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Department of State

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

BEFORE THE STATE BOARD OF MEDICINE

**COMMONWEALTH OF PENNSYLVANIA,
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

v.

**VAN S. BATCHIS, M.D.
LICENSE NO. MD-011891-E
Respondent**

**DOCKET NO. 1949-49-10
FILE NO. 10-49-05940**

FINAL ADJUDICATION AND ORDER

**KATIE TRUE,
ACTING COMMISSIONER
BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**

**CAROL E. ROSE, M.D., CHAIRPERSON
STATE BOARD OF MEDICINE**

2601 North Third Street
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649

SRD

HISTORY

This case comes before the State Board of Medicine (Board) from the proposed Adjudication and Order of Board hearing examiner Joyce McKeever, Esquire dated March 11, 2011. The prior history of this matter is fully discussed in the Hearing Examiner's proposed Adjudication and Order (appended as Attachment "A"). The hearing examiner concluded that Van S. Batchis, M.D. (Respondent) was subject to disciplinary action under Section 41(4) of the Medical Practice Act of 1985 (Act), Act of December 20, 1985, P.L. 457, as amended, 63 P.S. §422.41(4), as a result of disciplinary action taken against Respondent's license to practice medicine by the proper licensing authority in another state. In regards to Count II of the Order to Show Cause, the hearing examiner concluded that Respondent was not subject to discipline under Section 903(2) of the Medical Care Availability and Reduction of Error (MCARE) Act, Act of March 20, 2002, P.L. 154, 40 P.S. § 1303.903(2) for failing to report the disciplinary action to the Board. The hearing examiner proposed an indefinite suspension until such time as Respondent provides documentary evidence satisfactory to the Board that the Commonwealth of Massachusetts Board of Registration in Medicine has reinstated Respondent's license to practice medicine without restriction in Massachusetts.

By order dated April 15, 2011, the Board gave notice that it would review this matter under the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 35.226(a)(2) (final orders include adjudication of agency upon appeal of party by filing exceptions or upon review initiated by agency). On April 4, 2011 the Commonwealth filed an application for review of the hearing examiner's adjudication and order under 1 Pa. Code §35.211. Under the Board's regulation at 49 Pa. Code § 16.57(a)(1) (upon party's application for review or Board's own motion, Board will review hearing examiner's decision). Respondent did not file a brief or exceptions or a brief opposing the Commonwealth's exceptions and has therefore waived all objections to the hearing examiner's

adjudication and order under 1 Pa.Code §35.213..

The Board deliberated this matter at its meeting on May 24, 2011, and now issues this final adjudication and order as a final determination of the charges against Respondent.

FINDINGS OF FACT

The Board has reviewed the record and agrees with the hearing examiners findings of fact 1-17. Thus, the board incorporates by reference as if set out in full herein and adopts as its own the findings of fact of the hearing examiner's adjudication.

CONCLUSIONS OF LAW

The Board has reviewed the record and agrees with the hearing examiners conclusions of law 1-3 and 5. Therefore, the board incorporates by reference as if fully set forth herein out and adopts as its own conclusions of law 1-3 and 5 of the hearing examiner's adjudication, but not conclusion of law 4. Additionally, the Board makes the following conclusion of law:

4. Respondent is subject to disciplinary action under Section 903(2) of the Mcare Act, 40 P.S. §1303.903(2), in that Respondent failed to report to the Board information regarding disciplinary action taken against Respondent by a health care licensing authority of another state within sixty days after occurrence. (Findings of Fact, Nos. 1-8).

DISCUSSION

The Board adopts as its own that portion of the hearing examiner's discussion concluding that Respondent is subject to disciplinary action under Section 41(4) of the Act, 63 P.S. §422.41(4), in that disciplinary action was taken against Respondent's license to practice medicine by the proper licensing authority of another state.

