

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

July 18, 1985

Bruce Krygowski, M.D.
2000 Clark
Stevens Point, Wisconsin 54481

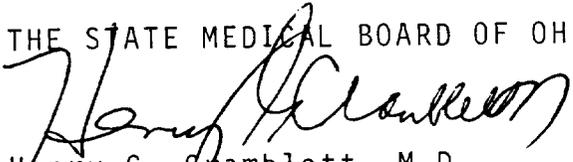
Dear Doctor Krygowski:

Please find enclosed a certified copy of the Entry of Order, the Report and Recommendation of John H. Buchan, D.P.M., Member, State Medical Board of Ohio and a certified copy of the Motion by the State Medical Board, meeting in regular session on July 10, 1985, approving and confirming said Report and Recommendation as the Findings and Order of the State Medical Board.

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

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

THE STATE MEDICAL BOARD OF OHIO



Henry G. Cramblett, M.D.
Secretary

HGC:em

Enclosures

CERTIFIED MAIL NO.P569-457-917
RETURN RECEIPT REQUESTED

STATE OF OHIO
THE STATE MEDICAL BOARD

IN THE MATTER OF *
 *
BRUCE KRYGOWSKI, M.D. *

ENTRY OF ORDER

This matter came on for consideration before the
State Medical Board of Ohio the 10th day of July, 1985.

Upon the Report and Recommendation, a true copy of which
is attached hereto and incorporated herein, of John H. Buchan, D.P.
the Hearing Member in this matter designated pursuant to R.C.
4731.23, which Report and Recommendation was approved and con-
firmed by vote of the Board on the above date, the following
Order is hereby entered on the Journal of the State Medical
Board for the 10th day of July, 1985, and made part of the
Board's proceedings:

It is hereby ORDERED:

That Dr. Bruce Krygowski's license to practice
medicine and surgery in the State of Ohio be
and is hereby REVOKED.

The ORDER is effective July 10, 1985.

(SEAL)


Henry G. Cramblett, M.D.
Secretary

July 18, 1985

Date

STATE OF OHIO
THE STATE MEDICAL BOARD

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REPORT AND RECOMMENDATION
IN THE MATTER OF BRUCE KRYGOWSKI, M.D.

The matter of Bruce Krygowski, M.D., came before me, John H. Buchan, D.P.M., Member of the State Medical Board of Ohio, on January 23, 1985.

INTRODUCTION AND SUMMARY OF EVIDENCE

1. Dr. Krygowski appeared at the January 23, 1985 hearing on his own behalf, having being duly advised of his right to counsel, as well as of his right to present and cross-examine witnesses.
2. Assistant Attorney General Christopher Culley appeared on behalf of the State.
3. In his opening remarks, Mr. Culley indicated that the State Medical Board had notified Dr. Krygowski by letter of May 9, 1984 of its intention to determine whether or not to take disciplinary action against the doctor's license on the basis of a conviction on or about October 12, 1983 in the United States District Court for the Eastern District of Michigan for one count of unlawful distribution of controlled substances (Talwin, a Schedule IV drug) and one count of aiding and abetting. Such acts constitute violations of 21 U.S.C. 841(A) and 18 U.S.C. 2 and are felonies under the United States Code. The State alleged that Dr. Krygowski's conviction presented grounds for disciplinary action on the following bases:
 - A. Section 4731.22(B)(9), Ohio Revised Code, to wit: conviction of a felony whether or not committed in the course of his practice;
 - B. Section 4731.22(B)(2), Ohio Revised Code, to wit: Failure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease;
 - C. Section 4731.22(B)(3), Ohio Revised Code, to wit: Selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes or conviction of violation of any federal or state law regulating the possession, distribution, or use of any drug;

