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

PROTHONOTARY

2020 FEB 20 AM 11:03

Department of State

Commonwealth of Pennsylvania
Bureau of Professional and Occupational
Affairs

vs.

Case No. 18-49-011140

Rita Anna-Maria Krichevsky,
Respondent

MEMORANDUM ORDER

AND NOW, this 20th day of February, 2020, the State Board of Medicine (Board), upon consideration of the Motion to Deem Facts Admitted (Motion) filed by the Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs (Commonwealth) on June 27, 2019, concerning the Commonwealth's Petition for Mental and Physical Examination (Petition) of Rita Anna-Maria Krichevsky (Respondent), license number MD060435L, and pursuant to section 41(5) of the Medical Practice Act of 1985,¹ 63 P.S. § 422.41(5), and the holding in *Lencovich v. Bureau of Professional and Occupational Affairs*, 829 A.2d 1238 (Pa. Cmwlth. 2003), the Board finds that:

1. On or about May 21, 2019, the Board's Probable Cause Screening Committee² (Committee) approved a Petition to Compel Mental and Physical Examination (Petition) in the matter of In Re: The Fitness of Rita Anna-Maria Krichevsky to Practice as a Physician and Surgeon With Reasonable Skill and Safety at Case No. 18-49-011140 and issued an Order

¹ Act of December 20, 1985, P.L. 457, No. 112, 63 P.S. §§ 422.1-422.53, as amended.

² The members of the Board that participated on the Probable Cause Screening Committee in this matter were Paul Joseph Valigorsky, II, MD and Joseph Losee, MD. Other than making the initial determination to order the mental/physical examination, the members of the Probable Cause Screening Committee have recused themselves from further consideration of this matter.

Compelling Mental and Physical Examination (Order) and Notice of Mental and Physical Examination (Notice) requiring Respondent to attend a mental and physical examination with George Woody, M.D. (Dr. Woody) on June 26, 2019 at 6:00 p.m. (Motion at ¶¶ 1-3, **Exhibit A** attached to Motion).

2. On May 21, 2019, the Commonwealth served the Petition, Order and Notice on Respondent by first class mail, postage prepaid, and certified mail, electronic return receipt requested, Article No. 9171 9690 0935 0196 2199 17, at Respondent's address on file with the Board at P.O. Box 6443, Lawrenceville, NJ 08648 (Lawrenceville address). (**Exhibit A** attached to Motion, at Certificate of Service).

3. Respondent received a copy of the Petition, Order and Notice, as evidenced by the electronic proof that the certified mailing, tracking number 9171 9690 0935 0196 2199 17, was delivered and signed for by Respondent and/or Respondent's agent at her Lawrenceville address. Further, the first class mail was not returned to the Commonwealth. (Motion at ¶ 6; **Exhibit B** attached to Motion)

4. Based on the above, service is complete. (Motion at Motion at ¶¶ 6-7)

5. Respondent failed to appear and submit to the scheduled June 26, 2019 examination by Dr. Woody as directed by the Order and the Notice. (Motion at ¶ 8).

6. The Commonwealth's costs of the missed mental and physical examination in this matter is in the amount of \$600.00. (Motion at ¶ 10, **Exhibit D** attached to Motion)

7. Section 5(b)(1) of the Act of July 2, 1993, P.L. 345, No. 48, 63 P.S. § 2205 (b)(1) and paragraph 7 of the Order specify that Respondent's failure to comply with the Order, except for circumstances beyond Respondent's control, shall constitute an admission of the allegations contained in the Petition upon which a default and final Order may be entered without the taking

of testimony or presentation of evidence.³ (Motion at ¶ 12, **Exhibit A** attached to Motion at Order ¶ 7).

8. Respondent has not filed any response setting forth defenses or mitigation to the allegations in either the Motion or the Petition. (Docket Entries, Case No. 18-49-005831)

Accordingly, it appears that Respondent is in default for failing to submit to the examination and the Board is authorized to **INDEFINITELY SUSPEND** Respondent's license to practice as a medical physician and surgeon, license number MD060435L, along with any other license, registration, certificate, approval, authorization or permit issued by the State Board of Medicine and held by Respondent (hereinafter "authorizations to practice the profession"), subject to notice, hearing, adjudication and appeal. The indefinite suspension will become effective unless, within twenty (20) days of the mailing of this Order, Respondent files an Answer and a written request for a hearing to challenge the validity of the Order compelling the examination or to contest the allegations of the Motion to Enter Default and Deem Facts Admitted.

