

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

**Commonwealth of Pennsylvania,  
Bureau of Professional and  
Occupational Affairs**

**v.**

**Rita Anna-Maria Krichevsky, M.D.  
Respondent**

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:  
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:  
:  
:

**Case No. 19-49-006170**

**FINAL ORDER MAKING ADJUDICATION AND ORDER FINAL**

**AND NOW**, this 8<sup>th</sup> day of December 2020, noting that neither party filed an *Application for Review* and that the State Board of Medicine (Board) did not issue a *Notice of Intent to Review*, in accordance with 1 Pa. Code § 35.226(a)(3) and 49 Pa. Code § 16.57, the hearing examiner's *Adjudication and Order* dated July 28, 2020, appended to this order as **Attachment A**, is now the **FINAL ORDER** of the Board in this proceeding.

This Order is retroactive to August 17, 2020, twenty days from the July 28, 2020 date of mailing of the hearing examiner's *Adjudication and Order*.

**BY ORDER:**

**BUREAU OF PROFESSIONAL  
AND OCCUPATIONAL AFFAIRS**



**K. KALONJI JOHNSON  
COMMISSIONER**

**STATE BOARD OF MEDICINE**



**MARK B. WOODLAND, MS, MD  
CHAIR**

Prothonotary Filed On: Dec 08 2020 03:14 PM Department of State
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For Respondent:

9171 9690 0935 0227 2244 22

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

9171 9690 0935 0227 2244 46

Red Carpet Inn  
2884 Lincoln Hwy. E.  
Ronks, PA 17572

9171 9690 0935 0227 2244 39

4439 Driftwood Dr.  
Philadelphia, PA 19129

For the Commonwealth:

Jason Anderson, Esquire

Board Counsel:

Dana M. Wucinski, Esquire

Date of Mailing:

December 9, 2020

# Attachment A



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

<b>Commonwealth of Pennsylvania,</b>	:		
<b>Bureau of Professional and</b>	:		
<b>Occupational Affairs</b>	:		
	:	<b>File No.</b>	<b>19-49-006170</b>
<b>vs.</b>	:		
	:		
<b>Rita Anna-Maria Krichevsky, M.D.,</b>	:		
<b>Respondent</b>	:		

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**ADJUDICATION AND ORDER**

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**Hope S. Goldhaber, Esquire  
Hearing Examiner**

**COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL  
DEPARTMENT OF STATE  
OFFICE OF HEARING EXAMINERS  
P.O. Box 2649  
Harrisburg, PA 17105-2649  
(717) 772-2686**



## HISTORY

This matter comes before a hearing examiner for the State Board of Medicine (“Board”) on the Commonwealth’s filing of a single count *Order to Show Cause* (“OTSC”) on May 8, 2019, against Rita Anna-Maria Krichevsky, M.D. (“Respondent”). In this single count, the Commonwealth charged that Respondent is subject to disciplinary action under section 41(4) of the Medical Practice Act of 1985<sup>1</sup> (“Act”), 63 P.S. § 422.41(4), because the State of New Jersey, Department of Law and Public Safety, Division of Consumer Affairs, State Board of Medical Examiners (“New Jersey Board”) disciplined Respondent’s medical license in New Jersey on or about February 26, 2019.

On May 8, 2019, the Commonwealth mailed the OTSC to Respondent by certified mail, return receipt requested, and by first class mail, postage prepaid, at her last known address on file with the Board: P.O. Box 6443, Lawrenceville, NJ 08648. The certified mailing of the OTSC was delivered on May 29, 2019, and signed for by Respondent, as evidenced by the United States Postal Service electronic return receipt for Certified Mail™ item number 9171 9690 0935 0196 2197 26. Hence, the Commonwealth accomplished service of its OTSC in accordance with the requirements of the General Rules of Administrative Practice and Procedure (“GRAPP”), 1 Pa. Code § 31.1 *et seq.*, at 1 Pa. Code § 33.31.<sup>2</sup>

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<sup>1</sup>Act of December 20, 1985, P.L. 457, No. 112, *as amended*, 63 P.S. §§ 422.1-422.51a.

<sup>2</sup>Section 33.31. Service by the agency.

