



COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals
Director

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May 1, 2007

Michael R. Hryvniak, M.D.
4001 Fair Ridge Drive #305
Fairfax, Virginia 22033-2917

CERTIFIED MAIL
7160 3901 9849 9083 2333

RE: License No.: 0101-039400

Dear Dr. Hryvniak:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on **Tuesday, July 31, 2007, at 9:15 a.m., at the Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia.** The conference will be conducted pursuant to Sections 54.1-2400(10), 2.2-4019 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code").

A Special Conference Committee ("Committee") will inquire into allegations that you may have violated certain laws and regulations governing the practice of medicine in Virginia. Specifically:

1. You may have violated Section 54.1-2915.A(3), 54.1-2915.A(13), 54.1-2915.A(16), 54.1-2915.A(18) and 54.1-2915.A(19) of the Code and 18 VAC 85-20-100.A(2) of the Board Regulations, in your treatment of Patient A. Specifically, on or about April 29, 2005, you performed a psychiatric evaluation of Patient A and in July 2005, undertook her psychotherapy treatment. Despite Patient A's anxiety and depression from feelings of rejection and worthlessness due to her perceived abandonment by a former physician, you engaged in a personal and sexual relationship with Patient A from approximately May 2006 until Patient A's suicide attempt on or about July 30, 2006.

2. You may have violated Section 54.1-2915.A(3), 54.1-2915.A(13), 54.1-2915.A(16) of the Code, in that, on or about November 18, 2005, despite your finding that Patient A was suicidal, you prescribed Sinequan (doxepin) 10 mg. in the amount of sixty (60) capsules.

Please see Attachment I for the name of the Patient referenced above.

After consideration of all information, the Committee may:

1. Exonerate you;
2. Place you on probation with such terms it deems appropriate.
3. Reprimand you;
4. Modify a previous Order; and
5. Impose a monetary penalty pursuant to Section 54.1-2401 of the Code.

Further, the Committee may refer this matter for a formal administrative proceeding when it has failed to dispose of a case by consent pursuant to Section 2.2-4019 of the Code.

You have the right to information that will be relied upon by the Committee in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the Committee for its consideration when discussing the allegations with you and when deliberating upon your case. These documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office. These materials have been provided this date to your counsel, Julia Krebs-Markrich, Esquire.

To facilitate this proceeding, you must submit eight (8) copies of any documents you wish for the Committee to consider to Reneé S. Dixon, Discipline Case Manager, Virginia Board of Medicine, 6603 West Broad Street, 5th Floor, Richmond, Virginia 23230-1717, by **July 16, 2007**. Your documents may not be submitted by facsimile or e-mail. Should you or Adjudication Specialist Virginia Scher wish to submit any documents for the Committee's consideration after **July 16, 2007**, such documents shall be considered only upon a ruling by the Chair of the Committee that good cause has been shown for late submission.

A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by **May 17, 2007**. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after **May 17, 2007**, will not be considered

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of medicine and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

In its deliberations, the Committee may utilize the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document

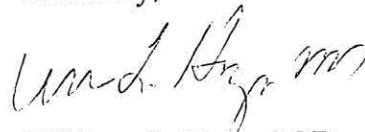
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of the Board, may be accessed at <http://www.dhp.virginia.gov/medicine>. You may request a paper copy from the Board office by calling (804) 662-7009.

Please advise the Board, in writing, of your intention to be present. Should you fail to appear at the informal conference, the Board may proceed to a formal administrative hearing in order to impose sanctions.

If you have any questions regarding this notice, please contact Virginia Scher, Adjudication Specialist, at (804) 662-7593.

Sincerely,



William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

WLH:fd0501N1.ifcnot.hryvniak.07
Vas/Hryvniak40NIC.DOC

Enclosures:

Attachment I
Informal Conference Package
Map

cc: Malcolm L. Cothran, Jr., M.D., President, Virginia Board of Medicine
Sandra Whitley Ryals, Director, Department of Health Professions
Reneé S. Dixon, Discipline Case Manager, Board of Medicine
Frank Pedrotty, Senior Assistant Attorney General [w/enclosures]
Virginia Scher, Adjudication Specialist, APD
Lorraine McGehee, Deputy Director, APD
Julia Krebs-Markrich, Esquire [w/enclosures]
Pamela Kincheloe, Senior Investigator [110340]