The Board disagrees with the Hearing Examiner that a reading of the Administrative Provisions (Chapter Nine) of the MCARE Act leads to the conclusion that the 60-day reporting requirements of Section 9031 were not intended to apply to physicians who practice in another state and do not hold a current license. The word "current" is not to be found in Section 903. To fulfill its mission of protecting the public, the Commonwealth has a vested interest in knowing when a licensee has a medical professional liability action filed against the licensee, disciplinary action taken by another state, or has been arrested for certain enumerated crimes. Respondent is a licensed physician in the Commonwealth of Pennsylvania and maintains a property interest in that licensee even though his license is currently inactive. This is especially true when a licensee can almost

1 Section 903. Reporting.

A physician shall report to the State Board of Medicine or the State Board of Osteopathic, as appropriate, within 60 days of the occurrence of any of the following:

- (1) Notice of a complaint in a medical professional liability action that is filed against the physician. The physician shall provide the docket number of the case, where the case is filed and a description of the allegations in the complaint.
- (2) Information regarding disciplinary action taken against the physician by a health care licensing authority of another state.
- (3) Information regarding sentencing of the physician for an offense as provided in section 15 of the act of October 5, 198 (P.L. 1109, No. 261), known as the Osteopathic Medical Practice Act, or section 41 of the act of December 20, 1985 (P.L. 457, No. 112), known as the Medical Practice Act of 1985.
- (4) Information regarding an arrest of the physician for any of the following offenses in this Commonwealth or another state:
 - (i) 18 Pa.C.S. Ch. 25 (relating to criminal homicide);
 - (ii) 18 Pa.C.S. § 2701 (relating to aggravated assault); or
 - (iii) 18 Pa.C.S. Ch. 31 (relating to sexual offenses).
 - (iv) A violation of the act of April 14, 1972 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

40 P.S. § 1303.903.

instantaneously reactivate an inactive license by paying a fee and filing a reactivation application with the board administrator's office.

Because disciplinary action was taken against Respondent's license to practice in Massachusetts, Respondent was required by Section 903(2) of MCare Act to report that action to the Board within 60 days, whether or not Respondent was not practicing in Pennsylvania. Because he did not report this action to the Board, Respondent is subject to disciplinary action under Section 908 of MCare Act, 40 P.S. §1313.908.

The Board agrees with the hearing examiner's decision that protection of the public requires it to indefinitely suspend Respondent's license to practice in Pennsylvania until the Massachusetts Board finds that he is able to practice medicine with reasonable skill and safety and reinstates his license to practice on an unrestricted basis in that state.

Wherefore, the Board issues the following order:

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania, :
Bureau of Professional and :
Occupational Affairs : Docket No. 1949-49-10
v. :
Van S. Batchis, M.D. : File No. 10-49-05940
Respondent :

FINAL ORDER

AND NOW, this 14th day of June, 2011, having duly met and considered the entire record, and based upon the foregoing findings of fact, conclusions of law and discussion, the State Board of Medicine hereby finds that Van S. Batchis, M.D., license no. MD-011891-E, is subject to disciplinary action under Section 41(4) of the Act, 63 P.S. § 422.41(4) and Section 903(2) of the MCare Act, 40 P.S. § 1303.903(2), it is hereby **ORDERED** that Respondent's license to practice medicine and surgery is **INDEFINITELY SUSPENDED** until such time as Respondent provides documentary evidence satisfactory to the Board that the Commonwealth of Massachusetts Board of Registration in Medicine has reinstated Respondent's license to practice medicine without restriction in that state.


This Order shall take effect July 14, 2011, 30 days after the date of mailing indicated below.