Orders, notices and other documents originating with an agency, including forms of agency action, complaints and similar process and other documents designated by the agency for this purpose, shall be served by the office of the agency by mail, except when service by another method shall be specifically required by the agency, by mailing a copy thereof to the person to be served, addressed to the person designated in the initial pleading or submittal at his principal office or place of business. If service is not accomplished by mail, it may be effected by anyone authorized by the agency in the manner provided in 231 Pa. Code Rules 400—441 (relating to service of original process).

1 Pa. Code § 33.31.

The *OTSC* directed Respondent to file a written answer within thirty (30) days of the date on the *OTSC*, and specifically advised Respondent that the factual allegations of the *OTSC* may be deemed admitted if Respondent failed to file an answer within the time period allowed. Respondent was also advised that if she failed to file an answer, the Board may revoke, suspend, or impose other restrictions against her medical license; and the Board may also impose a civil penalty of up to \$10,000.00 for each violation of the Act. Respondent did not file an answer to the *OTSC*.

On February 18, 2020, the Commonwealth filed a *Motion to Deem Facts Admitted and Enter Default* (“*MDFA*”). The *MDFA* was mailed to Respondent on February 19, 2020, by first class mail, postage prepaid, at the Lawrenceville, NJ address where the *OTSC* had been served. Respondent did not file a response to the *MDFA*.

On March 30, 2020, an *Order Granting Commonwealth’s Motion to Deem Facts Admitted and Enter Default* (“*MDFA Order*”) was issued on grounds that Respondent received the *OTSC* but failed to file an answer as required. The *MDFA Order* was mailed to Respondent on March 31, 2020, by first class mail, postage prepaid, at the Lawrenceville, NJ address where the *OTSC* and the *MDFA* had been served.

On April 9, 2020, the *MDFA Order* that was mailed to Respondent at the Lawrenceville, NJ address was returned to the Department of State Prothonotary marked as “Return to Sender, Not Deliverable as Addressed, Unable to Forward.” As a result, an Accurint® search was done which identified Respondent’s two last known addresses as: (1) A hotel or motel at 2884 Lincoln Hwy., Eronks, PA 17572-9799;<sup>3</sup> and (2) 4439 Driftwood Dr., Philadelphia, PA 19129-1783.

On June 9, 2020, the *MDFA Order* was emailed to Respondent at her last known email

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<sup>3</sup> A google search indicated that this is the address of the Red Carpet Inn.

address on file with the Board, doctorarita@aol.com. On June 10, 2020, the *MDFA Order* was mailed to Respondent at her two last known addresses, in accordance with Pa.R.C.P. 440.<sup>4</sup>

Pursuant to section 35.37 of GRAPP, 1 Pa. Code § 35.37,<sup>5</sup> the *MDFA Order* advised Respondent that she was in default of filing an answer and that the factual allegations in the *OTSC*

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<sup>4</sup> **Rule 440. Service of Legal Papers other than Original Process**

(a)(1) Copies of all legal papers other than original process filed in an action or served upon any party to an action shall be served upon every other party to the action. Service shall be made

(i) by handing or mailing a copy to or leaving a copy for each party at the address of the party's attorney of record endorsed on an appearance or prior pleading of the party, or at such other address as a party may agree, or

*Note:* Such other address as a party may agree might include a mailbox in the prothonotary's office or an e-mail address.

For electronic service by means other than facsimile transmission, see Rule 205.4(g).

(ii) by transmitting a copy by facsimile to the party's attorney of record as provided by subdivision (d).

(2)(i) If there is no attorney of record, service shall be made by handing a copy to the party or by mailing a copy to or leaving a copy for the party at the address endorsed on an appearance or prior pleading or the residence or place of business of the party, or by transmitting a copy by facsimile as provided by subdivision (d).

**(ii) If such service cannot be made, service shall be made by leaving a copy at or mailing a copy to the last known address of the party to be served.**

*Note:* This rule applies to the service upon a party of all legal papers other than original process and includes, but is not limited to, all other pleadings as well as motions, petitions, answers thereto, rules, notices, interrogatories and answers thereto.

Original process is served under Rule 400 et seq.

