you. They feel sort of intimidated. And[,] I feel[,] is that because I possess expertise they don't? I don't hold that against them.

(Tr. at 183-184)

46. With regard to the decisions made by Colorado, Illinois, Washington and West Virginia, Dr. Semchyshyn agreed that the denials and refusal to renew occurred. However, he does not agree with the states' legal bases for the decisions. Additionally, he believes that the falsification of medical records by other personnel at Saint Barnabas was the initiating event that has "snowballed" across the various states in which he has worked and/or sought licensure. (Tr. at 176, 179-182, 185-186).
47. Dr. Semchyshyn asks the Ohio Board to judge him on the merits and on his record of performance, rather than based upon hearsay and the falsehoods of others. He wrote: "My record of performance is much better and higher than average [and] while the majority of my colleagues assert that a miscarriage and preterm birth cannot be prevented or stopped, I have been doing just that for the past nearly 30 years[.] I produced positive results where others failed, proving naysayers wrong time and time again * * *. Please also note that 50% of doctors in any state are below average. My record of performance compares very favorably with others. Had it not been for a fiasco in [New Jersey] I would have had a perfect and enviable professional record." (St. Ex. 9 at 21-22)
48. Dr. Semchyshyn pointed out that, over the same time period as the above events, he received medical licenses from Connecticut (in 1994), Missouri (prior to 2006), Mississippi (in 2002), Oklahoma (in 2002) and Virginia (in 1996).
49. Moreover, Dr. Semchyshyn pointed out that many colleagues, patients and others have supported him. He presented many letters from MFM specialists and fellow medical professionals who expressed support for him and his medical treatment in New Jersey and Tennessee. Many, many patients and their families have also supported Dr. Semchyshyn. Also, other members of the community have supported Dr. Semchyshyn. Dr. Semchyshyn's exhibits also include a number of letters that criticize him. The State did not have an opportunity to cross-examine any of the authors of these letters. (Resp. Exs. C11, C12, E1 through E9, E11b, E17, E18, H1a, H7, H10, L1, L3, L5, L7, L14, L17, L18, L20 through L25, L33, L34, L41, L43 through L45, L49, L52, L55 through L64, L66 through L69, L71, L72, L73, L75, L76, L79, L80, L82 through L87, L89 through L101, L103, L104 through L155, L157, and L159 through L166)

FINDINGS OF FACT

1. On March 28, 1996, and upon reconsideration on July 27, 1998, the Colorado State Board of Medical Examiners issued Licensure Denial Letters based upon violation of Colorado Revised Statutes by Stefan Semchyshyn, M.D., relating to acts of unprofessional conduct.
2. On November 14, 2001, the West Virginia Board of Medicine issued a Licensure Denial Letter based upon Dr. Semchyshyn's violation of West Virginia statutes relating to presentation of false, fraudulent statements and misrepresentations in connection with his licensure application; unprofessional, unethical and dishonorable conduct; being denied a license to practice medicine in another jurisdiction; and failing to practice medicine with the level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same or similar specialty as being acceptable under similar conditions or circumstances. On May 13, 2004, the West Virginia Board of Medicine issued a second Order, again denying his application to practice medicine and surgery in West Virginia.
3. On September 5, 2003, the Washington Department of Health denied Dr. Semchyshyn's application to practice medicine and surgery in that state based upon acts of unprofessional conduct and misrepresentation or concealment of material facts in obtaining a license.
4. On June 10, 2004, the Department of Professional Regulation of the State of Illinois refused to renew Dr. Semchyshyn's Physician and Surgeon License after determining he was unfit for registration in violation of the Illinois Compiled Statutes due to sister-state discipline.
5. In September 2001, Dr. Semchyshyn applied to renew his Ohio certificate and signed the certification part of the renewal application, certifying that the information contained therein was true and accurate. In his 2001 renewal application, Dr. Semchyshyn answered "No" to the question of whether, at any time since signing his prior application for renewal, he had any clinical privileges or any other similar institutional authority suspended, restricted, or revoked for reasons other than failure to maintain records on a timely basis or to attend staff meetings.

However, in February 2000, Dr. Semchyshyn had resigned from Wellmont Holston Valley Medical Center [Wellmont] in Kingsport, Tennessee, after his clinical privileges had been summarily suspended following instances of inappropriate behavior and after his failure to adhere to a 1999 Corrective Action Plan. Also, Dr. Semchyshyn's clinical privileges at Wellmont were summarily suspended about August 1999.

6. On September 19, 2003, Dr. Semchyshyn submitted another Ohio certificate renewal application and signed the certification part of the renewal application, certifying that the information contained therein was true and accurate. He answered "No" to the question of whether, at any time since signing his prior application for renewal, any board, bureau, department, agency or any other body, including those in Ohio, other than the Ohio board, had filed any charges, allegations or complaints against him.

However, on May 6, 2003, the Washington Department of Health had issued a Statement of Charges against Dr. Semchyshyn, alleging violations of the Washington Revised Code based upon acts of unprofessional conduct and misrepresentation or concealment of material facts in obtaining a license.

CONCLUSIONS OF LAW

1. The Colorado, Illinois, Washington, and West Virginia board decisions concerning Stefan Semchyshyn, M.D., as set forth in Findings of Fact 1 through 4, individually and/or collectively constitute “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as set forth in Section 4731.22(B)(22), Ohio Revised Code.
2. Dr. Semchyshyn’s acts, conduct, and/or omissions in connection with his 2001 Ohio certificate renewal application, as set forth in Findings of Fact 5, individually and/or collectively, do not constitute “[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine or surgery * * * ; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the [Ohio] board,” as set forth in Section 4731.22(B)(5), Ohio Revised Code. The basis for this conclusion is that the record does not demonstrate when Dr. Semchyshyn had renewed his Ohio certificate prior to September 2001 and, therefore, there is insufficient evidence to conclude that he had falsely answered the identified question on the renewal application. In other words, there is no evidence that the Wellmont summary suspension had occurred between the time period “since he had last signed the prior certificate renewal application” and September 2001, and thus it is cannot be found that Dr. Semchyshyn falsely answered the identified question, even though he appeared to acknowledge during the hearing that he had incorrectly answered the identified question.
3. Dr. Semchyshyn’s acts, conduct, and/or omissions in connection with his 2003 Ohio certificate renewal application, as set forth in Findings of Fact 6, individually and/or collectively, constitute “[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine or surgery * * * ; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the [Ohio] board,” as set forth in Section 4731.22(B)(5), Ohio Revised Code.

* * * * *

The evidence of record demonstrates that, in multiple locations and over different periods of time, Dr. Semchyshyn has lost hospital privileges, resigned his hospital privileges after disagreement, has been denied licensure in several states, and denied the right to renew his medical license in one state.

Moreover, Dr. Semchyshyn provided false answers on board applications. First, he falsely answered a question on his 2001 West Virginia license application. Even if one accepts, as Dr. Semchyshyn contends that he had “corrected” his answer in West Virginia, he only did so after that board had raised concerns about his answer. However, the West Virginia Board concluded that he falsely answered the application question. Second, Dr. Semchyshyn incorrectly answered a question on his 2003 Ohio certificate renewal application. He contends that his wife had filled out that form and he had inadvertently, without intention, overlooked the inaccurate answer. Yet, Dr. Semchyshyn also testified that his wife had suffered a stroke around that time and had spent time recovering. It seems unlikely that Dr. Semchyshyn would rely upon his ill/recovering wife to complete the short renewal questionnaire.

Lastly, it is noted that Dr. Semchyshyn has not practiced medicine since 2002. Dr. Semchyshyn explained that, although currently retired and not intending to practice in Ohio, he still wishes to impart his knowledge and experience. Based upon the above findings, conclusions and comments, the Ohio Board is warranted in imposing discipline for his lying on the 2003 Ohio certificate renewal application and the West Virginia licensure application. Additionally, the Ohio Board is warranted in imposing limitations, restrictions, and conditions to assure that, should Dr. Semchyshyn decide to practice medicine in Ohio, he is capable of doing so and will be monitored to ensure that his practice does not present a risk to the public.

PROPOSED ORDER

It is hereby ORDERED that:

- A. **REPRIMAND:** Stefan Semchyshyn, M.D., is REPRIMANDED.
- B. **LIMITATION AND RESTRICTION OF CERTIFICATE:** If Dr. Semchyshyn reinstates or restores his inactive certificate to practice medicine and surgery in the State of Ohio, the certificate shall be LIMITED and RESTRICTED as follows:
 1. **Refrain from Commencing Practice in Ohio:** Dr. Semchyshyn shall not commence practice in Ohio without prior Board approval.
 2. **Conditions for Approval of Commencement of Practice in Ohio:** The Board shall not grant approval for Dr. Semchyshyn to commence practice in Ohio unless all of the

following minimum requirements have been met:

- a. **Notify Board in Writing**: Dr. Semchyshyn shall notify the Board in writing that he intends to commence practice in Ohio.
- b. **Evidence of Unrestricted Licensure in Other States and in Other Countries**:
At the time he submits his notice of intent to practice in Ohio, Dr. Semchyshyn shall provide written documentation acceptable to the Board verifying that Dr. Semchyshyn otherwise holds a full and unrestricted license to practice medicine and surgery in all other states and in all other countries in which he is licensed at the time of application or has been in the past licensed (except for Illinois), or that he would be entitled to such license but for the non-payment of renewal fees.
- c. **SPEX**: Prior to submitting his notice of intent to practice in Ohio, Dr. Semchyshyn shall take and pass the SPEX examination or any similar written examination which the Board may deem appropriate to assess Dr. Semchyshyn's clinical competency.
- d. **Post-Licensure Competency Assessment Program [CAP]**: At the time he submits his notice of intent to practice in Ohio, Dr. Semchyshyn shall submit a Learning Plan developed for Dr. Semchyshyn by the Post-Licensure Assessment System sponsored by the Federation of State Medical Boards and the National Board of Medical Examiners, or another CAP approved in advance by the Board. The CAP Learning Plan shall have been developed subsequent to the issuance of a written Assessment Report, based on an assessment and evaluation of Dr. Semchyshyn by the CAP approved by the Board.
 - i. Prior to the initial assessment by the CAP, Dr. Semchyshyn shall furnish the CAP copies of the Board's Order, including the Summary of the Evidence, Findings of Fact, and Conclusions of Law, and any other documentation from the hearing record which the Board may deem appropriate or helpful to that assessment.
 - ii. Dr. Semchyshyn shall assure that, within ten days of its completion, the written Assessment Report compiled by the CAP is submitted to the Board. Moreover, Dr. Semchyshyn shall ensure that the written Assessment Report includes the following:
 - A detailed plan of recommended practice limitations, if any;
 - Any recommended education;
 - Any recommended mentorship or preceptorship;

- Any reports upon which the recommendation is based, including reports of physical examination and psychological or other testing.
 - iii. Any CAP Learning Plan developed for Dr. Semchyshyn shall be subject to Board review and approval prior to its implementation. The Board shall have the right to amend, supplement, or otherwise modify the CAP Learning Plan.
 - iv. Dr. Semchyshyn shall successfully complete the educational activities in the Approved Learning Plan, including any final assessment or evaluation. Upon successful completion of the educational activities, including any final assessment or evaluation, Dr. Semchyshyn shall provide the Board with satisfactory documentation from the CAP indicating that Dr. Semchyshyn has successfully completed the Approved Learning Plan's educational activities.
 - v. Dr. Semchyshyn's participation in the CAP shall be at his own expense.
- e. **Practice Plan; Monitoring Physician:** Prior to his commencement of practice in Ohio, Dr. Semchyshyn shall submit to the Board and receive its approval for a plan of practice in Ohio. The practice plan, unless otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Semchyshyn's activities will be directly supervised and overseen by a monitoring physician approved by the Board. Dr. Semchyshyn shall obtain the Board's prior approval for any alteration to the practice plan approved pursuant to this Order.

At the time Dr. Semchyshyn submits his practice plan, he shall also submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary or Supervising Member will give preference to a physician who practices in the same locale as Dr. Semchyshyn and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Semchyshyn and his medical practice, and shall review Dr. Semchyshyn's patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Semchyshyn and his medical practice, and on the review of Dr. Semchyshyn's patient charts. Dr. Semchyshyn shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Semchyshyn's quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Semchyshyn must immediately so notify the Board in

writing. In addition, Dr. Semchyshyn shall make arrangements acceptable to the Board for another monitoring physician within 30 days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Semchyshyn shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefor.