BY ORDER:

BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS


KATIE TRUE
ACTING COMMISSIONER

STATE BOARD OF MEDICINE


CAROL E. ROSE, M.D.
CHAIRPERSON

Respondent's Address:

Van S. Batchis, M.D.
21 Galahad Way
North Easton, MA 02356-2641

Prosecution Liaison:

Anita Shekletski, Esquire

Board Counsel:

Steven R. Dade, Esquire

Date of Mailing:

June 14, 2011

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

RECEIVED
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Department of State
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Commonwealth of Pennsylvania, :
Bureau of Professional and :
Occupational Affairs :
v. :
Van S. Batchis, M.D., :
Respondent :

Docket No. 1949-49-10
File No. 10-49-05940

ADJUDICATION AND ORDER

Joyce McKeever
Hearing Examiner

Commonwealth of Pennsylvania
GOVERNOR'S OFFICE OF GENERAL COUNSEL
Department of State
P.O. Box 2649
Harrisburg, PA 17105-2649
(717) 772-2686

ATTACHMENT A

COPIES DISTRIBUTED: 3/11/11
PROSECUTION _____
COUNSEL _____
HEARING EXAMINER _____
CLERK _____

HISTORY

This matter comes before the hearing examiner for the State Board of Medicine (Board) on two-count Order to Show Cause (OSC) filed by the Commonwealth on October 6, 2010, alleging that Respondent, Van S. Batchis, M.D., License No. MD011891E, is subject to disciplinary action under Section 422.41(4) of the Medical Practice Act of 1985 (Act), Act of December 20, 1985, P.L. 457, *as amended*, at 63 P.S. § 422.41(4), as a result of disciplinary action taken against Respondent's license to practice medicine by the proper licensing authority of another state. The OSC further charges that Respondent is also subject to disciplinary action under Section 903(2) of the Medical Care Availability and Reduction of Error (MCARE) Act, Act of March 20, 2002, P.L. 154, No. 13, 40 P.S. § 1303.903(2); in that Respondent failed to report information regarding disciplinary action taken against the Respondent by a health care licensing authority of another state within sixty (60) days after its occurrence.

The Commonwealth mailed the OSC by certified mail, return receipt requested and by first class mail, postage prepaid to Respondent's home address at 21 Galahad Way, North Easton, MA 02356-2641. On October 20, 2010, Respondent received the OSC, as evidenced by Postal Form 3811, Article # 7010 1670 0000 1225 9805. The copy of the OSC mailed via first class mail to Respondent's address on file with the Board has not been returned to the Commonwealth. Service of the OSC upon Respondent is in accordance with the requirements of Section 33.31 of the General Rules of Administrative Practice and Procedure (GRAPP), 1 Pa. Code § 33.31. Respondent failed to file an Answer or otherwise respond to the OSC.

On January 6, 2011, the Commonwealth filed a Motion to Enter Default and Deem Facts Admitted (MDFA), which was mailed to Respondent by first class mail, postage prepaid, at 21 Galahad Way, North Easton, MA 02356-2641. However, Respondent did not respond to the MDFA.

FINDINGS OF FACT

1. Respondent holds a license to practice medicine and surgery in the Commonwealth of Pennsylvania, License No. MD011891E, which was originally issued on July 7, 1970. (Board records)

2. Respondent's license was active through December 31, 1996, and may be renewed, reactivated, or reinstated upon the filing of the appropriate documentation and payment of the necessary fees. (Board records)

3. At all times pertinent to the Factual Allegations, Respondent held an inactive license to practice medicine and surgery in the Commonwealth of Pennsylvania. (Board records; OSC ¶ 3)

4. Respondent's last known address on file with the Board is 1342 Belmont Street, Suite 103, Brockton, MA 02401; however, this is Respondent's medical office address. (Board records; OSC ¶ 4)

5. Respondent's current home address is 21 Galahad Way, North Easton, MA 02356-2641. (OSC ¶ 5)

6. On September 19, 2008, the Commonwealth of Massachusetts Board of Registration of Medicine (Massachusetts Board) issued a Consent Order between the Massachusetts Board and Respondent for failure to respond to certified correspondence with the Board and for practicing medicine while Respondent's ability to practice was impaired by mental instability. (OSC ¶ 7; OSC Exhibit A)