**(b) Service by mail of legal papers other than original process is complete upon mailing.**

\* \* \*

Pa.R.C.P. 440 (emphasis added)

<sup>5</sup> **§ 35.37. 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.

were deemed admitted. The *MDFA Order* also advised Respondent that an Adjudication and Order would be issued in due course. To date, Respondent has not responded to either the *OTSC* or the *MDFA*.

This matter is now ripe for disposition.

## **FINDINGS OF FACT**

1. Respondent holds a license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania, license number MD060435L, which was originally issued on October 3, 1996. (Official Notice of Board records;<sup>6</sup> OTSC ¶¶ 1-2)

2. On March 11, 2020, in the matter of *Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs vs. Rita Anna-Maria Krichevsky*, at File No. 18-49-011140, the Board indefinitely suspended Respondent's license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania because Respondent failed to attend a mental and physical examination with George Woody, M.D. on June 26, 2019, at 6:00 p.m.<sup>7</sup> (Board records)

3. At all times pertinent to the factual allegations in the Commonwealth's OTSC, Respondent held a license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania. (Board records; OTSC ¶ 4)

4. Respondent's last known address on file with the Board is P.O. Box 6443, Lawrenceville, NJ 08648. (Board records; OTSC ¶ 5)

### **New Jersey Disciplinary Action**

5. At all relevant and material times, Respondent was authorized to practice medicine and surgery as a physician in the state of New Jersey, license no. 25MA09966100. (OTSC ¶ 7)

6. On February 26, 2019, the New Jersey Board issued an *Order of Temporary*

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<sup>6</sup> Official notice of the Board's records may be taken pursuant to the General Rules of Administrative Practice and Procedure (GRAPP), 1 Pa. Code § 31.1 *et seq.*, at § 35.173, which permits the presiding officer to take official notice of the Board's own records. *See Gleeson v. State Bd. of Medicine*, 900 A.2d 430, 440 (Pa. Cmwlth. 2006), *appeal denied*, 917 A.2d 316 (Pa. 2007). All citations to "Board records" are based on this taking of official notice.

<sup>7</sup> The exam had been ordered by the Board's Probable Cause Screening Committee on May 21, 2019. (Board records) On June 27, 2019, the Commonwealth filed a *Motion to Deem Facts Admitted and Enter Default* on grounds that Respondent failed to attend the June 26, 2019, scheduled examination. (Board records) On February 20, 2020, the Board issued a *Memorandum Order* by which it notified Respondent that her license would be suspended indefinitely effective March 11, 2020, unless, within 20 days of the mailing of the *Memorandum Order*, Respondent filed 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*. (Board records) Respondent did not file an answer and request for hearing and, as a result, her license was suspended on March 11, 2020. (Board records)

*Suspension of License* by which it temporarily suspended Respondent's license to practice medicine and surgery in the state of New Jersey. (OTSC ¶¶ 8-11; OTSC at Exhibit A)

7. The New Jersey Board indefinitely suspended Respondent's license for the following reason:

Upon review of evidence submitted by the Attorney General, we unanimously concluded that Respondent's demonstrated erratic behavior and compromised mental health status renders her incapable of discharging the functions of a medical professional in a manner consistent with the public's health, safety and welfare. As her continued practice poses a clear and imminent danger to the public we ordered the temporary suspension of her license.

(OTSC ¶¶ 8-11; OTSC at Exhibit A)

### **Service of OTSC**

8. On May 8, 2019, the Commonwealth filed an *OTSC* alleging that Respondent is subject to disciplinary action under section 41(4) of the Act, 63 P.S. § 422.41(4), because Respondent had her license to practice medicine and surgery in New Jersey disciplined by the proper licensing authority of that state. (OTSC; MDFA ¶ 1)

9. On May 8, 2019, the Commonwealth mailed the *OTSC* to Respondent by certified mail, return receipt requested, and by first class mail, postage prepaid, at her last known address on file with the Board: P.O. Box 6443, Lawrenceville, NJ 08648. (OTSC at Certificate of Service; MDFA ¶¶ 2-3; MDFA at Exhibit A)

10. The certified mailing of the *OTSC* was delivered on May 29, 2019, and signed for by Respondent, as evidenced by the United States Postal Service electronic return receipt for Certified Mail™ item number 9171 9690 0935 0196 2197 26. (MDFA ¶¶ 4-5; MDFA at Exhibit B)