- f. **Additional Evidence of Fitness To Resume Practice:** In the event that Dr. Semchyshyn has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to submitting his notice of intent to practice in Ohio, the Board may exercise its discretion under Section 4731.222 of the Revised Code to require additional evidence of his fitness to resume practice.
- C. **PROBATIONARY CONDITIONS:** Upon the issuance of written approval by the Board for Dr. Semchyshyn to commence practice in Ohio, Dr. Semchyshyn's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least three years:
1. **Obey the Law:** Dr. Semchyshyn shall obey all federal, state, and local laws; and all rules governing the practice of medicine in Ohio.
 2. **Declarations of Compliance:** Dr. Semchyshyn shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which Dr. Semchyshyn commences practice in Ohio. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
 3. **Personal Appearances:** Dr. Semchyshyn shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Dr. Semchyshyn commences practice in Ohio, or as otherwise directed by the Board or its designee. Subsequent personal appearances must occur every six months thereafter, and/or as otherwise requested by the Board or its designee. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
 4. **Post-Licensure Competency Assessment Program [CAP]:** Dr. Semchyshyn shall practice in accordance with the Board-Approved Learning Plan, unless otherwise determined by the Board. Dr. Semchyshyn shall cause to be submitted to the Board quarterly declarations from the CAP documenting Dr. Semchyshyn's continued compliance with the Board-Approved Learning Plan.

Dr. Semchyshyn shall obtain the Board's prior approval for any deviation from the Board-Approved Learning Plan.

If, without permission from the Board, Dr. Semchyshyn fails to comply with the Board-Approved Learning Plan, Dr. Semchyshyn shall cease practicing medicine and surgery beginning the day following Dr. Semchyshyn's receipt of notice from the Board of such violation and shall refrain from practicing until the CAP provides written notification to the Board that Dr. Semchyshyn has reestablished compliance with the Board-Approved Learning Plan. Practice during the period of noncompliance shall be considered unlicensed practice in violation of Section 4731.41, Ohio Revised Code.

5. **Comply with Practice Plan**: Dr. Semchyshyn shall practice in accordance with the plan of practice approved by the Board, as set forth in paragraph B.2.e., above.
 6. **Absence from Ohio**: In the event that Dr. Semchyshyn should leave Ohio for three continuous months, or reside or practice outside the State, Dr. Semchyshyn must notify the Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the Order, unless otherwise determined by the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.
 7. **Noncompliance Will Not Reduce Probationary Period**: In the event Dr. Semchyshyn is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
- D. **TERMINATION OF PROBATION**: Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Semchyshyn's certificate will be fully restored.
- E. **REQUIRED REPORTING TO EMPLOYERS AND HOSPITALS**: Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Semchyshyn shall provide a copy of this Order to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Semchyshyn shall provide a copy of this Order to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments. This requirement shall continue until Dr. Semchyshyn receives from the Board written notification of his successful completion of probation.
- F. **REQUIRED REPORTING TO OTHER STATE LICENSING AUTHORITIES**: Within 30 days of the effective date of this Order, or as otherwise determined by the Board, Dr. Semchyshyn shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any

professional license. Dr. Semchyshyn shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement or restoration or restoration of any professional license. Further, Dr. Semchyshyn shall provide this Board with a copy of the return receipt as proof of notification within 30 days of receiving that return receipt, unless otherwise determined by the Board. This requirement shall continue until Dr. Semchyshyn receives from the Board written notification of his successful completion of probation.

- G. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. Semchyshyn violates the terms of this Order 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.
- H. **EFFECTIVE DATE:** This Order shall become effective immediately upon the mailing of the notification of approval by the Board.



Gretchen L. Petrucci
Hearing Examiner


State Medical Board of Ohio
30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
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EXCERPT FROM THE DRAFT MINUTES OF FEBRUARY 13, 2008

REPORTS AND RECOMMENDATIONS

Dr. Varyani announced that the Board would now consider the Reports and Recommendations appearing on its agenda. He asked whether each member of the Board had received, read, and considered the hearing records, the proposed findings of fact, conclusions of law, and orders, and any objections filed in the matters of: Marc Andre Leduc, M.D.; Ujwala Pagedar, M.D.; Carsten Schroeder, M.D.; and Stefan Semchyshyn, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Kumar	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

Dr. Varyani asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Talmage	- aye
	Dr. Kumar	- aye
	Dr. Madia	- aye
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

Dr. Varyani noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code,

specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member. Dr. Varyani further advised that they may participate in the discussion and vote in the matter of Carsten Schroeder, M.D., and in the Findings, Order and Journal Entry in the matter of Naeem Al-Khaliq Chaudhry, M.D., as those cases are not disciplinary in nature and concern only the doctors' qualifications for licensure.

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

.....
Dr. Madia advised that he must recuse himself from the matter of Ujwala Pagedar, M.D. He at this time left the meeting.

.....
STEFAN SEMCHYSHYN, M.D.

Dr. Varyani directed the Board's attention to the matter of Stefan Semchyshyn, M.D. He advised that objections were filed to Hearing Examiner Petrucci's Report and Recommendation and were previously distributed to Board members.

Dr. Varyani advised that, attached to the Objections are materials that are being construed as a motion to admit further evidence. This material was offered as Respondent's exhibit E21a at the hearing, and was not admitted into the record by the Hearing Examiner. Dr. Varyani advised that the Assistant Attorney General has filed a motion to strike this material from the objections. Dr. Varyani asked for a motion concerning the motion to admit further evidence.

DR. STEINBERGH MOVED TO STRIKE THE MATERIALS ATTACHED TO DR. SEMCHYSHYN'S OBJECTIONS FROM THE HEARING RECORD. DR. KUMAR SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye

Dr. Varyani - aye

The motion carried.

Dr. Varyani stated that the materials will not be included in the hearing record and will not be considered by the Board.

DR. EGNER MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF STEFAN SEMCHYSHYN, M.D. DR. ROBBINS SECONDED THE MOTION.

Dr. Varyani stated that he would now entertain discussion in the above matter.

Dr. Egner stated that she is not in agreement with the Proposed Order in this case. She stated that she found this case to have many troublesome spots in many areas. Dr. Egner advised that Dr. Semchyshyn made false, fraudulent statements and misrepresentations in connection with his licensure application. She noted that he has had multiple problems in areas similar to this with many state medical boards and areas of practice where his truth-telling comes into question. Unfortunately, in reading Dr. Semchyshyn's testimony during the hearing, she felt that he passes this off as just the most minor part of what we're talking about. He advises that his wife filled out the application, she was his office manager, and he just signed it. He then goes on and on about all the ways that he has been so wronged and followed throughout his career. Dr. Egner stated that, although she would have liked to see the Hearing Examiner try to bring him back to the point a little earlier, she thinks that she does understand: Dr. Semchyshyn thinks that this is all related, but he has lied on multiple occasions.

Dr. Egner stated that Dr. Semchyshyn wants his Ohio license for sentimental reasons. Dr. Egner stated that she doesn't think that that's the Board's job.

Dr. Egner stated that she looks at Dr. Semchyshyn's career, his propensity for lying, and asks whether this is someone who will add to the care in Ohio. She stated that the answer is "no." Does the Board have reason to deny Dr. Semchyshyn's request? She stated that it does. Dr. Semchyshyn has had multiple problems in multiple areas and nothing lets her think that he wouldn't continue to have those problems. Dr. Egner stated that she would recommend permanently denying Dr. Semchyshyn's request.

Dr. Kumar stated that it's not just an issue of lying. In looking at the record, he finds that Dr. Semchyshyn has had significant difficulty in various hospitals around the country where his care has been questioned, his availability has been questioned, his decision-making has been questioned; and Dr. Semchyshyn seems to throw all this at the feet of a couple of individuals. Dr. Kumar stated that he must grant to some degree that there was some evidence in the record that notes by a resident were written after the fact, but he can't be absolutely sure about that.

Dr. Kumar stated that this is an issue beyond just lying. It's an issue of minimal standards: how and how often he does cervical cerclage; how and how often he use tocolytics; how often was he available to provide problem-solving when there were complications. Dr. Kumar stated that Dr. Semchyshyn has been investigated on multiple occasions in multiple places, and his quality of care has been questioned. Dr. Kumar stated that he doesn't think that the Board should just reprimand this individual. He suggested that the Board either permanently deny reinstatement of Dr. Semchyshyn's Ohio license, or permanently revoke his license. If the Board does grant him a license, Dr. Kumar stated that he would want an indefinite suspension of Dr. Semchyshyn's license and require him to be evaluated by some competency examination. His simpler solution would be to permanently deny Dr. Semchyshyn's reinstatement request.

Ms. Pfeiffer advised the Board that Dr. Semchyshyn is currently, actively licensed to practice medicine in Ohio. This is not a case of licensure application.

Dr. Steinbergh stated that it would be a permanent revocation and not a permanent denial. Dr. Steinbergh referred to the Proposed Order and commented that Dr. Semchyshyn is never going to practice again in Ohio. More to the point is whether the Board wants to set up all of these terms and then be required to potentially monitor this physician. Dr. Steinbergh stated that she does want to comment that the Board didn't charge Dr. Semchyshyn with minimal standards or fraud. The Board has charged him with misrepresentation or deception in applying for the license and the fact that he's had other actions on other licenses. Dr. Steinbergh stated that she doesn't disagree with the outcome. She added that she was interested in hearing from Dr. Egner, especially since she is an OB/GYN physician. Dr. Steinbergh stated that with the number of concerns the Board has about this physician, she didn't come with any set conclusion in mind. She stated that if the Board does reprimand Dr. Semchyshyn and enter the Proposed Order, she just cannot imagine that Dr. Semchyshyn will go through this and ultimately practice. She added that she does agree with Dr. Egner that the Board isn't obligated to give a license for emotional reasons or that type of thing. She added that she would agree with an Order of permanent revocation.

Dr. Egner stated that she didn't make comments about Dr. Semchyshyn's practice because this is not a minimal standards case. She added that she does, however, feel that his practice judgment is in keeping with much of his other judgments. Dr. Semchyshyn is someone who is not influenced by standards or by rules. He very much does things his own way, how he wants them, whether or not his way is consistent with practice standards or rules of the department.

Dr. Kumar stated that the only reason he looked at minimal standards is because action was taken against his clinical privileges by other institutions.

Dr. Egner stated that as she read this case, she could see how he ran into trouble, both in how he practiced and the judgments he made in his interactions and in his clinical decisions. She commented that Dr. Semchyshyn does not follow standard rules in any area. She asked why he would follow those rules in Ohio if he were permitted to keep his license.

Dr. Varyani spoke in support of Dr. Egner's recommendation for permanent revocation.

DR. EGNER MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF STEFAN SEMCHYSHYN, M.D., BY SUBSTITUTING AN ORDER OF PERMANENT REVOCATION. DR. STEINBERGH SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

The motion carried.

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF STEFAN SEMCHYSHYN, M.D. MR. BROWNING SECONDED THE MOTION. A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Talmage	- abstain
	Mr. Browning	- aye
	Mr. Hairston	- aye
	Dr. Robbins	- aye
	Dr. Kumar	- aye
	Dr. Steinbergh	- aye
	Dr. Varyani	- aye

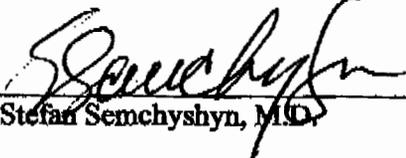
The motion carried.

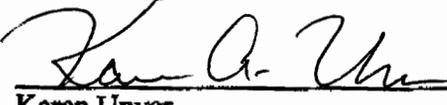
BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of: : Attorney Hearing Examiner:
: Gretchen Petrucci
STEFAN SEMCHYSHYN, M.D. :
:

INTERIM AGREEMENT

The State Medical of Ohio hereby agrees to not oppose the Motion For Continuance verbally requested by Respondent with the Ohio State Medical Board on August 16, 2007, in exchange for Respondent's agreement to not practice medicine in the State of Ohio during the pendency of this administrative matter. By affixing their signatures below, Respondent and counsel for the Board hereby agree that the parties in this matter are hereby bound to the terms of this interim agreement.