7. The Massachusetts Board sanctioned Respondent, indefinitely suspended Respondent's right to renew his license to practice medicine, and entered into a Consent Order. (OSC ¶ 8; OSC Exhibit A)

8. Respondent did not report the September 19, 2008 disciplinary action of the Massachusetts Board to the Pennsylvania Board within sixty (60) days after its occurrence. (OSC ¶ 12)

9. On October 6, 2010, the Commonwealth filed an OSC setting forth allegations that Respondent had disciplinary action taken by the proper licensing authority of another state against his license to practice the profession and that Respondent failed to report information regarding the disciplinary action within sixty (60) days after its occurrence, in violation of 63 P.S. § 422.41(4) and 40 P.S. § 1303.903(2). (MDFA ¶ 1)

10. The Commonwealth served the OSC upon Respondent by mailing one copy via certified mail, return receipt requested and another copy via first class mail, postage prepaid to Respondent's home address at 21 Galahad Way, North Easton, MA 02356-2641. (MDFA ¶ 2; OSC Certificate of Service)

11. On October 20, 2010, Respondent received the OSC, as evidenced by his signature on Postal Form 3811, Article # 7010 1670 0000 1225 9805. (MDFA ¶ 3; MDFA Exhibit 2)

12. The OSC directed Respondent to file an Answer within thirty (30) days of its date. (MDFA ¶ 4; MDFA Exhibit 1)

13. Thirty (30) days from the date of the OSC expired on November 18, 2010. (MDFA ¶ 5)

14. As of the date of this decision, Respondent has not filed an Answer to the OSC. (MDFA ¶ 6; Docket No. 1949-49-10)

15. On January 6, 2011, the Commonwealth filed an MDFA in this matter and served it via first class mail, postage prepaid, on Respondent at 21 Galahad Way, North Easton, MA 02356-2641. (MDFA; MDFA Certificate of Service)

16. As of the date of this decision, Respondent has not responded to the Commonwealth's MDFA. (Docket No. 1949-49-10)

17. Respondent was served with the OSC, MDFA, and all subsequent pleadings, orders, and notices filed of record in this matter. (Docket No. 1949-49-10)

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter. (Findings of Fact, Nos. 1-3)
2. Respondent has been afforded reasonable notice of the charges against her and an opportunity to be heard in this proceeding, in accordance with the Administrative Agency Law, 2 Pa. C.S. § 504. (Findings of Fact, Nos. 9-17)
3. Respondent is subject to disciplinary action under Section 41(4) of the Act, 63 P.S. § 422.41(4), in that disciplinary action was taken against Respondent's license to practice medicine by the proper licensing authority of another state (Massachusetts). Therefore, Count One of the OSC is sustained. (Findings of Fact, Nos. 6-7)
4. Respondent did not violate Section 903(2) of the MCARE Act, 40 P.S. § 1303.903(2); therefore, he is not subject to a civil penalty pursuant to Section 908 of the MCARE Act, 40 P.S. § 1303.908. Therefore, Count Two of the OSC is dismissed. (Findings of Fact, No. 8)
5. The Board is authorized to impose disciplinary or corrective measures or a civil penalty pursuant to Section 42 of the Act, 63 P.S. § 422.42.

DISCUSSION

Motion for Default

Constitutionally adequate notice of administrative action is notice that is "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." *Clark v. Commonwealth, Dep't of Pub. Welfare*, 427 A.2d 712, 714 (Pa. Cmwlth. 1981), quoting *Mullane v. Central Hanover Bank and Trust Co.*, 339 U.S. 306, 314 (1950). "This requirement is satisfied when notice of the action is mailed to the interested party's last known address." *Milford Township Bd. of Supervisors v. Department of Envtl. Resources*, 644 A.2d 217, 219 (Pa. Cmwlth. 1994), citing *Kobylski v. Milk Marketing Bd.*, 516 A.2d 75 (Pa. Cmwlth. 1986). "[P]ersonal receipt of the notice is not required when the notice was mailed to the party's last known address." *Id.*

Respondent's address on file with the Board is 1342 Belmont Street, Suite 103, Brockton, MA 02401. However, Respondent's current home address is 21 Galahad Way, North Easton, MA 02356-2641. The Commonwealth mailed the OSC by certified mail, return receipt requested, and by first class mail, postage prepaid, to Respondent at his current home address as noted above. On October 20, 2010, Respondent received a copy of the OSC, as evidenced by his signature on Postal Form 3811, Article # 7010 1670 0000 1225 9805. (MDFA Exhibit 2) Therefore, Respondent was provided with constitutionally adequate notice of administrative action.