### **Due Process**

11. The *OTSC* directed Respondent to file a written answer within thirty (30) days of the date on the *OTSC*, and specifically advised Respondent that the factual allegations of the *OTSC*

may be deemed admitted if Respondent failed to file an answer within the time period allowed.  
(OTSC at Notice and Procedures; MDFA ¶ 6)

12. The *OTSC* also advised Respondent that if she failed to file an answer, the Board may revoke, suspend, or impose other restrictions against her medical license; and the Board may also impose a civil penalty of up to \$10,000.00 for each violation of the Act. (OTSC at Penalties and Procedures)

13. To date, Respondent has not filed an answer to the *OTSC*. (File No. 19-49-006170; MDFA ¶ 7)

14. On February 18, 2020, the Commonwealth filed an *MDFA* in this matter and mailed it to Respondent on February 19, 2020, by first class mail, postage prepaid, at the same address at which the *OTSC* had been served: P.O. Box 6443, Lawrenceville, NJ 08648. (MDFA at Certificate of Service)

15. To date, Respondent has not filed a response to the Commonwealth's *MDFA*. (File No. 19-49-006170)

16. On March 30, 2020, an *MDFA Order* was issued, entering judgment by default and deeming the factual allegations in the *OTSC* admitted, on grounds that Respondent received the *OTSC* but failed to file an answer as required. (File No. 19-49-006170)

17. The *MDFA Order* was mailed to Respondent on March 31, 2020, by first class mail, postage prepaid, at P.O. Box 6443, Lawrenceville, NJ 08648, which is the same address where Respondent was served with the *OTSC* and the *MDFA*. (File No. 19-49-006170)

18. On April 9, 2020, the *MDFA Order* that was mailed to Respondent at the Lawrenceville, NJ address was returned to the Department of State Prothonotary marked as "Return to Sender, Not Deliverable as Addressed, Unable to Forward." (File No. 19-49-006170)

19. Due to the *MDFA Order* being returned, an Accurant<sup>®</sup> search was done which

identified Respondent's two last addresses as: (1) A hotel or motel at 2884 Lincoln Hwy. E., Ronks, PA 17572-9799;<sup>8</sup> and (2) 4439 Driftwood Dr., Philadelphia, PA 19129-1783. (File No. 19-49-006170)

20. On June 9, 2020, the *MDFA Order* was emailed to Respondent at her last known email address on file with the Board, doctorarita@aol.com. (Board records; File No. 19-49-006170)

21. On June 10, 2020, the *MDFA Order* was mailed to Respondent at her two last known addresses: (1) Red Carpet Inn, 2884 Lincoln Hwy. E., Ronks, PA 17572; and (2) 4439 Driftwood Dr., Philadelphia, PA 19129. (File No. 19-49-006170)

22. Respondent was served with the *OTSC*, *MDFA*, and *MDFA Order* filed of record in this matter. (File No. 19-49-006170)

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<sup>8</sup> A google search indicated that this is the address of the Red Carpet Inn.



### **CONCLUSIONS OF LAW**

1. The Board has jurisdiction in this matter. (Findings of Fact 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 section 5 of the Administrative Agency Law, 2 Pa. C.S. § 504. (Findings of Fact 4, 8-22)
3. Respondent is subject to disciplinary action under section 41(4) of the Act, 63 P.S. § 422.41(4), in that Respondent's license to practice medicine and surgery in New Jersey was disciplined by the proper licensing authority of that state. (Findings of Fact 5-7)

## DISCUSSION

### Violation

A board-regulated practitioner in Pennsylvania who is disciplined by a proper licensing authority of another state is subject to disciplinary action in Pennsylvania under section 41(4) of the Act as follows:

**Section 41. 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, or an application for a license or other authorization refused, revoked or suspended by a proper licensing authority of another state, territory, possession or country, or a branch of the Federal Government.**