 8/16/07
Stefan Semchyshyn, M.D. Date

 8/16/07
Karen Unver Date
Attorney for State Medical Board of Ohio

STATE MEDICAL BOARD

2007 AUG 21 A 11:40

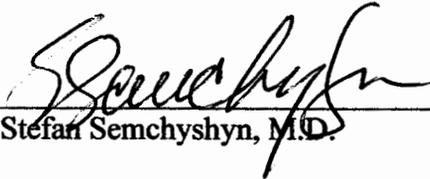


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 8/16/07

Stefan Semchyshyn, M.D. Date

Karen Unver Date
Attorney for State Medical Board of Ohio

STATE MEDICAL BOARD
2001 AUG 21 A 11:41



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

April 12, 2007

Stefan Semchyshyn, M.D.
211 Scott Lane
Jonesborough, TN 37659

Dear Doctor Semchyshyn:

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

- (1) On or about September 20, 2001, on or about September 19, 2003, and on or about December 14, 2005, you caused to be submitted to the Board an application for renewal of your certificate to practice medicine and surgery in the state of Ohio [collectively, Ohio Renewals], due respectively on October 1, 2001, January 1, 2004, and January 2, 2006. By signing the "Certification" as part of the Ohio Renewals, you certified under oath that the information provided therein was true and correct.
- (2)(a) On or about March 28, 1996, and again upon reconsideration on or about July 27, 1998, the Colorado State Board of Medical Examiners issued Licensure Denial Letters [collectively, Colorado Denial] based upon your violations of the Colorado Revised Statutes relating to acts of unprofessional conduct.
 - (b) On or about November 14, 2001, the West Virginia Board of Medicine issued a Licensure Denial Letter based upon your violations of the West Virginia Code relating to presentation of false, fraudulent statements and misrepresentations in connection with your license application; for unprofessional, unethical and dishonorable conduct; and for failing to practice medicine with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same or similar specialty as being acceptable under similar conditions or circumstances. Further, on or about May 13, 2004, the West Virginia Board of Medicine issued an Order [West Virginia Order] denying your application to practice medicine and surgery in the state of West Virginia.
 - (c) On or about June 10, 2004, the Department of Professional Regulation of the State of Illinois issued an Order [Illinois Order] refusing to renew your Physician and Surgeon License after determining you were unfit for registration as a physician and surgeon due to sister-state discipline in violation of the Illinois Compiled Statutes.
 - (d) On or about September 5, 2003, the Washington State Department of Health issued a Final Order [Washington Order] denying your application to practice medicine and

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surgery in the state of Washington based upon acts of unprofessional conduct and misrepresentation or concealment of material facts in obtaining a license.

- (3) In the "Discipline" section of your Ohio Renewal respectively submitted on or about September 19, 2003, you answered "NO" to the following question:

Has any board, bureau, department, agency, or any other body, including those in Ohio, **other than this board**, filed any charges, allegations or complaints against you?

In fact, on or about May 6, 2003, The Washington State Department of Health issued a Statement of Charges alleging violations of the Revised Code of Washington relating to acts of unprofessional conduct and misrepresentation or concealment of material facts in obtaining a license.

Copies of the Colorado Denial, the West Virginia Order, the Washington Charges, the Washington Order, and the Illinois Order are attached hereto and incorporated herein.

- (4) In the "Discipline" section of your Ohio Renewal respectively submitted on or about September 20, 2001, you answered "NO" to the following question:

Have you had any clinical privileges or any other similar institutional authority suspended, restricted or revoked for reasons other than failure to maintain records on a timely basis or to attend staff meetings?

In fact, on or about February 29, 2000, you resigned from the Wellmont Holston Valley Medical Center in Kingsport, Tennessee, after your clinical privileges had been summarily suspended following instances of inappropriate behavior reported at the facility, and your failure to adhere to a 1999 Corrective Action Plan.

The Colorado Denial, the West Virginia Order, the Washington Order, and the Illinois Order as alleged in paragraphs (2) and (3) above, individually and/or collectively, constitute "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1), (3) and (4) above, individually and/or collectively, constitute "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine or surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(B)(5), 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

Stefan Semchyshyn, M.D.

Page 3

and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

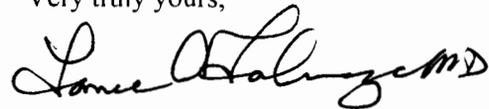
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at 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 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, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lance A. Talmage, M.D.", written in a cursive style.

Lance A. Talmage, M.D.
Secretary

LAT/DSZ/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3933 8841 3597
RETURN RECEIPT REQUESTED

STATE OF COLORADO

STATE BOARD OF MEDICAL EXAMINERS

Cheryl Hara, Program Director

1560 Broadway, Suite 1300
Denver, Colorado 80202-5146
Phone (303) 894-7690
Fax (303) 894-7692
TTY: Dial 711 for Relay Colorado
www.dora.state.co.us/medical

Department of Regulatory Agencies

D. Rico Munn
Executive Director

Division of Registrations

Rosemary McCool
Director



Bill Ritter, Jr.
Governor

I, Cindy Klyn, Enforcement Program Manager and Custodian of Records, do hereby certify that the attached copy of the licensure denial letter dated July 27, 1998 and other licensure file information regarding the license to practice medicine of Stefan Semchyshun, M.D., is a true and correct copy of the document on file with the Colorado State Board of Medical Examiners.

Subscribed and sworn to me this 24th day of January 2007

Cindy Klyn
Enforcement Program Manager
Colorado State Board of Medical Examiners
1560 Broadway, Suite 1300
Denver, CO 80202

BOARD OF MEDICAL EXAMINERS
Susan Miller
Program Administrator

1560 Broadway, Suite 1300
Denver, CO 80202-5140
(303) 894-7690

Department of Regulatory Agencies
Joseph A. Garcia
Executive Director

Division of Registrations
Bruce M. Douglas, Director



Roy Romer
Governor

July 27, 1998

Stefan Semchyshyn, M.D.
865 Earl Baxter Rd.
Chuckey, TN 37641

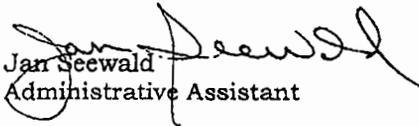
Dear Dr. Semchyshyn:

At its meeting on July 9, 1998, the Colorado State Board of Medical Examiners reviewed your request that the Board reconsider its previous decision to deny you a Colorado medical license. The Board carefully considered the matter, along with your correspondence.

After due consideration, the Board voted to deny your request for reconsideration. Accordingly, the Board's previous denial of licensure stands.

Very truly yours,

FOR THE BOARD OF MEDICAL EXAMINERS


Jan Seewald
Administrative Assistant

BOARD OF MEDICAL EXAMINERS
Susan Miller
Program Administrator

1560 Broadway, Suite 1300
Denver, CO 80202-5140
(303) 894-7690

Department of Regulatory Agencies
Joseph A. Garcia
Executive Director

Division of Registrations
Bruce M. Douglas, Director



Roy Romer
Governor

March 28, 1996

Stefan Semchyshyn, M.D.
71 Rotary Drive
Summit, New Jersey 07901

Dear Dr. Semchyshyn:

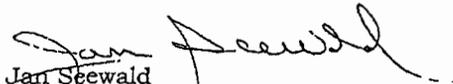
At its meeting on March 14, 1996, the Colorado State Board of Medical Examiners considered your application for licensure. Board members thank you for the information you provided in support of your application.

After careful consideration it was the decision of the Board to deny your application. Pursuant to § 12-36-116, C.R.S., the Board may refuse to grant a license if the applicant has done any of the acts defined as unprofessional conduct in § 12-36-117(1), C.R.S.

Specifically, the Board denied your application on the basis of the two medical malpractice cases you reported. Additionally, the Board denied your license on the basis of the limitation of your privileges at St. Barnabas Medical Center as well as the concerns regarding your care raised by the Clara Maass Medical Center from which you resigned.

Very truly yours,

FOR THE BOARD OF MEDICAL EXAMINERS


Jan Seewald
Administrative Assistant

OBSTETRICS,
GYNECOLOGY AND
PERINATAL CONSULTANTS, P.A.

STEFAN SEMCHYSHYN, M.D., FRCSC, FACOG
*Diplomate of American Board of Obstetrics and Gynecology,
American Board of Maternal Fetal Medicine
Fellow of American College of Obstetricians and Gynecologists,
Fellow of Royal College of Surgeons*

~~26 Newark Avenue, Suite 102, Bellville, New Jersey 07109~~
201 150-1122

January 26, 1996

Ms Jan Seewald
Licensing Secretary
State of Colorado
Board of Medical Examiners
1560 Broadway, Suite 1300
Denver, CO 80202-5140

Dear Ms Seewald

I received a copy of the State Board's letter to St Barnabas Medical Center regarding their removal of my surgical privileges. I would like to respond to this letter and to explain to the Medical Board the circumstances at that time. In my prior conversations and correspondence with you and the Colorado Medical Board, I have stated the facts of the St Barnabas Medical Center dispute and their attempts to discredit my work and reputation.

I would like to add that Dr. Margaret Walker to whom the letter is addressed to and who has recently taken over the directorship of the Ob/Gyn Department at St. Barnabas will not have first hand knowledge about the situation.

I do understand the efforts and intention of the Medical Board to protect the public and the integrity of the Medical profession by scrutinizing candidates for medical licensure, and I do not mind being scrutinized as all other applicants, for I believe that as long as truth prevails, I will overcome the hurdles placed by St. Barnabas. In my practice as a physician, I have always had the best interest of the patient in mind, and my expertise has brought patients to me from the tri-state area and beyond seeking my help. Many of these patients were unsuccessful with other physicians in attaining a positive outcome, and turned to me for help. By working together through a strong and positive doctor/patient relationship we were able to be successful.

Regarding clarification of my privileges in regards to St. Barnabas, please note that when my contract ran out it was not renewed. The reason being, that during my tenure at St. Barnabas I raised too many concerns regarding the practices of some of the doctors for whom I was responsible. I joined St. Barnabas as assistant chairman and director of the newly created division of Maternal-Fetal Medicine. I was given the responsibility of upgrading patient care, beefing up the residency program and

medical education, and enhancing the reputation of the Medical Center. I embraced my responsibilities and went to work with great enthusiasm. I was eager to put my experience, expertise and enthusiasm as well as my energies to good use.

I set my energies to make the Ob/Gyn department the best that it could be. I had good rapport with many physicians, the residents and medical students as well as nurses. I worked earnestly to introduce and update with state of the art techniques in treating high risk pregnancies and to generally upgrade patient care. I had to overcome the hurdles of being the first Maternal-Fetal Medicine specialist as well as the first outsider to penetrate a closed staff and be accepted into their department. I brought to Dr. Breen's attention those practices which I found unacceptable and offered solutions, but I was told to ignore them, although my responsibility was to note such practices and to improve on them. These deficiencies ranged from outdated practices to preventable complications involving perinatal and maternal

I am now paying the price for being a conscientious and caring doctor and for attempting to practice in a manner in keeping with the best interests of the public as well as the medical profession. I believe that I practice medical care of which any decent doctor would be proud and have held many appointments at various hospitals and am licenced in numerous states

I hope and trust that the Colorado Medical Board in its wisdom will recognize and believe that I am always in pursuit of excellence in medicine and will see me fit to be granted the medical licensure. I place the patient's health first and those at St. Barnabas who felt threatened by this, are the ones who have put these hurdles before me.

I would suggest that it would be helpful that you or the Medical Board speak with Dr. Mark Olesnecky (201/372-5007) who is currently the President of the Medical Board at St. Barnabas and Dr Edward Diamond, (303/ 923-5594 or 305 932 5247) Also, Dr. Earl Kuznierz (201/743 4748) who would be happy to attest to my clinical competence and shed some light on the politics at St Barnabas.

Should there be any further questions, please let me know and I will do my best to help the truth and facts be known.

Sincerely,



Stefan Semchyshyn, MD

P.S. Hopefully the enclosed references will attest to my competence as a physician and will help the Board to see that indeed my qualifications are sound

*Please note my mailing address: P O Box 1417, Summit, NJ 07902-8417
Home address: 71 Rotary Drive, Summit, NJ 07901

STATE OF COLORADO

BOARD OF MEDICAL EXAMINERS

Susan Miller
Program Administrator

1560 Broadway, Suite 1300
Denver, CO 80202-5140
(303) 894-7690

Department of Regulatory Agencies

Joseph A. Garcia
Executive Director

Division of Registrations
Bruce M. Douglas, Director



Roy Romer
Governor

January 22, 1996

Margaret Walker
Director of OB/GYN Department
St. Barnabas Medical Center
Old Short Hills Road
Livingston, New Jersey 07039

RE: Stefan Semchyshyn, M.D.

Dr. Semchyshyn is applying for a Colorado medical license.

At the January 11, 1996 licensing sub committee meeting, the Colorado Board of Medical Examiners noted that in 1985 upon completion of his contractual term, as a full time hospital based physician, in the capacity of assistant chairman in the OB/GYN department at St. Barnabas Medical Center, that Dr. Semchyshyn's privileges were limited in gynecological surgery.

The Board has tabled Dr. Semchyshyn's application pending specific information regarding the reason(s) for Dr. Semchyshyn's demotion, as well as the reason as to why his surgical privileges were removed.

Correspondence received in our office by January 29, 1996 would be appreciated.

Thank you for your ongoing assistance.

Very Truly yours,

FOR THE BOARD OF MEDICAL EXAMINERS


Jan Seewald
Administrative Assistant

xc: Ronald Del Mauro
CEO, St. Barnabas Medical Center
Stefan Semchyshyn, M.D.