The OSC clearly and specifically stated the charges against Respondent. The OSC directed Respondent to file a written answer within thirty (30) days or risk disciplinary action without a hearing. The OSC explained the procedures to request a hearing. Further, the OSC warned Respondent that if Respondent failed to request a hearing, Respondent would be deemed to have waived the right to a hearing and final judgment may be entered without a hearing.

Nevertheless, Respondent did not file an answer and did not request a hearing. The GRAPP provides, in pertinent part, that:

Answers to orders to show cause.

A person upon whom an order to show cause has been served . . . shall, if directed so to do, respond to the same by filing within the time specified in the order an answer in writing A respondent failing to file [an] answer within the time allowed shall be deemed in default, and relevant facts stated in the order to show cause may be deemed admitted.

1 Pa. Code § 35.37.

On January 6, 2010, the Commonwealth filed an MDFA, in accordance with the GRAPP at 1 Pa. Code § 35.37, and mailed it via first class mail, postage prepaid, to Respondent at 21 Galahad Way, North Easton, MA 02356-2641. Respondent has not filed a response to the MDFA. Accordingly, the Commonwealth's MDFA is granted and the allegations in the OSC are deemed admitted in accordance with 1 Pa. Code § 35.37.

Violations

Count One

This action is brought under Section 41(4) of the Act, 63 P.S. § 422.41(4), which provides in pertinent part as follows:

Reasons for refusal, revocation, suspension or other corrective actions against a licensee or certificate holder

The Board shall have authority to impose disciplinary or corrective measures on a board-regulated practitioner for any or all of the following reasons:

* * *

(4) Having a license or other authorization to practice the profession revoked or suspended or having other disciplinary action taken, . . . by a proper licensing authority of another state, territory, possession or country, or a branch of the Federal Government:

* * *

The Commonwealth charged that Respondent is subject to disciplinary action because Respondent had disciplinary action taken against Respondent's license by the proper licensing authority of another state. On September 19, 2008, the Massachusetts Board issued a Consent Order. The Consent Order stated that, on August 3, 2006, the Massachusetts Board received a complaint from the mother of one of Respondent's patients alleging substandard care. Respondent was required, within thirty (30) days, to file a response to the complaint. On September 11, 2006, Respondent sent the Massachusetts Board a letter indicating that he refused to respond to the complaint without a release from his patient. That same day, the Massachusetts Board again requested a response from Respondent, which he received on September 13, 2006. On December 6, 2006, the Complaint Committee issued a 10-Day Order to Respond. Respondent notified the Massachusetts Board on January 26, 2007, that he received the Order to Respond on January 17, 2007, and indicated that he would respond to the Massachusetts Board's request for information as well as the two (2) complaints against him. Respondent proceeded to respond to the Massachusetts Board's requests on June 18, 2007.

Additionally, Respondent began an independent psychiatric evaluation with a Board-approved psychiatrist in October 2007. Respondent was diagnosed with Major Depressive Disorder, in partial remission. Respondent entered in a Physician Health Services (PHS) contract on June 11, 2008. On June 25, 2008, Respondent underwent another evaluation by the Board-approved psychiatrist, who stated that Respondent was impaired from his depression to such a degree that the depression would interfere with his return to work as a physician.