\* \* \*

63 P.S. § 422.41(4) (emphasis added).

The facts deemed admitted are based on the factual allegations in the *OTSC* as well as the information contained in what is alleged to be a true and correct copy of the New Jersey disciplinary action, which was attached to the *OTSC* as Exhibit A. These facts conclusively establish that on February 26, 2019, the New Jersey Board temporarily suspended Respondent's medical license in the state of New Jersey. Therefore, the Commonwealth has proven by a preponderance of the evidence<sup>9</sup> that Respondent's medical license in the state of New Jersey was

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<sup>9</sup> The degree of proof required to establish a case before an administrative tribunal in an action of this nature is a preponderance of the evidence. *Lansberry v. Pennsylvania Pub. Util. Comm'n*, 578 A.2d 600, 602 (Pa. Cmwlth. 1990), *appeal denied*, 602 A.2d 863 (Pa. 1992). A preponderance of the evidence is generally understood to mean that the  
(footnote continued on next page)

disciplined by the proper licensing authority of that state, as charged in the single count of the OTSC.

### **Sanction**

Section 42(a) of the Act, 63 P.S. § 422.42(a), sets forth the type of disciplinary or corrective measures that may be imposed for violations of the Act, including Respondent's violation of section 41(4) of the Act. Specifically, section 42(a) of the Act provides as follows:

#### **Section 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 take refresher educational courses.
- (6) Stay enforcement of any suspension, other than that imposed in accordance with section 40 [footnote omitted], 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.

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evidence demonstrates a fact is more likely to be true than not to be true, or if the burden were viewed as a balance scale, the evidence in support of the Commonwealth's case must weigh slightly more than the opposing evidence. *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854, 856 (Pa. 1950). The Commonwealth therefore has the burden of proving the charges against Respondent with evidence that is substantial and legally credible, not by mere "suspicion" or by only a "scintilla" of evidence. *Lansberry*, 578 A.2d at 602.

63 P.S. § 422.42(a). Additionally, a maximum civil penalty of up to ten thousand dollars (\$10,000.00) for each violation of the Act is authorized under section 908 of the Medical Care Availability and Reduction of Error Act,<sup>10</sup> 40 P.S. § 1303.908.

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). With public protection in mind, the Board considers the seriousness of the violations and any mitigating evidence in fashioning a sanction fitted to the circumstances of a given disciplinary matter.

There is no mitigating evidence to consider because, although she has been given appropriate notice and the opportunity to respond, Respondent has not defended herself in the matter now before the Board. Therefore, the Board has only the seriousness of the New Jersey disciplinary action to consider when determining the appropriate sanction.

The disciplinary action taken against Respondent's medical license in New Jersey is very serious because Respondent was taken out of practice in that state. The New Jersey Board temporarily suspended Respondent's license because it concluded that Respondent's demonstrated erratic behavior and compromised mental health status rendered her incapable of discharging the functions of a medical professional in a manner consistent with the public's health, safety and welfare. Given these circumstances, the Commonwealth's citizens deserve at least as much protection as the New Jersey Board afforded to its citizens, so an analogous action against Respondent's Pennsylvania license is appropriate. Therefore, Respondent's license to practice medicine and surgery in the Commonwealth of Pennsylvania will be indefinitely suspended and, prior to reinstatement, Respondent will be required to prove that her license to practice medicine

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<sup>10</sup> Act of March 20, 2002, P.L. 154, No. 13, 40 P.S. §§ 1303.901-1303.910.

and surgery in the state of New Jersey has been restored to unrestricted status. In addition, as part of any petition for reinstatement, Respondent will be required to provide a Criminal Record Check and a verification of non-practice.

Accordingly, based upon the foregoing, the following order shall issue:

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

<b>Commonwealth of Pennsylvania,</b>	:	
<b>Bureau of Professional and</b>	:	
<b>Occupational Affairs</b>	:	
	:	<b>File No. 19-49-006170</b>
<b>vs.</b>	:	
	:	
<b>Rita Anna-Maria Krichevsky, M.D.,</b>	:	
<b>Respondent</b>	:	

**ORDER**

**AND NOW**, this 28<sup>th</sup> day of **July 2020**, upon consideration of the foregoing findings of fact, conclusions of law and discussion, it is hereby **ORDERED** that the license to practice medicine and surgery issued to Respondent, **Rita Anna-Maria Krichevsky, M.D.**, license no. MD060435L, shall be **INDEFINITELY SUSPENDED**.