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- D. Section 4731.22(B)(6), Ohio Revised Code, to-wit: A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established.
4. In the course of his opening statement, Mr. Culley identified the following exhibits, which had been previously stipulated to by the parties:
- A. State's Exhibit #1 is a May 9, 1984 letter to Dr. Krygowski from the State Medical Board informing him of the Board's proposal to take action against his license and advising him of his right to a hearing.
 - B. State's Exhibit #2 is the certified mail receipt verifying Dr. Krygowski's receipt of State's Exhibit #1.
 - C. State's Exhibit #3 is a May 29, 1984 letter from Dr. Krygowski to the State Medical Board requesting a hearing in this matter.
 - D. State's Exhibit #4 is a November 27, 1984 letter from the State Medical Board to Dr. Krygowski advising him of the scheduled hearing date.
 - E. State's Exhibit #5 is a June 6, 1984 letter from the State Medical Board to Dr. Krygowski advising him that a hearing had been scheduled and postponed pursuant to Section 119.09, Ohio Revised Code.
 - F. State's Exhibit #6 is a certified copy of the Judgment Order of the United States District Court for the Eastern District of Michigan, evidencing Dr. Krygowski's guilty plea and conviction of unlawful distribution of controlled substances in violation of Section 841(A), Title 21, United States Code; and aiding and abetting, in violation of Section 2, Title 18, United States Code.
5. Mr. Culley contended that the conviction documented by State's Exhibit #6, to which Dr. Krygowski stipulated, established that the violations of the Medical Practice Act alleged by the May 9, 1984 citation letter were fully and completely proven.
6. In his opening remarks, Dr. Krygowski stated that he did not dispute Mr. Culley's contentions. He noted that he had, in fact, plead guilty in Federal Court in 1983 and had been heavily fined and placed on probation. He added that he felt fortunate that the State had not taken immediate action against his license because he had been able to complete his residency training.
7. After being duly sworn, Dr. Krygowski proceeded to testify, as follows:
- A. That he had been convicted in Federal Court of the unlawful distribution of controlled substances, as evidenced by State's Exhibit #6.

- 85 MAY 23 11:11 AM
MEDICAL BOARD
- B. That he resided in Kettering, Ohio until a week prior to the hearing. He now lives in Wisconsin.
 - C. That he has been licensed to practice medicine in three states: Michigan, Ohio and Wisconsin.
 - 1) His Michigan license was suspended for a minimum of one year, and he has recently applied for reinstatement. His application materials and CME information are currently under review by the Michigan Board.
 - 2) He is currently awaiting a formal decision about his licensure status from the Wisconsin Board. He stated that his attorney had speculated that he would probably receive a three-month suspension. He added that he intended to practice in Wisconsin as soon as he became eligible.
 - D. That his prescribing privileges were restricted by the Drug Enforcement Administration (D.E.A.) in November, 1984, requiring him to have all his prescriptions co-signed by another physician and mandating that he keep a drug log. He is not permitted to use his own D.E.A. number, although he was allowed to use the number issued to his training hospital during his residency.
 - E. That his conviction had arisen from acts committed while he was working intermittently at a clinic in Michigan from September, 1981 through March, 1982. He was indicted in January, 1983. His license was suspended by the Michigan Board in October, 1983.
 - F. That he transferred his FLEX scores into Ohio and was licensed in 1982. He was not aware of the charges against him at that time.
 - G. That he was in his first year of residency training in plastic surgery in Kettering, Ohio when he was indicted in Michigan. He plead guilty to the charges against him in June, 1983 on the advice of his attorney because he could not afford the costs of litigation.
 - H. That he had been asked to leave his residency program following his indictment in March, 1983. This request was withdrawn pending the outcome of his trial. He voluntarily withdrew from the program after the completion of his first year of training. He was readmitted to the training program following his sentencing in Federal Court in October, 1983, and served as chief resident for seven or eight months.
 - I. That he has been unemployed since he completed his residency training in January, 1985. He anticipates that he will remain unemployed until he is granted his Wisconsin license.
 - J. That he does not claim to be innocent of the charges leveled against him and admits that he was "not wise" and "did things (he) shouldn't have done." (Transcript at 33)

8. At the request of the Hearing Officer, the record was held open for the submission by Dr. Krygowski of the Memorandum of Agreement entered into between Dr. Krygowski and the D.E.A. concerning his prescribing privileges. This document was received in the offices of the State Medical Board on February 4, 1985 and is hereby admitted to the record of these proceedings.

FINDINGS OF FACT

85 MAY 23 10:12 AM
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1. On October 12, 1983, Bruce R. Krygowski, M.D., was convicted in Federal Court of one count of unlawful distribution of controlled substances (Talwin, a Schedule IV controlled drug) and one count of aiding and abetting.
2. The acts of which Dr. Krygowski was convicted constitute violations of 21 U.S.C. 841(a) and 18 U.S.C. 2 and are defined as felonies under the United States Code.

CONCLUSIONS

1. Dr. Krygowski's felony conviction, which is evidenced by State's Exhibit #6 and the Respondent's own admission, constitutes a violation of Section 4731.22(B)(9), Ohio Revised Code, to wit: "conviction of a felony whether or not committed in the course of his practice."
2. Dr. Krygowski's conviction constitutes a violation of Section 4731.22(B)(2), Ohio Revised Code, to wit: "failure to use reasonable care discrimination in the administration of drugs or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease."
3. Dr. Krygowski's conviction constitutes a violation of Section 4731.22(B)(3), Ohio Revised Code, to wit: "selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes or conviction of violation of any federal or state law regulating the possession, distribution, or use of any drug."
4. Dr. Krygowski's acts constitute a violation of Section 4731.22(B)(6), Ohio Revised Code, to wit: "a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established."