As a result, the Massachusetts Board issued the Consent Order in which Respondent's right to renew his license to practice medicine was indefinitely suspended. Respondent could only petition the Massachusetts Board for a stay of suspension once he underwent an updated psychiatric evaluation with a Board-approved psychiatrist who could indicate that Respondent

was fit to practice medicine. Respondent was also required to enter into a Probation Agreement which required him to comply with his PHS contract, participate in therapy, and provide a practice plan that would include monitoring of Respondent's practice and any further recommendations made by the Board-approved psychiatrist once the psychiatrist performed an updated evaluation. Accordingly, based upon the terms of the Consent Order approved and adopted by the Massachusetts Board, Respondent is subject to disciplinary action under Section 41(4) of the Act, 63 P.S. § 422.41(4), in that disciplinary action was taken against Respondent's license to practice medicine by the proper licensing authority of another state.

Count Two

Count Two is brought under Section 903(2) of the MCARE Act, 40 P.S. § 1303.903(2), which provides in pertinent part:

Reporting

A physician shall report to the State Board of Medicine or the State Board of Osteopathic Medicine, as appropriate, within 60 days of the occurrence of any of the following:

* * *

- (2) Information regarding disciplinary action taken against the physician by a health care licensing authority of another state.

* * *

Respondent did not report the September 19, 2008, disciplinary action of the Massachusetts Board to the Pennsylvania Board within sixty (60) days after its occurrence.

With regard to Count Two, the hearing examiner finds that a reading of the Administrative Provisions (Chapter Nine) of the MCARE Act leads to the conclusion that the 60-day reporting requirements of Section 903 were not intended to apply to physicians who practice in another state and do not hold a current license in Pennsylvania. Section 903 requires reporting of any notice of a malpractice complaint, any sentence imposed for an offense under Section 41

of the Act, an arrest for any felony or misdemeanor charge of criminal homicide, a sexual offense, aggravated assault, any charge under any state's controlled substance law, or any information regarding disciplinary action taken against the physician by the health care licensing authority of another state.

A failure to report under Section 903 subjects a physician to the imposition of a civil penalty under Section 908 of the MCARE Act. Section 908 provides: "In addition to any other civil or criminal penalty...the Board ...may levy a civil penalty of up to \$10,000 on any *current* licensee who violates any provision of this act...." (Emphasis added) Respondent's license has not been "current" in any meaningful sense since December 31, 1996, well before the reporting responsibility of the September 19, 2008 Order of the Massachusetts Board. As a penal provision, Section 908 of the MCARE Act must be strictly construed. *Goebert v. Ondek*, 557 A2d 1064, 1066 (1989). The hearing examiner concludes that the legislature did not intend to subject physicians with lapsed or expired licenses to a civil penalty under Section 908 of the MCARE Act. Therefore, Count Two of the OSC is dismissed.

Sanction

The Commonwealth has met its burden of proof and the only matter left to be determined is the sanction to be imposed. The Board is authorized to impose disciplinary or corrective measures or a civil penalty pursuant to Section 42 of the Act, 63 P.S. §422.42.¹ The

¹ § 422.42. Types of corrective action.

(a) Authorized actions.—When the board is empowered to take disciplinary or corrective action against a board-regulated practitioner under the provisions of this act or pursuant to other statutory authority, the board may:

- (1) Deny the application for a license, certificate or any other privilege granted by the board.
- (2) Administer a public reprimand with or without probation.
- (3) Revoke, suspend, limit or otherwise restrict a license or certificate.
- (4) Require the board-regulated practitioner to submit to the care, counseling or treatment of a physician or a psychologist designated by the board.
- (5) Require the board-regulated practitioner to submit to take refresher educational courses.
- (6) Stay enforcement of any suspension, other than that imposed in accordance with Section 40 [pertaining

Pennsylvania Supreme Court has recognized that “[r]eciprocal discipline prevents licensed professionals from violating ethical rules, being disciplined, and then transferring to a new jurisdiction to continue to practice with an unblemished record of ethical conduct.” *Khan v. State Bd. of Auctioneer Examiners*, 842 A.2d 936, 944 (Pa. 2004). In determining a sanction, the primary consideration is that the Board is charged with the responsibility and authority to oversee the profession and to regulate and license professionals to protect the public health and safety. *Barran v. State Bd. of Medicine*, 670 A.2d 765, 767 (Pa. Cmwlth. 1996), *appeal denied*, 679 A.2d 230 (Pa. 1996).