Respondent shall refrain from practicing medicine and surgery in this Commonwealth and shall relinquish any licensure documents in her possession, including her wall certificate, registration certificate, and wallet card, by forwarding them to the following address:

Board Counsel  
State Board of Medicine  
P.O. Box 69523  
Harrisburg, PA 17106-9523

Respondent may petition the Board for reinstatement of her license by filing a written petition with the Board, at the above-referenced address, requesting reinstatement and providing the following information to the Board:


1. Documentary evidence from the New Jersey Board demonstrating that Respondent's license has been restored to unrestricted status;
2. A current Criminal History Record Information (a/k/a "Criminal Record Check") from a governmental agency from all states where Respondent has resided since the suspension, compiled no more than three months prior to the Petition for Reinstatement; and

3. A signed verification that Respondent has not practiced medicine in the Commonwealth of Pennsylvania since the suspension.

At the Board's discretion, prior to reinstatement, Respondent may be required to prove at a formal hearing before the Board or its designee that her license in New Jersey has been restored to unrestricted status and that she is able to practice the profession with reasonable skill and safety to patients.

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

**BY ORDER:**

  
**Hope S. Goldhaber**  
**Hearing Examiner**

**For Respondent:**

Rita Anna-Maria Krichevsky, M.D.  
P.O. Box 6443  
Lawrenceville, NJ 08648

Rita Anna-Maria Krichevsky, M.D.  
Red Carpet Inn  
2884 Lincoln Hwy. E.  
Ronks, PA 17572

Rita Anna-Maria Krichevsky, M.D.  
4439 Driftwood Dr.  
Philadelphia, PA 19129

**Also sent by email:**

[doctorarita@aol.com](mailto:doctorarita@aol.com)

**For the Commonwealth:**

Jason Anderson, Esquire  
Prosecuting Attorney  
GOVERNOR'S OFFICE OF GENERAL COUNSEL  
DEPARTMENT OF STATE OFFICE OF CHIEF COUNSEL  
PROSECUTION DIVISION  
P.O. Box 69521  
Harrisburg, PA 17106-9521

**Date of Mailing:**

*July 29, 2020*

## NOTICE

### REHEARING AND/OR RECONSIDERATION

A party may file an application for rehearing or reconsideration **within 15 days of the mailing date** of this adjudication and order. The application must be captioned "*Application for Rehearing*", "*Application for Reconsideration*", or "*Application for Rehearing or Reconsideration*". It must state specifically and concisely, in numbered paragraphs, the grounds relied upon in seeking rehearing or reconsideration, including any alleged error in the adjudication. If the adjudication is sought to be vacated, reversed, or modified by reason of matters that have arisen since the hearing and decision, the matters relied upon by the petitioner must be set forth in the application.

### APPEAL TO BOARD

An application to the State Board of Medicine for review of the hearing examiner's adjudication and order must be filed by a party **within 20 days of the date of mailing** of this adjudication and order. The application must be captioned "*Application for Review*". It must state specifically and concisely, in numbered paragraphs, the grounds relied upon in seeking the Board's review of the hearing examiner's decision, including any alleged error in the adjudication. Within an application for review a party may request that the Board hear additional argument and take additional evidence.

An application to the Board to review the hearing examiner's decision may be filed irrespective of whether an application for rehearing or reconsideration is filed. However, the filing of an application for rehearing and/or reconsideration does not extend, or in any other manner affect, the time period in which an application for review may be filed.

### STAY OF HEARING EXAMINER'S ORDER

Neither the filing of an application for rehearing and/or reconsideration nor the filing of an application for review operates as a stay of the hearing examiner's order. To seek a stay of the hearing examiner's order, the party must file an application for stay directed to the Board.

### FILING AND SERVICE

An original and three (3) copies of all applications shall be filed with:

Prothonotary  
P.O. Box 2649  
Harrisburg, PA 17105-2649

A copy of all applications must also be served on all parties.

Applications must be received for filing by the Prothonotary within the time limits specified. The date of receipt at the office of Prothonotary, and not the date of deposit in the mail, is determinative.



## 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 69523  
Harrisburg, PA 17106-9523

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