STATE OF COLORADO

BOARD OF MEDICAL EXAMINERS
Susan Miller
Program Administrator

1560 Broadway, Suite 1300
Denver, CO 80202-5140
(303) 894-7690

Department of Regulatory Agencies
Joseph A. Garcia
Executive Director

Division of Registrations
Bruce M. Douglas, Director



Roy Romer
Governor

November 17, 1995

Stefan Semchyshyn, M.D.
71 Rotary Drive
Summit, New Jersey 07901

Dear Dr. Semchyshyn:

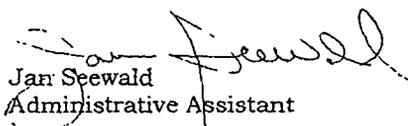
At its meeting on November 9, 1995, the Colorado Board of Medical Examiners again reviewed your application for medical licensure. Board members thank you for the additional information you provided in support of your application.

The Board's attention focused on the two civil malpractice cases which you summarized for the Board.

Notwithstanding your position, the Board must, in order to fulfill its charge of public protection, fully review these cases. In view of the foregoing, the Board voted to table action again on your application pending acquisition and review of patient records on both civil malpractice cases for both sides. In addition, the Board would like you to request that all peer review information on these cases be sent to us. The Board suggests that you should contact your attorney to submit all pertinent information to our Board. Please request all information be directed to my attention. I will return your application to the Board for further consideration if the above documentation arrives in a timely fashion which will then be presented at the licensing subcommittee meeting.

Very truly yours,

FOR THE BOARD OF MEDICAL EXAMINERS


Jan Seewald
Administrative Assistant



R. Curtis Arnold, DPM
South Charleston

Rev. Richard Bowyer
Fairmont

Ahmed D. Faheem, MD
Beckley

Ms. Doris M. Griffin
Martinsburg

M. Khalid Hasan, MD
Beckley

J. David Lynch, Jr., MD
Morgantown

Vettivelu Maheswaran, MD
Charles Town

Leonard Simmons, DPM
Fairmont

Lee Elliott Smith, MD
Princeton

John A. Wade, Jr., MD
Point Pleasant

Kenneth Dean Wright, PA-C
Huntington

State of West Virginia

West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311
Telephone (304) 558-2921
Fax (304) 558-2084

OHIO STATE MEDICAL BOARD

CERTIFICATION JUL 06 2004

I DO HEREBY CERTIFY that the following attached documents **RE: STEFAN SEMCHYSHYN, M.D.**, are true and accurate copies of the original documents as maintained by the West Virginia Board of Medicine: 1) **LICENSURE DENIAL LETTER** dated November 14, 2001; 2) **ORDER** dated May 13, 2004.

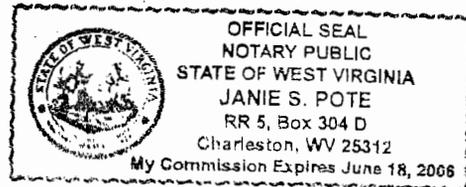
Ronald D. Walton, Executive Director
West Virginia Board of Medicine

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA

The foregoing instrument was acknowledged before me this 28th day of June, 2004, by Ronald D. Walton, Executive Director, West Virginia Board of Medicine.

My Commission expires June 18, 2006.

Janie S. Pote
Notary Public



PRESIDENT
Angelo N. Georges, MD
Wheeling

VICE PRESIDENT
Carmen R. Rexrode, MD
Moorefield

SECRETARY
Catherine Slemp, MD, MPH
Charleston

COUNSEL
Deborah Lewis Rodecker
Charleston

EXECUTIVE DIRECTOR
Ronald D. Walton
Charleston



R. Curtis Arnold, D.P.M.
South Charleston

Rev. Richard Bowyer
Fairmont

Ahmed D. Faheem, M.D.
Beckley

Angelo N. Georges, M.D.
Wheeling

Ms. Doris M. Griffin
Martinsburg

J. David Lynch, Jr., M.D.
Morgantown

Phillip B. Mathias, M.D.
Glen Dale

Carmen R. Rexrode, M.D.
Moorefield

John A. Wade, Jr., M.D.
Point Pleasant

S. Kenneth Wolfe, M.D.
Huntington

Kenneth Dean Wright, P.A.-C.
Huntington

State of West Virginia

West Virginia Board of Medicine

101 Dee Drive

Charleston, WV 25311

Telephone (304) 558-2921

Fax (304) 558-2084

November 14, 2001

Stefan Semchyshyn, M.D.
865 Earl Baxter Road
Chuckey, Tennessee 37641

Certified Article Number

7106 4575 1294 3357 2546

SENDERS RECORD

CERTIFIED MAIL

Dear Dr. Semchyshyn:

At its regular meeting on November 5, 2001, the Board reviewed the matter of your application for a license to practice medicine and surgery in the State of West Virginia, and with a quorum present and voting, accepted the recommendation of the Licensure Committee in the matter. The Board voted to accept the Licensure Committee's recommendation that you be denied a license to practice medicine and surgery in the State of West Virginia.

The Board determined that you are unqualified to practice medicine and surgery in West Virginia, due to violations of provisions of West Virginia Code §30-3-14(c)(1) and (17) and 11 CSR 1A 12.1(a), (e), (g), (j) and (x), all relating to presenting false, fraudulent statements and misrepresentations in connection with your license application; unprofessional, unethical and dishonorable conduct; being denied a license to practice medicine in another jurisdiction; and failing to practice medicine with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same or similar specialty as being acceptable under similar conditions or circumstances.

PRESIDENT
Sarjit Singh, M.D.
Weirton

VICE PRESIDENT
Leonard Simmons, D.P.M.
Fairmont

SECRETARY
Henry G. Taylor, M.D., M.P.H.
Charleston

COUNSEL
Deborah Lewis Rodecker
Charleston

EXECUTIVE DIRECTOR
Ronald D. Walton
Charleston

Stefan Semchyshyn, M.D.

November 14, 2001

Page 2

These determinations were based upon the following:

1. With respect to West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.1(g), you were denied a medical license in Colorado in 1996.
2. With respect to West Virginia Code §30-3-14(c)(1) and (17) and 11 CSR 1A 12.1(a), you presented an application for medical licensure to this Board in March 2001 wherein you answered "no" to the question "Have you ever, in any jurisdiction, for any reason: been denied a license to practice medicine?" This answer was false and a fraudulent misrepresentation.
3. With respect to West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.1(e), (j) and (x), there have been two malpractice settlements made on your behalf and you resigned from the medical staff at Wellmont Holston Valley Medical Center in 2000 after a summary suspension of your medical staff privileges related to quality of care concerns. There were many instances of inappropriate behavior as well, and you failed to adhere to a 1999 Corrective Action Plan. Also, there were problems with your medical staff privileges at Saint Barnabus Medical Center in New Jersey based on the quality of care rendered, as well as your conduct, and your gynecological privileges were suspended there.

The Board determined that under all these circumstances it would not protect the public health, safety and welfare to issue you any kind of medical license and that it would not result in a professional environment that encourages the delivery of quality medical services within West Virginia to issue you any kind of medical license. You have failed to meet your burden of satisfying the Board of your qualifications for licensure under 11 CSR 1A 4.11.

Notice of Appeal: This matter is governed by West Virginia Code §30-3-14(c) and 11 CSR 3. This decision denying licensure may be appealed to the Board within thirty (30) days after the date upon which notice is received of same.

WEST VIRGINIA BOARD OF MEDICINE



Sarjit Singh, M.D.
President



Henry G. Taylor, M.D., M.P.H.
Secretary

pc: Thomas C. Jessee, Esquire

2. Article Number



7406 4575 1274 3357 2546

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

Stefan Semchyn, M.D.
865 Earl Baxter Road
Chuckey, TN 37641

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) **H. SEMCHYSHYN**

B. Date of Delivery **11-19-01**

C. Signature

Agent

Addressee

Yes

No

D. Is delivery address different from item 1? If YES, enter delivery address below:

FE:

SENDER: JSP

PS Form 3811, June 2000

Domestic Return Receipt

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: STEFAN SEMCHYSHYN, M. D.

ORDER

This proceeding arises under the West Virginia Medical Practice Act, West Virginia Code §30-3-1, *et seq.*, and is a proceeding involving the denial of an application for a license to practice medicine and surgery in the State of West Virginia by Stefan Semchyshyn, M. D. (hereinafter "Dr. Semchyshyn"). The West Virginia Board of Medicine (hereinafter "the Board") is the duly authorized State agency charged with physician licensure pursuant to the provisions of West Virginia Code §30-3-1 *et seq.*

Procedural History

This matter came on for hearing upon a notice of hearing dated January 28, 2004, after the hearing originally set for July 30, 2002, was continued on Dr. Semchyshyn's motion. The hearing in this matter was held on March 2, 2004, in the conference room of the Board offices at 101 Dee Drive, Charleston, West Virginia. Dr. Semchyshyn appeared *pro se*. The Board was present at the hearing by its Executive Director, Ronald D. Walton, its paralegal/investigator, Leslie Higginbotham, and by counsel, Deborah Lewis Rodecker, Esquire. A stenographic record of the hearing was prepared pursuant to 11 CSR 3. Dr. Semchyshyn timely filed a document nominated "Report and Recommendation of the Hearing Examiner" and the Board timely filed a document nominated

“Proposed Findings of Fact and Conclusions of Law” with Hearing Examiner Rebecca L. Stepto. Hearing Examiner Stepto filed her “Recommended Decision” on April 27, 2004.

In accordance with 11 CSR 3, the record and the hearing examiner’s recommended decision were provided to Board members for his or her individual consideration prior to the Board’s regularly scheduled meeting on May 10, 2004. At the May 10, 2004, regular meeting, at which a quorum of the Board was present and voting, the Board thoroughly considered all of this information. Dr. George presided. Dr. Arnold, Reverend Bowyer, Dr. Faheem, Dr. Hasan, Dr. Lynch, Dr. Maheswaran, Dr. Rexroad, Dr. Simmons, Dr. Smith, Mr. Wright and Dr. Wade were also present and participated in the review and discussion. Ms. Griffin and Dr. Slemp were absent from the meeting. By unanimous vote, and in accordance with 11 CSR 3, the Board reached its decision.

Decision

The Hearing Examiner’s Recommended Findings of Fact and Conclusions of Law and Recommended Decision is attached hereto and is adopted and incorporated by reference herein. To the extent that the findings of fact and conclusions of law in this Order are consistent with any proposed findings of fact and conclusions of law submitted by the parties, the same are hereby adopted by the West Virginia Board of Medicine, and conversely, to the extent that the same are inconsistent with these findings and conclusions, they are rejected. To the extent that the testimony of any witness is not in accord with these findings and conclusions, such testimony is not credited. Any proposed finding of fact, conclusion of law, or argument proposed and submitted by a party but omitted herein is deemed irrelevant or unnecessary to the determination of the material issues in this matter.

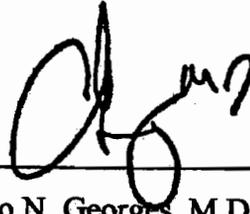
Based upon the foregoing recitation and giving proper weight to the Hearing Examiner’s

proposed decision and in accordance with West Virginia Code § 30-3-1 et seq., the Board hereby
ORDERS:

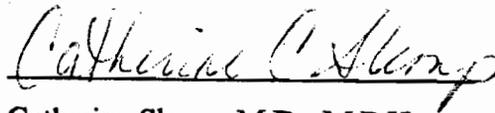
That the application for a license to practice medicine and surgery in the State of West
Virginia by Stefan Semchyshyn, M. D. is hereby DENIED.

The foregoing ORDER in the matter styled *IN RE: Stefan Semchyshyn, M. D.*, was:

ENTERED this 13th day of May, 2004.



Angelo N. Georges, M.D.
President



Catherine Slemp, M.D., M.P.H.
Secretary

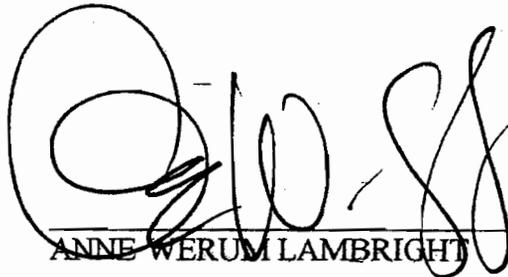
CERTIFICATE OF SERVICE

I, ANNE WERUM LAMBRIGHT, post-hearing legal advisor to the West Virginia Board of Medicine in this matter, do hereby certify that service of the foregoing ORDER has been made upon the parties and/or counsel of record herein by hand delivery or by forwarding a true copy thereof in an envelope deposited in the regular course of the United States mail, certified with postage prepaid, on this the 13th day of May, 2004, addressed as follows:

West Virginia Board of Medicine
101 Dee Drive
Charleston WV 25311

Stefan Semchyshyn, M.D.
865 Earl Baxter Road
Chuckey TN 37641

Deborah Lewis Rodecker, Esquire
West Virginia Board of Medicine
101 Dee Drive
Charleston WV 25311



ANNE WERUM LAMBRIGHT

WV State Bar No. 2131
P.O. Box 722
Williamson WV 25661

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: STEFAN SEMCHYSHYN, M.D.

**RECOMMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW
AND RECOMMENDED DECISION OF THE HEARING EXAMINER**

PROCEDURAL HISTORY

On March 2, 2004, an evidentiary hearing was held with regard to the West Virginia Board of Medicine's November 5, 2001, denial of the application of Stefan Semchyshyn, M.D., for a license to practice medicine and surgery in the State of West Virginia. Dr. Semchyshyn appeared without counsel and the West Virginia Board of Medicine ["Board"] appeared by its counsel, Deborah Lewis Rodecker. The Board was also present by its Executive Director, Ronald D. Walton.

Dr. Semchyshyn introduced five exhibits into evidence and presented the testimony of Rhonda Bright, Leigh Ann Young Simpson, M.D., Harland Simpson, M.D., Larry Miller, M.D., Anandhi Murthy, M.D., and Donna Sturm, and the Board introduced one exhibit into evidence and presented the testimony of Dr. Semchyshyn and of Mr. Walton. A stenographic record of the hearing was prepared pursuant to 11 CSR 3-12. Upon conclusion of the hearing, the undersigned Hearing Examiner requested the parties to submit proposed Findings of Fact and Conclusions of Law by April 9, 2004, and both parties submitted proposed Findings of Fact and Conclusions of Law.

MOTIONS

All decisions rendered at the aforesaid hearing on motions filed in this action are hereby affirmed, and all other motions filed in this action by either of the

parties upon which the Hearing Examiner previously made no ruling are hereby denied and rejected.

ISSUE

Has Stefan Semchyshyn, M.D., met his burden of satisfying the Board of his qualifications for licensure under 11 CSR 1A 4.11?

After a review of the record and the exhibits admitted into evidence, stipulations entered into by the parties, matters of which the Hearing Examiner took judicial notice during the proceeding, assessing the credibility of the witnesses and weighing the evidence in consideration of the same, the Hearing Examiner makes the following Findings of Fact and Conclusions of Law. To the extent that these Findings of Fact and Conclusions of Law are consistent with any proposed Findings or Conclusions submitted by the parties, the same are adopted by the Hearing Examiner and, conversely, to the extent that the same are inconsistent with these Findings and Conclusions, they are rejected. To the extent that the testimony of witnesses is not in accord with these Findings and Conclusions, such testimony is not credited. Any proposed Findings of Fact, Conclusions of Law or argument proposed and submitted by a party but omitted herein is deemed irrelevant or unnecessary to the determination of the material issues of this matter.

DISCUSSION

The Hearing Examiner is satisfied that all exhibits entered in the record are complete, authentic and valid and entered with the proper evidentiary foundation.

The Hearing Examiner is satisfied that each and every witness brought on by the parties was credible and truthful. Neither the demeanor of any witness nor the substance of any testimony suggested any inconsistency, conflict or ulterior motive. No

evidence suggested any personal gain to be achieved by any witness as a result of testifying.

FINDINGS OF FACT

1. Stefan Semchyshyn, M.D. ("Dr. Semchyshyn") applied for a license to practice medicine and surgery in West Virginia on March 1, 2001. (Bd. Ex. 1)

2. Dr. Semchyshyn has been board certified by the American Board of Obstetrics and Gynecology in obstetrics/gynecology since 1977 and in the sub-specialty of maternal fetal medicine, or high risk pregnancies, since 1980. (Tr. pp. 135-36; Semchyshyn Ex. 2, A).

3. Dr. Semchyshyn was denied a license to practice medicine and surgery by the West Virginia Board of Medicine ("Board") on November 5, 2001. (Semchyshyn Ex. 2, I-1).

4. The Board determined that he was unqualified to practice medicine and surgery in West Virginia due to violations of provisions of West Virginia Code §30-3-14(c)(1) and (17) and 11 CSR 1A 12.1(a), (e), (g), (j) and (x), all relating to presenting false, fraudulent statements and misrepresentations in connection with his license application; unprofessional, unethical and dishonorable conduct; being denied a license to practice medicine in another jurisdiction; and failing to practice medicine with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same or similar specialty as being acceptable under similar conditions or circumstances.

5. According to the Board, these determinations were based upon the following:

a. With respect to West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.1(g), Dr. Semchyshyn was denied a medical license in Colorado in 1996.

b. With respect to West Virginia Code §30-3-14(c) (1) and (17) and 11 CSR 1A 12.1(a), he presented an application for medical licensure to this Board in March 2001 wherein he answered “no” to the question “Have you ever, in any jurisdiction, for any reason: been denied a license to practice medicine?” The Board found that this answer was false and a fraudulent misrepresentation.

c. With respect to West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.1(e), (j) and (x), there have been two malpractice settlements made on his behalf and he resigned from the medical staff at Wellmont Holston Valley Medical Center in 2000 after a summary suspension of his medical staff privileges related to quality of care concerns. There were many instances of inappropriate behavior as well, and he failed to adhere to a 1999 Corrective Action Plan. Also, there were problems with his medical staff privileges at Saint Barnabus Medical Center in New Jersey based on the quality of care rendered, as well as his conduct, and his gynecological privileges were suspended there. (Semchyshyn Ex. 2, I-1, Tr. pp. 82 – 84).

6. Dr. Semchyshyn currently holds active, unrestricted licenses to practice in five states, including New Jersey, and he holds inactive licenses in five other states. He was granted licenses in Missouri, Mississippi and Oklahoma following the

denial of a license in West Virginia in 2001. Connecticut granted him a license in 1994. (Bd. Ex. 1, Semchyshyn Ex. 2, A).

7. Dr. Semchyshyn was denied a medical license in Colorado in 1996. (Bd. Ex. 1, Tr. p. 84-85).

8. On his application to the West Virginia Board of Medicine, he answered "no" to the question concerning whether he had ever been denied a license to practice medicine in another jurisdiction. (Bd. Ex. 1, Tr. pp. 85-86).

9. Dr. Semchyshyn submitted into evidence an Affidavit signed on September 18, 2003, by Thomas C. Jessee, his counsel, who indicated that Dr. Semchyshyn had asked him for advice on how to answer the question regarding license denials, and that he had advised Dr. Semchyshyn that he could correctly answer the question "no" since the National Practitioner Data Bank had concluded that the Colorado Board of Medical Examiners' report of his license denial there must be voided. (Semchyshyn Ex. 2, I-1).

10. His licensure denial in Colorado was based upon two malpractice settlements which he had reported, the limitation of his privileges at Saint Barnabus Medical Center in New Jersey and concerns regarding his care raised by the Clara Maas Medical Center in New Jersey. (Bd. Ex. 1, Tr. p. 95).

11. The two settlements/verdicts were rendered on January 9, 1990, and on July 11, 1991, respectively. The 1990 settlement was for \$100,000 and related to a vaginal delivery performed by Dr. Semchyshyn in 1987. The 1991 jury verdict was for \$1,000,000 in a case involving a dilation and curettage performed by Dr. Semchyshyn in 1988. Both cases were filed in New Jersey and constitute the only medical malpractice cases filed against Dr. Semchyshyn. (Bd. Ex. 1).

12. Saint Barnabus Medical Center and Clara Maass Medical Center are related institutions in Livingston and Belleville, New Jersey, respectively. Dr. Semchyshyn maintained hospital privileges at Saint Barnabus from July 1, 1982, to July 1, 1985, and at Clara Maass from 1990 to 1994. (Bd. Ex. 1).

13. Dr. Semchyshyn's privileges in the Department of Obstetrics and Gynecology were suspended at Saint Barnabus Medical Center on April 7, 1986. (Bd. Ex. 1, Tr. p. 90). His privileges in gynecologic surgery were terminated at Saint Barnabus, and action against his privileges in Obstetrics was started but never completed because he left the staff. (Bd. Ex. 1; Semchyshyn Ex. 2, E-24).

14. James L. Breen, M.D., chief of the Obstetrics-Gynecology Department at Saint Barnabus, testified at an internal Medical Board hearing on August 8, 1985, that he was concerned that Dr. Semchyshyn might kill a patient and that he had mismanaged a case and handled an entire surgical procedure in the wrong way. (Bd. Ex. 1, Tr. p. 93).

15. As of March 15, 2001, Dr. Semchyshyn's license to practice medicine in New Jersey was active and valid, and the New Jersey medical board reported that no disciplinary action had ever been taken against him or his license. (Bd. Ex. 1).

16. Dr. Semchyshyn moved to Tennessee in January of 1996. (Tr. p. 107).

17. He joined the staff of Wellmont Holston Valley Memorial Center in Kingsport, Tennessee on February 14, 1996, in the Department of Obstetrics and Gynecology, where he practiced until he resigned from the staff effective February 29, 2000. (Semchyshyn Ex. 2, H-1, Bd. Ex. 1, Tr. pp. 86-89).

18. His resignation occurred after the Medical Executive Committee at Wellmont voted to recommend to the Board of Directors that his privileges be terminated due to concerns relating to quality of care rendered, particularly in regard to indications

for cerclage, the use of multiple tocolytics, inappropriate behavior and failure to adhere to a January, 1999, Corrective Action Plan. (Semchyshyn Ex. 2, H-6; Bd. Ex. 1; Tr. pp. 86–89).

19. The 1999 Corrective Action Plan would have imposed limitations on Dr. Semchyshyn's use of tocolytics and cerclages to prevent miscarriages and premature births. He introduced before this Board and at a hearing in Tennessee an affidavit by John C. Morrison, M.D., a board-certified perinatologist and Chairman of the Department of Obstetrics/Gynecology at the University of Mississippi in Jackson, who opined that the Plan was "not in keeping with the standard of care for the practice of perinatology." (Semchyshyn Ex. 2, H-7).

20. Dr. Semchyshyn was a member of the medical staff with active privileges in Ob/Gyn and Perinatology at Indian Path Medical Center in Tennessee from June, 1996, to February, 2002. (Semchyshyn Ex. 2, H-10).

21. Dr. Semchyshyn's contract with Blue Cross Blue Shield of Tennessee Inc. was terminated in 2001 for quality issues surrounding the selection of members/patients for cerclages and utilization of terbutaline pumps and home uterine monitoring devices. (Bd. Ex. 1, Tr. p. 94).

22. As of March 12, 2001, Dr. Semchyshyn's license to practice medicine in Tennessee was valid and scheduled to expire on August 31, 2002. The Tennessee Board of Medical Examiners reported that there was no derogatory information in its files concerning Dr. Semchyshyn. (Bd. Ex. 1).

23. Dr. Semchyshyn presented four witnesses at the March 2, 2004, hearing who were satisfied with their medical care and healthy babies delivered by Dr. Semchyshyn. The testimony of Rhonda Bright, Leigh Ann Young Simpson, M.D.,

Anandhi Murthy, M.D., and Dr. Semchyshyn's former employee, nurse Donna Sturm, is deemed to be credible. (Tr. pp. 17-38, 48-68).

24. In addition, Harland Simpson, M.D., and Larry Miller, M.D., testified about their satisfaction with medical care rendered by Dr. Semchyshyn. Their testimony is deemed to be credible. (Tr. pp. 39-47).

25. Most of the witnesses opined that Dr. Semchyshyn was competent, honest and professional. (Tr. pp. 22, 31-32, 37, 47, 53-54).

26. Dr. Semchyshyn presented voluminous correspondence from former patients which was very complimentary and strongly supportive of him and his care and treatment. This correspondence is dated from 1985-2004, and was marked as his Exhibit 3.

27. At the time of the March 2, 2004, hearing in this matter, Dr. Semchyshyn had not had privileges at any hospital for two years and two months. (Tr. pp. 105-06).

28. Dr. Semchyshyn was denied a license in the State of Washington on September 5, 2003. (Tr. pp. 112, 94-95; Bd. Ex. 1).

29. Although potential employers have expressed interest in Dr. Semchyshyn, he has no formal job offers in West Virginia. (Tr. pp. 126-27). He introduced an undated letter from Tamer M. Yalcinkaya, M.D., of the Division of Reproductive Endocrinology, Department of Ob-Gyn, West Virginia University Robert C. Byrd Health Sciences Center, which states that Dr. Semchyshyn was offered a position as professor in the Department of Ob-Gyn at WVU's Charleston Division. (Bd. Ex. 1).

30. Dr. Semchyshyn contends that he was denied medical licenses in other jurisdictions because Drs. Jacobs and Breen at Saint Barnabus Medical Center in New

Jersey have been out to get him since the 1980's. (Tr. pp. 122-27). There is no evidence in the record from Saint Barnabus to support this contention. (Bd. Ex. 1).