The Massachusetts Board found that sufficient disciplinary action consisted of the indefinite suspension of his license to practice medicine until a Board-approved psychiatrist indicated that he is able to practice again without a mental impairment. Upon consideration of the Massachusetts Board’s Consent Order, and in the absence of any mitigating evidence in this case, the Board’s obligation to protect the health and safety of the public is best carried out by indefinitely suspending Respondent’s license in Pennsylvania in order to alert Pennsylvania citizens to the fact that disciplinary action of a similar nature was taken against Respondent’s medical license in Massachusetts. Respondent’s license to practice medicine in Pennsylvania will be indefinitely suspended until the Massachusetts Board finds that he is able to practice medicine on an unrestricted basis.

Accordingly, based upon the above findings of fact, conclusions of law and discussion, the following order shall issue:

to temporary and automatic suspensions], and place a board-regulated practitioner on probation with the right to vacate the probationary order for noncompliance.
(7) Impose a monetary penalty in accordance with this act.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania,
Bureau of Professional and
Occupational Affairs

v.

Van S. Batchis, M.D.,
Respondent

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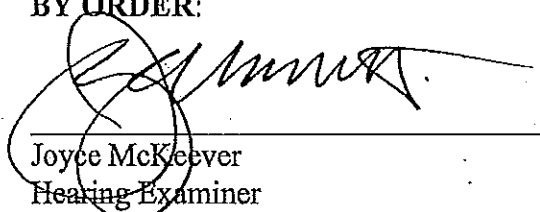
Docket No. 1949-49-10
File No. 10-49-05940

ORDER

NOW, this 10th day of March 2011, upon consideration of the foregoing findings of fact, conclusions of law and discussion, Respondent, Van S. Batchis, M.D., License No. MD011891E, is subject to disciplinary action under Section 41(4) of the Act, 63 P.S. § 422.41(4), it is hereby **ORDERED** that Respondent's license to practice medicine and surgery is **INDEFINITELY SUSPENDED** until such time as Respondent provides documentary evidence satisfactory to the Board that the Commonwealth of Massachusetts Board of Registration in Medicine has reinstated Respondent's license to practice medicine without restriction in that state. It is further **ORDERED** that Count Two of the Order to Show Cause is **DISMISSED**.

This Order shall take effect twenty (20) days from the date of mailing shown below, unless otherwise ordered by the State Board of Medicine.

BY ORDER:



Joyce McKeever
Hearing Examiner

Prosecuting Attorney:

Kenneth J. Sutter, Esquire
Commonwealth of Pennsylvania
GOVERNOR'S OFFICE OF GENERAL COUNSEL
Department of State
P.O. Box 2649
Harrisburg, PA 17105-2649

Respondent:

Van S. Batchis, MD
21 Galahad Way
North Easton, MA 02356-2641

Date of mailing:

March 11, 2011

NOTICE

The attached Final Order represents the final agency decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a Petition for Review with that Court within 30 days after the entry of the order in accordance with the Pennsylvania Rules of Appellate Procedure. See Chapter 15 of the Pennsylvania Rules of Appellate Procedure entitled "Judicial Review of Governmental Determinations," Pa. R.A.P 1501 – 1561. Please note: An order is entered on the date it is mailed. If you take an appeal to the Commonwealth Court, you must serve the Board with a copy of your Petition for Review. The agency contact for receiving service of such an appeal is:

Board Counsel
P.O. Box 2649
Harrisburg, PA 17105-2649

The name of the individual Board Counsel is identified on the Final Order.