PROPOSED ORDER

It is hereby ORDERED that Dr. Bruce Krygowski's license to practice medicine and surgery in the State of Ohio be and is hereby revoked.

This ORDER shall become effective as determined by the State Medical Board of Ohio.



JOHN W. BUCHAN, D.P.M.
Hearing Member
State Medical Board of Ohio

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OFFICE OF THE
CLERK OF THE
STATE MEDICAL BOARD

EXCERPT FROM THE MINUTES OF JULY 10, 1985

REPORT AND RECOMMENDATION IN THE MATTER OF BRUCE KRYGOWSKI, M.D.

Dr. Rauch asked if each member of the Board received, read and considered the hearing record, the proposed findings and order, and any objections filed to the proposed findings and order in the matter of Bruce Krygowski, M.D. A roll call was taken:

ROLL CALL:

Dr. Cramblett	- aye
Dr. Lancione	- aye
Dr. Lovshin	- aye
Dr. Oxley	- aye
Ms. Rolfes	- aye
Dr. Stephens	- aye
Dr. Rauch	- aye

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DR. STEPHENS MOVED THAT NO FURTHER EVIDENCE BE ENTERTAINED IN THE MATTER OF BRUCE KRYGOWSKI, M.D. MS. ROLFES SECONDED THE MOTION. A discussion followed.

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ROLL CALL VOTE:

Dr. Cramblett	- aye
Dr. Lancione	- nay
Dr. Lovshin	- aye
Dr. Oxley	- aye
Ms. Rolfes	- aye
Dr. Stephens	- aye
Dr. Rauch	- aye

The motion carried.

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DR. STEPHENS MOVED TO APPROVE AND CONFIRM DR. BUCHAN'S REPORT AND RECOMMENDATION IN THE MATTER OF BRUCE KRYGOWSKI, M.D., THE ORIGINAL OF WHICH SHALL BE MAINTAINED IN THE EXHIBITS SECTION OF THIS JOURNAL. MS. ROLFES SECONDED THE MOTION. A discussion followed.

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

ROLL CALL VOTE:

Dr. Cramblett	- aye
Dr. Lancione	- nay
Dr. Lovshin	- aye
Dr. Oxley	- aye
Ms. Rolfes	- aye
Dr. Stephens	- aye
Mr. Johnston	- abstain
Dr. Rauch	- aye

REPORT AND RECOMMENDATION
IN THE MATTER OF BRUCE KRYGOWSKI, M.D.

The motion carried.

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MS. ROLFES MOVED THAT THE ORDER IN THE MATTER OF BRUCE KRYGOWSKI, M.D. BE EFFECTIVE JULY 10, 1985. DR. LOVSHIN SECONDED THE MOTION. All members voted aye. The motion carried.

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

May 9, 1984

Bruce Krygowski, M.D.
4979 Cordell Drive
Kettering, OH 45439

Dear Doctor Krygowski:

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

1. That on or about October 12, 1983 in the United States District Court for the Eastern District of Michigan, you were convicted of one count of unlawful distribution of controlled substances, talwin, a Schedule IV Controlled Substance and one count of aiding and abetting. Said acts constituted violations of 21 U.S.C. Section 841(a) and 18 U.S.C. Section 2.

Said crimes are felonies under the United States Code.

Conviction of a felony or felonies constitutes grounds to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine or surgery pursuant to Ohio Revised Code Section 4731.22(B)(9).

Further, that your acts cited in Paragraph 1 constitute a violation of Section 4731.22(B)(2), Ohio Revised Code, to wit: failure to use reasonable care discrimination in the administration of drugs or failure to employ acceptable scientific methods in the selection of drugs or other modalities of disease.

Such acts as cited in Paragraph 1 constitute a violation of Section 4731.22(B)(3), Ohio Revised Code, to wit: selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes or conviction of violation of any federal or state law regulating the possession, distribution, or use of any drug.

Such acts stated in Paragraph 1 constitute a violation of Section 4731.22(B)(6), Ohio Revised Code, to wit: a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established.

May 9, 1984

-2-

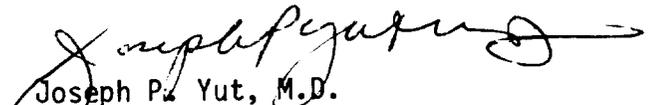
Pursuant to Chapter 119., Ohio Revised Code, please be advised that you may request a hearing on this matter. If you wish to request such a hearing, that request must be made within thirty (30) days of the time of mailing of this notice.

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

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

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

Very truly yours,


Joseph P. Yut, M.D.
Secretary

JPY:jmb

Enclosure:

CERTIFIED MAIL #P34 9335476
RETURN RECEIPT REQUESTED