31. Dr. Semchyshyn has not met his burden of satisfying the Board that he should be licensed in West Virginia.

32. It is not in the interest of the public's health, well-being, interest or safety to grant Dr. Semchyshyn a license to practice medicine in this state.

33. Dr. Semchyshyn is unqualified to practice medicine and surgery in West Virginia.

ISSUE

Has Stefan Semchysyn, M.D., met his burden of satisfying the Board of his qualifications for licensure under 11 CSR 1A 4.11?

The Board has established, through clear and convincing evidence, that Dr. Semchyshyn is unqualified to practice medicine and surgery in West Virginia because of violations of provisions of West Virginia Code § 30-3-14(c)(1) and (17) and of 11 CSR 1A 12.1(a), (e), (g), (j) and (x), all relating to presenting false, fraudulent statements and misrepresentations in connection with his license application; unprofessional, unethical and dishonorable conduct; being denied a license to practice medicine in another jurisdiction; and failing to practice medicine with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same or similar specialty as being acceptable under similar conditions or circumstances.

These determinations were based on the fact that Dr. Semchyshyn was denied a license to practice medicine in Colorado in 1996 and on the fact that he falsely answered "no" on his March, 2001, application for medical licensure in West Virginia to the question, "Have you ever, in any jurisdiction, for any reason: been denied a license to

practice medicine?" In addition, the Board's determinations were based on the fact that two malpractice settlements or verdict payments were made on Dr. Semchyshyn's behalf and he resigned from a hospital medical staff in 2000 after a suspension of his medical staff privileges relating to quality of care concerns. Moreover, the determinations were based on reported instances of inappropriate behavior and failure to adhere to a 1999 Corrective Action Plan. In addition, the Board relied on information concerning problems with Dr. Semchyshyn's medical staff privileges at another hospital based on quality of care rendered and his conduct, and his gynecological privileges were suspended there.

It is found that the Board has established by clear and convincing evidence all of the grounds for its denial of a medical license to Dr. Semchyshyn. As to the first ground, Dr. Semchyshyn in fact answered "no" to Question No. 8, which states "Have you ever, in any jurisdiction, for any reason: been denied a license to practice medicine?" [emphasis is on the application]. Importantly, that page of the application cautions physicians "Read everything on this page carefully and completely. False or fraudulent answers to the following questions may result in licensure denial or revocation."

Dr. Semchyshyn has presented the Affidavit of his former counsel, Thomas C. Jessee, who indicated that Dr. Semchyshyn had sought advice from him on how to respond to that question, and that both were aware that he had been denied a license by the Colorado Board of Medical Examiners. The Affidavit states that Dr. Semchyshyn had challenged that Board's reporting of the denial to the National Practitioner Data Bank, and that it agreed with his position and concluded that Colorado's report of the license denial "must be voided."

It is found that Dr. Semchyshyn's answer to Question No. 8 was false and fraudulent notwithstanding his counsel's advice. The question did not ask whether he had been denied a medical license which had been reported to the National Practitioner Data Bank; it simply and clearly asked, in non-legal and non-technical terms, whether he had been denied a license to practice medicine in any jurisdiction for any reason.

The West Virginia Board of Medicine also based its denial of a license upon the fact that two medical malpractice settlements were made on his behalf, and the evidence establishes that two settlements and/or jury verdicts for medical malpractice in fact were made on Dr. Semchyshyn's behalf. The Board also relied on the fact that his gynecological privileges were suspended at Saint Barnabus Medical Center, and the evidence establishes that Dr. Semchyshyn's privileges were in fact suspended in 1986.

Finally, the Board also based its licensure denial on evidence that Dr. Semchyshyn resigned from the medical staff at Wellmont Holston Valley Medical Center in 2000 after a summary suspension of his medical staff privileges, that he engaged in inappropriate behavior there and that he failed to adhere to a 1999 Corrective Action Plan. Again, the evidence establishes that Dr. Semchyshyn did in fact resign from that medical staff after his privileges had been suspended, that he had engaged in inappropriate behavior and that he had failed to adhere to the 1999 Corrective Action Plan.

CONCLUSIONS OF LAW AND RECOMMENDED DECISION

1. The applicant, Dr. Semchyshyn, applied for a license to practice medicine and surgery in the State of West Virginia in 2001, and the West Virginia Board

of Medicine is the State agency charged with licensure of physicians pursuant to West Virginia Code §30-3-1 et seq.

2. The West Virginia Board of Medicine has jurisdiction over the subject matter and over the applicant.

3. The applicant bears the burden of proving that he is qualified to practice medicine and surgery in the State of West Virginia. (See 11 CSR 1A 4.11 and In Re: Abel Parama Borromeo, M.D. [1998] and In Re: Dwarka Nath Vemuri, M.D. [2002]).

4. It is the purpose and responsibility of the Board to protect the public interest and to provide a professional environment that encourages the delivery of quality medical services within this state. (West Virginia Code §30-1-1a, §30-3-2).

5. Whether or not expert testimony is offered at hearing, an independent review of the evidence of record by a board with the requisite qualifications in the profession under its scrutiny is proper, and boards comprised of members of the profession they oversee may base their decision on the collective expertise of those members by filtering expert and documentary evidence presented before the hearing examiner through the lens of its own expertise. See *Batoff v. State Board of Psychology*, 750 A. 2d 835 [PA 2000], cited in In Re: Dwarka Nath Vemuri, M.D., supra.

6. The practice of medicine is a high calling; a professional license is a high privilege; the state may attach to its possession conditions "onerous and exacting." (*Barsky v. Board of Regents*, 111 N.E. 2d 222 [N.Y. 1953, reh. den. 112 N.E. 2d 773, affirmed, 347 U.S. 442, 74 S. Ct. 650], cited in West Virginia Board of Medicine v. Clayton E. Linkous, Jr., M.D., [1991]; West Virginia Board of Medicine v. Rahmet Muzaffer, M.D., [1998]; In Re: Dwarka Nath Vemuri, M.D., supra, and in West

Virginia Board of Medicine v. William Douglas Daniel, M.D., [2001]; see West Virginia Code §30-1-1a; and §30-1-1, cited in *State ex rel Delano H. Webb, M.D. v. West Virginia Board of Medicine*, 506 S.E. 2d 830 [W.Va. 1998].

7. The inherent object of the underlying statute regulating the practice of medicine is the preservation of the public health (*Vest v. Cobb*, 76 S.E. 2d 885 [W.Va. 1953], citing *Dent v. State of West Virginia*, 129 U.S. 114, 123 S. Ct. 231 [1989]), cited in West Virginia Board of Medicine v. Rahmet Muzaffer, M.D., *supra*; in the 1993 revocation Order in West Virginia Board of Medicine v. Magdi Z. Fahmy, M.D.; in the 1994 revocation Order in West Virginia Board of Medicine v. Thomas J. Park, M.D.; in the 2001 Order in West Virginia Board of Medicine v. William Douglas Daniel, M.D., *supra*, and in In Re: Dwarka Nath Vemuri, M.D., *supra*.

8. On his 2001 application to the West Virginia Board of Medicine for a license, Dr. Semchyshyn falsely answered “no” to the question “Have you ever, in any jurisdiction, for any reason: been denied a license to practice medicine?” in violation of West Virginia Code §30-3-14(c)(1).

9. It has been clearly and convincingly demonstrated that Dr. Semchyshyn was denied a license in Colorado in 1996 and in Washington in 2003 in violation of West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.1(g).

10. It has been clearly and convincingly demonstrated that two malpractice settlements or payments of jury verdicts have been made on Dr. Semchyshyn’s behalf and that his privileges were summarily suspended at Wellmont Holston Valley Medical Center in Tennessee based on quality of care concerns. There were instances of inappropriate behavior reported at that facility, and Dr. Semchyshyn failed to adhere to a 1999 Corrective Action Plan. His gynecological privileges were

suspended at Saint Barnabus Medical Center in New Jersey based on his quality of care and conduct.

11. It has been clearly and convincingly demonstrated that Dr. Semchyshyn has engaged in unprofessional and dishonorable conduct in other states (New Jersey and Tennessee), in violation of West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.1(e) and (j). (West Virginia Board of Medicine v. Maria DeJesus Baltierra, M.D., 2002, and see Mingo County Medical Center v. Simon, 20 S.E. 2d 807 [W.Va. 1942], cited in the 1996 Order in West Virginia Board of Medicine v. Hazem Salah Garada, M.D., and in the 2002 Order in West Virginia Board of Medicine v. Harry E. Walkup, Jr., M.D., affirmed on appeal by the West Virginia Supreme Court of Appeals.

12. It has been clearly and convincingly demonstrated that Dr. Semchyshyn's quality of care has been below an acceptable standard in violation of West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.1(x).

13. It is appropriate to take into consideration in this matter Board of Medicine precedent under the provisions of West Virginia Code §29A-2-9.

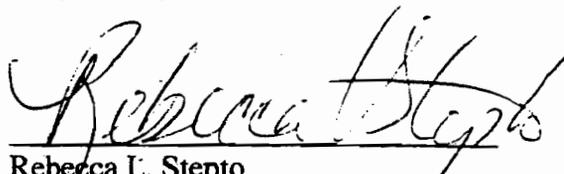
14. Under all the circumstances, to permit Dr. Semchyshyn to hold any kind of medical license in West Virginia would not result in a professional environment that encourages the delivery of quality medical services within this state as required by the West Virginia Medical Practice Act, West Virginia Code §30-3-1 *et seq.*, and could put the public health at risk.

15. Dr. Semchyshyn has not met his burden of proving that he is qualified to practice medicine in West Virginia under 11 CSR 1A 4.11.

WHEREFORE, on the basis of all the foregoing Findings of Fact and Conclusions of Law, it is appropriate, lawful, in accord with Board precedent and in the

clear interest of the public health, safety and welfare, to **DENY** Dr. Semchyshyn any type of medical license in the State of West Virginia and it is so **ORDERED**.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Rebecca L. Stepto", written over a horizontal line.

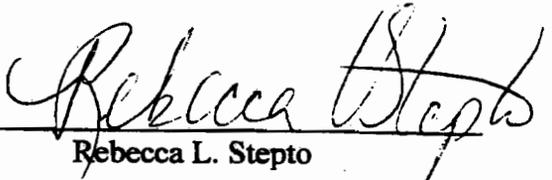
Rebecca L. Stepto
Hearing Examiner
State Bar No. 3597
844 Sherwood Road
Charleston, West Virginia 25314

CERTIFICATE OF SERVICE

I, Rebecca L. Stepto, Hearing Examiner, do hereby certify that I have served the foregoing **Recommended Findings of Fact and Conclusions of Law and Recommended Decision of the Hearing Examiner** upon the parties this 27th day of April, 2004, addressed as follows:

Stefan Semchyshyn, M.D.
865 Earl Baxter Road
Chuckey, TN 37641
(via U.S.Mail)

Deborah Lewis Rodecker, Counsel
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311
(via hand delivery)


Rebecca L. Stepto



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Stefan Semchyshyn, M.D.
Docket No.: 03-04-A-1073MD
Document: Final Order

Regarding your request for information about the above-named practitioner, 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:

Adjudicative Clerk Office
P.O. Box 47879
Olympia, WA 98504-7879
Phone: (360) 236-4677
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to Deputy Secretary, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

I Certify that this is a true and correct copy of the document on file with the State of Washington, Department of Health, Adjudicative Clerk Office.

13TH day of NOVEMBER, 2003

Marla Grant
Signature, Authorized Representative

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION**

In the Matter of the Application for a) License to Practice as a Physician and) Surgeon of:)	Docket No. 03-04-A-1073MD
STEFAN SEMCHYSHYN, M.D.,) License No. MD00014159,) Respondent.)	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER

APPEARANCES:

Respondent, Stefan Semchyshyn, M.D., by
Bennett Bigelow & Leedom, P.S., per
Carol Sue Janes, Attorney at Law

Department of Health, by
The Office of Attorney General, per
Keith D. Armstrong, Assistant Attorney General

PRESIDING OFFICER: Arthur E. DeBusschere, Health Law Judge

COMMISSION PANEL: Kenneth Cogen, M.D., Panel Chair
Everardo Espinosa, M.D.,
Michael Snell, Public Member
Douglas K. Yoshida, M.D., J.D.

The Medical Quality Assurance Commission convened a hearing on
June 18, 2003, in Tumwater, Washington. The Department of Health had issued a
Statement of Charges on License Application on May 6, 2003, alleging that Respondent
had violated the provisions of the Uniform Disciplinary Act. Application Denied.