To the extent Respondent challenges the validity of the Order compelling an examination, Respondent shall file an answer to the Petition, specifically admitting or denying each numbered paragraph of the Petition. To the extent Respondent opposes the Motion to Enter Default and Deem Facts Admitted, Respondent shall file an answer to the Motion, specifically admitting or denying each allegation of each numbered paragraph of the Motion. Respondent shall file her request for hearing and answer with:

³ The Board notes that in addition to Section 5(b)(1) of the Act of July 2, 1993, P.L. 345, No. 48, Section 41(5) of the Act, 63 P.S. § 422.41(5) separately provides, in part, that "Failure of a practitioner to submit to such examination when directed by the board, unless such failure is due to circumstances beyond his or her control, shall constitute an admission of the allegations against him or her, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence."

Prothonotary
Department of State
2601 North Third Street
P.O. Box 2649
Harrisburg, PA 17105-2649.

A copy of the request for hearing and answer shall also be served on the prosecuting attorney identified below and mailed to the address set forth below.

If a timely answer and request for hearing is received by the Prothonotary, a hearing before a hearing examiner shall be scheduled within thirty (30) days of receipt of the request for a hearing and answer. Continuances will only be granted for good cause shown. If any future formal proceedings related to this matter occur, the record developed during the hearing described above may be introduced by the parties, subject to appropriate objections. The hearing examiner is directed to issue a final adjudication promptly after close of the record. Unless either party files a brief on exceptions under 1 Pa. Code § 35.211 (procedure to except to proposed report), the Board will permit the hearing examiner's proposed adjudication to become final under 1 Pa. Code § 35.226(3) (final orders include a proposed report upon the expiration of the time provided for an appeal to or review by the agency head without the appeal or review having been initiated). Nothing herein shall be construed as prohibiting the Commonwealth from bringing charges pursuant to any provisions of the Act that the Commonwealth determines are warranted.

If a request for hearing and answer are not filed within the time period set forth above, Respondent's license, along with all other authorizations to practice the profession issued by the State Board of Medicine to Respondent, will be **SUSPENDED INDEFINITELY** effective **March 11, 2020**, (20 days after the date of mailing of this order as indicated below) and **Respondent will be responsible for the costs of investigation, including those costs associated**

with failing to attend the mental and physical examination. A final adjudication and order to that effect will be issued by the Board.

If Respondent's authorizations to practice the profession are indefinitely suspended because she fails to request a hearing and file an answer within this time frame, Respondent shall, at reasonable intervals, be afforded an opportunity to demonstrate that he can resume the competent practice as a medical physician and surgeon with reasonable skill and safety.

BY ORDER:

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**



**K. KALONJI JOHNSON
ACTING COMMISSIONER**

For the Commonwealth:

Respondent:

9171 9690 0935 0226 5790 59

Board Counsel:

Date of Mailing:

STATE BOARD OF MEDICINE



**KEITH E. LOISELLE
CHAIR**

Jason Anderson, Esquire

Rita Anna-Maria Krichevsky
PO Box 6443
Lawrenceville, NJ 08648

Dana M. Wucinski, Esquire

February 20, 2020



**COMMONWEALTH OF PENNSYLVANIA
OFFICE OF GENERAL COUNSEL**

Dana M. Wucinski
Assistant Counsel

dwucinski@pa.gov
Counsel Division

February 20, 2020

VIA CERTIFIED AND FIRST-CLASS MAIL

Rita Anna-Maria Krichevsky
PO Box 6443
Lawrenceville, NJ 08648

VIA INTEROFFICE MAIL

Jason Anderson, Esquire
Department of State
PO Box 69521
Harrisburg PA 17106-9521

**RE: Memorandum Order:
Commonwealth of Pennsylvania, Bureau of Professional and Occupational
Affairs v. Rita Anna-Maria Krichevsky
Case No.: 18-49-011140**

Dear Dr. Krichevsky and Attorney Anderson:

Enclosed please find a Memorandum Order issued by the State Board of Medicine in the above-referenced.

Sincerely,

by Dana M. Wucinski St. Counsel
for Dana M. Wucinski,
Board Legal Counsel
State Board of Medicine

DMW/dw

Enclosure: Memorandum Order

cc: Suzanne Zerbe, Board Administrator
State Board of Medicine