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FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND FINAL ORDER

ISSUES

Whether the Respondent, when answering a question in an attempt to obtain a license to practice medicine in West Virginia, was dishonest and violated RCW 18.130.180(1).

Whether the Respondent, when answering the same question in an attempt to obtain a license to practice medicine in West Virginia, was misrepresenting or concealing a material fact and violated RCW 18.130.180(2).

Whether the decisions of the medical boards of Colorado and West Virginia, denying the Respondent's applications to practice medicine, were a suspension, revocation, or restriction of the Respondent's license to practice medicine. If so, was the Respondent in violation of RCW 18.130.180(5)?

SUMMARY OF DECISIONS

The Respondent was dishonest on his application for licensure in West Virginia, and he violated RCW 18.130.180(1) when he answered "no" to the question "Have you ever, in any jurisdiction, for any reason, been denied a license to practice medicine?"

The Respondent misrepresented or concealed a material fact on his application for licensure in West Virginia and he violated RCW 18.130.180(2) when he answered "no" to the question "Have you ever, in any jurisdiction, for any reason, been denied a license to practice medicine?"

The Department failed to prove that Respondent's license had been suspended, revoked or restricted by competent authority in any state, federal, or foreign jurisdiction and thus, the Department failed to prove that Respondent violated RCW 18.130.180(5).

PROCEDURAL HISTORY

The Respondent filed an Answer to the Statement of Charges and Request for Settlement and Hearing on May 8, 2003. Health Law Judge Kathryn Koehler conducted a prehearing conference on May 16, 2003, and granted Respondent's Motion for an

expedited hearing. Health Law Judge Koehler scheduled the hearing for June 18, 2003. Prehearing Order No. 1.

Both the Department and the Respondent offered exhibits. The Department offered six (6) exhibits, identified as D-1 through D-6. The Respondent offered one-hundred and thirty-six (136) exhibits. The Respondent's exhibits were categorized into groups designated as R1 through R16, and if a group contained more than one exhibit, then the exhibits were individually numbered (e.g. R2-1, R2-2, R2-3, R2-4, etc.). Health Law Judge Koehler held a prehearing conference on June 6, 2003, and in a prehearing order ruled on objections to exhibits. Prehearing Order No. 2. During a prehearing conference on June 18, 2003, immediately prior to the hearing, Health Law Judge Arthur DeBusschere considered additional exhibits and objections to exhibits.

During the hearing, the Department did not present any witnesses. The Respondent testified on his own behalf. Jean Erickson, Court Reporter, recorded the proceedings conducted on June 18, 2003. After the hearing, the parties submitted in writing their closing arguments, filed June 25, 2003.

ARGUMENT OF THE PARTIES

The Department argued that the Respondent's application should be denied. The Department argued that the Respondent misrepresented a material fact on a license application before the West Virginia Board of Medicine (the West Virginia Board). In support of its arguments, the Department referred to denials of Respondent's applications for licensure before the West Virginia Board as well as the

Colorado Board of Medical Examiners (the Colorado Board), to the Respondent's conduct at three medical facilities in other states, and to his malpractice settlements.

The Respondent argued that prior licensure application denials in West Virginia and Colorado do not provide a legal basis for concluding unprofessional conduct under RCW 18.130.180(5). That is, a denial of a license application is not a suspension, revocation or a restriction of an individual license. He asserted that the procedures and decisions of the West Virginia and Colorado Boards should not have any *res judicata* effect upon this proceeding, because the burden of proof in this case is by clear and convincing evidence.

The Respondent acknowledged that the Colorado Board had denied his application for a license to practice medicine. He also acknowledged that in his subsequent application for a license to practice medicine in the state of West Virginia, he answered "no" to the question "Have you ever, in any jurisdiction, for any reason, been denied a license to practice medicine?" The Respondent explained, however, that he relied upon his knowledge that the Colorado Board's report to the National Practitioner Data Bank (the National Data Bank) was incorrect and was to be voided. The Respondent argued that he appropriately assumed that if the Colorado Board's action was not reportable to the National Data Bank, then it was similarly not reportable elsewhere.

The Respondent argued that the facts and circumstances regarding his application for licensure in West Virginia do not rise to the level of moral turpitude, dishonesty or corruption in violation of RCW 18.130.180(1). He further argued that his

answer was not an intentional act to deceive and thus, was not misrepresentation under RCW 18.130.180(2).

The Respondent asserted that the facts here were not like those in the case of Heinmiller v. Department of Health, 127 Wn.2d 595, 602-604 (1995). In Heinmiller, the Washington Supreme Court determined that "misrepresentation" under RCW 18.130.180(2) encompasses not only the situation where the licensee knowingly conceals material information, but also where the licensee should have known that the information should be disclosed. Heinmiller, 127 Wn.2d at 602-604. The Respondent testified that he had sought legal advice and was informed by his attorney at the time that his answer was correct. Thus, he argued that he did not have any "actual knowledge or constructive knowledge" that his answer was incorrect.

The Respondent argued that his application should be accepted. He pointed out that he has had a successful career as a physician specializing in Obstetrics and Gynecology, particularly as a perinatologist, a practice that involves treatment of high-risk pregnancies. The Respondent stated that he voluntarily withdrew from having privileges at hospitals on three occasions and explained his reasons. The Respondent asserted that he has been named as a defendant in only three separate malpractice claims over the thirty years of his career.

I. FINDINGS OF FACT

1.1 The Respondent, Stefan Semchyshyn, M.D., applied for a license to practice as a physician and surgeon by the State of Washington, in January 2003.

1.2 On March 28, 1996, the Colorado Board denied the Respondent's application to practice medicine in Colorado. The Colorado Board's action was based on: (1) two medical malpractice settlements; (2) a limitation of Respondent's privileges at St. Barnabas Medical Center in New Jersey; and (3) concerns about Respondent's care of patients at Clara Maas Medical Center, from which Respondent resigned.

1.3 On June 21, 1996, the Colorado Board reported to the offices of the National Data Bank that it denied the Respondent's application for licensure. After this report was sent to the National Data Bank, the Department of Health and Human Services, Bureau of Health Professions, informed the Colorado Board that a denial of a renewal of a license is reportable to the National Data Bank, but that a denial of an initial application for licensure is not.

1.4 In March 2001, the Respondent applied for a license to practice medicine in West Virginia. In the application, the Respondent answered "no" to the question "Have you ever, in any jurisdiction, for any reason, been denied a license to practice medicine?"

1.5 On November 4, 2001, the West Virginia Board denied Respondent's application to practice medicine in West Virginia. The West Virginia Board's action was based on: (1) the denial of the application to practice medicine in Colorado; (2) Respondent stating on his West Virginia application that he had not been denied a license to practice medicine in another jurisdiction; (3) two malpractice settlements; (4) Respondent resigning privileges at Wellmont Holston Valley Hospital in Tennessee after a summary suspension of privileges regarding quality of care concerns, instances

of inappropriate behavior, and a failure to adhere to a Corrective Action Plan; and (5) the suspension of Respondent's gynecological surgery privileges at Saint Barnabas Medical Center in New Jersey.

II. CONCLUSIONS OF LAW

2.1 The Commission has jurisdiction over the Respondent's license and over the subject matter of this proceeding. RCW 18.64; RCW 18.130.

2.2 The Washington Supreme Court has held that the standard of proof in disciplinary proceedings against physicians before the Washington State Medical Quality Assurance Commission is proof by clear and convincing evidence.

Nguyen v. Department of Health, 144 Wn.2d 516, 534, cert. denied, 535 U.S. 904 (2002).

2.3 Under RCW 18.130.180(1), the following conduct is defined as unprofessional conduct for any license holder or applicant:

The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. . . .

2.4 Based upon Findings of Fact 1.1 through 1.5, the Commission concludes that the Department proved by clear and convincing evidence that Respondent's conduct was dishonest and that he violated RCW 18.130.180(1). Independent of whether or not the conduct was a crime, the Respondent's conduct in falsely answering a question to obtain a medical license was conduct involving dishonesty. This violation constitutes unprofessional conduct and is grounds for disciplinary action and the imposition of sanctions under RCW 18.130.160.

2.5 The Uniform Disciplinary Act also defines unprofessional conduct as “[m]isrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof.” RCW 18.130.180(2).

2.6 Based upon Findings of Fact 1.1 through 1.5, the Commission concludes that the Department proved by a clear and convincing evidence that Respondent misrepresented or concealed a material fact in obtaining a license and that he violated RCW 18.130.180(2).

2.7 The Respondent’s reference to the holding in Heinmiller is misplaced. Here, it was not an issue whether the Respondent “should have known” that his failure to disclose that his license had been denied by the Colorado Board was misrepresentation of a material fact in obtaining the West Virginia license. The Respondent in fact knew that his license had been denied by the Colorado Board. The Respondent’s decision not to correctly answer the question was a concealment of a material fact in attempting to obtain his license, regardless of the fact that the denial of licensure by the Colorado Board was not reportable to the National Data Bank.

2.8 Further, the Commission was not persuaded by the Respondent’s explanation that he relied upon counsel’s advice when he incorrectly answered the question. The Respondent’s reliance on a former counsel’s advice when answering the question does not eliminate his obligation to correctly answer the questions on his application. By not disclosing the Colorado’s Board’s denial of his license application, the Respondent concealed a material fact in attempting to obtain a license. This

violation constitutes unprofessional conduct under RCW 18.130.180(2), and is grounds for disciplinary action and the imposition of sanctions under RCW 18.130.160.

2.9 Under RCW 18.130.180(5), the following conduct is defined as unprofessional conduct for any license holder or applicant:

Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

2.10 The Commission considered the Respondent's argument and noted the absence of any arguments by the Department to reference any facts or to provide any legal argument to address the issue whether the denials of licensure applications by the Colorado and West Virginia Boards were a "[s]uspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction" in violation of RCW 18.130.180(5). The Department failed to prove by clear and convincing evidence that that Respondent conduct was in violation of RCW 18.130.180(5). This allegation should be dismissed.

2.11 Upon a finding of unprofessional conduct, the Commission has the authority to order appropriate sanctions. The Commission must first consider the protection of the public. RCW 18.130.160.

2.12 In the case of In re Kindschi, 52 Wn.2d 8 (1958), the Washington Supreme Court upheld the Medical Disciplinary Board's decision to suspend a

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FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND FINAL ORDER

physician's license to practice medicine after he was convicted of tax fraud.

The daily practice of medicine concerns life and death consequences to members of the public. They have an understandable interest in the maintenance of sound standards of conduct by medical practitioners. The public has a right to expect the highest degree of trustworthiness of the members of the medical profession. We believe there is a rational connection between income tax fraud and one's fitness of character or trustworthiness to practice medicine, so that the legislature can properly make fraudulent conduct in such instances a ground for revoking or suspending the license of a doctor.

Kindschi, 52 Wn. 2d at 12 (Emphasis added.).

2.13 The Washington Supreme Court also considered in another case whether an attorney committed an act of moral turpitude when that attorney was convicted of federal pension laws by falsely notarizing affidavits. In the matter of the Disbarment of James Hopkins, 54 Wash. 569 (1909). The Court held that an attorney's conduct of bearing false witness was conduct involving moral turpitude, independent of the federal pension laws for notarizing documents. The Court affirmed the revocation of the attorney's license to practice.

2.14 Although the Respondent did not commit a crime of tax fraud as in Kindschi, or had not been convicted of falsely notarizing affidavits as in Hopkins, the Respondent's conduct was similar in nature. The Respondent failed to honestly answer a question in his application for licensure in West Virginia; that is, he concealed a material fact in obtaining a license. The Commission finds the Respondent's misconduct significant, particularly when considering an application for licensure. The Respondent's misconduct shows a lack of trustworthiness expected by the public and indicates an unfitness to practice medicine. An order should be entered denying the

Respondent's application for a license to practice medicine and surgery in the state of Washington.

III. ORDER

Based on the foregoing, the Commission hereby ORDERS the Respondent's application to practice as a physician and surgeon in the state of Washington is DENIED.

Dated this 5th day of September, 2003.

Medical Quality Assurance Commission



KENNETH COGEN, M.D.
Panel Chair

CLERK'S SUMMARY

<u>Charge</u>	<u>Action</u>
RCW 18.130.180(1)	Violated
RCW 18.130.180(2)	Violated
RCW 18.130.180(5)	Dismissed

NOTICE TO PARTIES

This order is subject to the reporting requirements of RCW 18.130.110, Section 1128E of the Social Security Act, and any other applicable interstate/national reporting requirements. If adverse action is taken, it must be reported to the Healthcare Integrity Protection Data Bank.

Either party may file a **petition for reconsideration**. RCW 34.05.461(3); 34.05.470. The petition must be filed within 10 days of service of this Order with:

The Adjudicative Clerk Office
P.O. Box 47879
Olympia, WA 98504-7879

and a copy must be sent to:

Medical Quality Assurance Commission
PO Box 47866
Olympia, WA 98504-7866

The petition must state the specific grounds upon which reconsideration is requested and the relief requested. The petition for reconsideration is considered denied 20 days after the petition is filed if the Adjudicative Clerk Office has not responded to the petition or served written notice of the date by which action will be taken on the petition.

A **petition for judicial review** must be filed and served within 30 days after service of this order. RCW 34.05.542. The procedures are identified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. A petition for reconsideration is not required before seeking judicial review. If a petition for reconsideration is filed, however, the 30-day period will begin to run upon the resolution of that petition. RCW 34.05.470(3).

The order remains in effect even if a petition for reconsideration or petition for review is filed. "Filing" means actual receipt of the document by the Adjudicative Clerk Office. RCW 34.05.010(6). This Order was "served" upon you on the day it was deposited in the United States mail. RCW 34.05.010(19).

FOR INTERNAL USE ONLY: (Internal tracking numbers) Program No. 2003-03-0090
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STATE MEDICAL BOARD
OF OHIO

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

2003 NOV 17 P 3 26

RE: Stefan Semchyshyn, MD
Docket No.: 03-04-A-1073MD
Document: Statement of Charges

Regarding your request for information about the above-named practitioner, 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) 236-4818

You may appeal the decision to withhold any information by writing to the Deputy Secretary, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

I Certify that this is a true and correct copy of the document on file with the State of Washington, Department of Health, Adjudicative Clerk Office.

13TH day of NOVEMBER, 2003

Marla Grant
Signature, Authorized Representative

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION**

In the Matter of the License to Practice)
As a Physician and Surgeon of:) **Docket No. 03-04-A-1073MD**
)
STEFAN SEMCHYSHYN, MD) **STATEMENT OF CHARGES**
License No. MC00014159) **ON LICENSE APPLICATION**
Respondent.)
_____)

The Program Manager of the Medical Quality Assurance Commission (Commission), on designation by the Commission, makes the allegations below, which are supported by evidence contained in program case file 2003-03-0090MD.

Section 1: ALLEGED FACTS

1.1 Stefan Semchyshyn, MD, Respondent, applied for a license to practice as a physician and surgeon by the state of Washington, in January 2003.

1.2 On March 28, 1996, the Colorado Board of Medical Examiners denied Respondent's application to practice medicine in Colorado. The Board's action was based on (1) two medical malpractice settlements; (2) a limitation of Respondent's privileges at St. Barnabas Medical Center in New Jersey; and (3) concerns about Respondent's care of patients at Clara Maas Medical Center, from which Respondent resigned.

1.3 In 2001, Respondent applied for a license to practice medicine in West Virginia. In the application, Respondent answered "no" to the question "Have you ever, in any jurisdiction, for any reason: been denied a license to practice medicine?"

1.4 On November 14, 2001, the West Virginia Board of Medicine denied Respondent's application to practice medicine in West Virginia. The Board's action was based on (1) the denial of the application to practice medicine in Colorado; (2) Respondent stating on his West Virginia application that he had not been denied a license to practice medicine in another jurisdiction; (3) two malpractice settlements; (4) Respondent resigning privileges at Wellmont Holston Valley Hospital in Tennessee after a summary suspension of privileges regarding quality of care concerns, instances of inappropriate behavior, and a failure to adhere to a Corrective Action Plan; and (5) the

suspension of Respondent's gynecological surgery privileges at Saint Barnabas Medical Center in New Jersey.

Section 2: ALLEGED VIOLATIONS

2.1 The violations alleged in this section constitute grounds for disciplinary action, pursuant to RCW 18.130.180 and the imposition of sanctions under 18.130.160.

2.2 The facts alleged in paragraphs 1.2 and 1.4 constitute unprofessional conduct in violation of RCW 18.130.180(5), which provides:

(5) Suspension, revocation, or restriction of the individual's license to practice any health care profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation suspension, or restriction

2.3 The facts alleged in paragraph 1.3 constitute unprofessional conduct in violation of RCW 18.130.180(1), and (2), which provide in part:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not.

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof.

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Section 3: NOTICE TO RESPONDENT

The charges in this document affect the public health, safety and welfare. The Program Manager of the Commission directs that a notice be issued and served on Respondent as provided by law, giving Respondent the opportunity to defend against these charges. If Respondent fails to defend against these charges, Respondent shall be subject to discipline, pursuant to RCW 18.130.180 and the imposition of sanctions under 18.130.160.

DATED this 6th day of May, 2003.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION

By: Lisa Noonan
Lisa Noonan
Program Manager

Keith D. Armstrong
WSBA # 23795
Assistant Attorney General Prosecutor

FOR INTERNAL USE ONLY. INTERNAL TRACKING NUMBERS: Program Nos. 2003-03-0090MD



**ILLINOIS DEPARTMENT OF
FINANCIAL AND PROFESSIONAL REGULATION**

FERNANDO E. GRILLO, SECRETARY

ROD R. BLAGOJEVICH, GOVERNOR

Please contact the
Division of Professional Regulation,
Licensure Maintenance Unit,
at 217-782-0458 if you have any
questions.

CERTIFICATION OF LICENSURE

OHIO STATE MEDICAL BOARD

AUG 02 2004

STATE MEDICAL BOARD OF OHIO
ATTN: CHARLES A WOODBECK
77 SOUTH HIGH STREET 17TH FLOOR
COLUMBUS, OHIO 43215-6127

Licensee:	STEFAN SEMCHYSHYN
License Number:	036-059686
Profession:	PHYSICIAN AND SURGEON
Date of Issuance:	10/26/1979
Expiration Date:	07/01/1982
License Status:	REFUSE TO RENEW
License Method:	ENDORSEMENT - FLEX
Disciplinary History:	HAS BEEN DISCIPLINED - SEE ENCLOSED

This document is a certified copy of the records maintained and kept by this Department in the regular course of business as of today's date.



Daniel E. Bluthardt
Acting Director

Division of Professional Regulation

7/30/2004
Date

Refer to the Department's Web Site at www.dpr.state.il.us to verify professional licenses via License Look-Up.

Illinois
Department of Professional Regulation
320 West Washington, 3rd Floor, Springfield IL 62786

ATTENTION

The attached document is an official
State of Illinois
Licensure certification/verification, prepared by the
Illinois Department of Professional Regulation

This certifies that the named individual has met all of the
educational/examination requirements by law in order to
receive the credential that is being verified.

The Department has eliminated specific
examination status from certifications/verifications
of licensure as passage of an examination is a
requirement for licensure.

This information is the ONLY certification
information provided by this Department. If other information is
needed, it MUST be obtained from the applicant.

THANK YOU



**ILLINOIS DEPARTMENT OF
FINANCIAL AND PROFESSIONAL REGULATION**

FERNANDO E. GRILLO, SECRETARY

ROD R. BLAGOJEVICH, GOVERNOR

CERTIFICATION

I, Daniel E. Bluthardt, Acting Director of the Division of Professional Regulation, do hereby certify that I have been designated by the Secretary of the Department of Financial and Professional Regulation of the State of Illinois, as the keeper of its records and Seal. Such document(s) attached hereto are certified copies of the records maintained and kept by this Department in the regular course of business as of today's date.

IN WITNESS WHEREOF, I have set my hand and Seal of the Department of Financial and Professional Regulation at Springfield, Sangamon County, Illinois, this 30th day of July 2004.

Daniel E. Bluthardt &
Acting Director
Division of Professional Regulation



STATE OF ILLINOIS

DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION)
of the State of Illinois, Complainant)
v.) No. 2004011411
Stefan Semchyshyn MD)
Registration Number: 36059686, Respondent)

NOTICE OF INTENT TO REFUSE TO RENEW
PHYSICIAN AND SURGEON LICENSE

TO: Stefan Semchyshyn MD
Overlook Hospital
193 Morris Ave
Summit, NJ 07901

BE NOTIFIED that the Department of Professional Regulation of the State of Illinois (Department) has received information that your Physician and Surgeon License was disciplined by the State of Washington.

BE NOTIFIED THAT A Sister-State Discipline is a violation of the Medical Practice Act, 225 Illinois Compiled Statutes (2002), Section 60/22 (A) paragraph(S) 12, and the Department has determined that you are unfit for registration as a physician and surgeon in The State of Illinois due to the Sister-State Discipline:

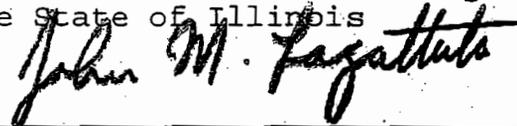
DATE: 09/05/2003
STATE: Washington
ACTION: Denial of Licensure
BASIS: Unprofessional Conduct

YOU ARE FURTHER NOTIFIED that you have the right to request a hearing to address the issue(s) that gives rise to placing your Physician and Surgeon License in Refuse to Renew Status. You

shall have 30 days from the date of this notice to make a written request for a hearing. Failure to request a hearing within 30 days will result in the entry of the Order of Refusal to Renew your Physician and Surgeon License. Your request for a hearing should be directed to The Clerk of the Court, Illinois Department of Professional Regulation, 100 W. Randolph St., Suite 9-300, Chicago, IL 60601.

Department of Professional Regulation
Of the State of Illinois

BY: _____


John M. Lagatutta
CHIEF OF MEDICAL PROSECUTIONS

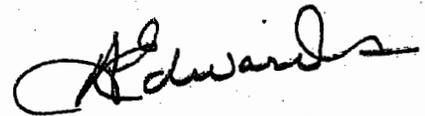
All other inquiries should be directed to:

The Department of Professional Regulation

Name:	Sadzi M. Oliva
Address:	100 W. Randolph St., Suite 9-300 Chicago, IL 60601
Telephone:	312-814-4517
Fax:	312-814-5392

STATE OF ILLINOIS)
)
COUNTY OF COOK) SS:

UNDER PENALTIES, as provide by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that I caused copies of the foregoing NOTICE OF INTENT TO REFUSE TO RENEW PHYSICIAN AND SURGEON LICENSE to be deposited in the United States mailbox located at 100 West Randolph Street, Suite 9-300, Chicago, Illinois 60601, by both regular mail and Certified mail, return receipt requested in envelopes before 5 pm. with the proper postage prepaid on MARCH 26TH, 2004 to all parties at the addresses listed on the attached documents.



AFFIANT

STATE OF ILLINOIS

DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION)
of the State of Illinois,)
)
v.) No. 200401141-1
STEFAN SEMCHYSHYN, M.D.)
License No. 36-059686,)
Complainant)
Respondent)

ORDER

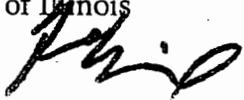
To: Stefan Semchyshyn, M.D.
Overlook Hospital
193 Morris Ave.
Summit, NJ 07901

This matter having come before the Director of the Department of Professional Regulation of the State of Illinois, pursuant to the Department's Notice of Intent to Refuse to Renew, the Respondent having been served with said notice, and the Respondent having filed no petition to contest within the designated time.

Now, therefore I, Fernando E. Grillo, Director of the Department of Professional Regulation of the State of Illinois, do hereby refuse to renew Respondent's Physician and Surgeon License issued by the State of Illinois and adopt the grounds specified therefore in the Department's Notice of Intent to Refuse to Renew.

DATED THIS 10th, DAY OF June, 2004.

DEPARTMENT OF PROFESSIONAL REGULATION
of the State of Illinois



FERNANDO E. GRILLO
DIRECTOR

STATE OF ILLINOIS
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION)
of the State of Illinois, Complainant)

v.)

) NO. 2004-01141-1
)

STEFAN SEMCHYSHYN Respondent

NOTICE

TO: STEFAN SEMCHYSHYN
OVERLOOK HOSPITAL
193 MORRIS AVE.
SUMMIT, NJ 07901

PLEASE TAKE NOTICE that the Director of the Department of Professional Regulation did sign the attached Order.

YOU ARE FURTHER NOTIFIED that you have a right to judicial review of all final administrative decisions of this Department, pursuant to the provisions of the "ADMINISTRATIVE REVIEW ACT," approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

The order of the Director of the Department of Professional Regulation will be implemented as of the date of the Order unless the Order states otherwise.

DEPARTMENT OF PROFESSIONAL REGULATION
of the State of Illinois

BY:


Clerk for the Department

All inquiries should
be directed to the
Prosecutions Unit
312/814-4477

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

ss:

UNDER PENALTY of perjury, as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that I caused copies of the attached NOTICE AND ORDER, to be deposited in the United States mail, by CERTIFIED mail at 320 W. Washington, Springfield, Illinois 62786, before 5:00 p.m. with proper postage prepaid on the 10th day of June, 2004 to all parties at the addresses listed on the attached documents.

Traci S. Orday
AFFIANT