



# COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals  
Director

*Department of Health Professions*  
6603 West Broad Street, 5th Floor  
Richmond, Virginia 23230-1712

[www.dhp.virginia.gov](http://www.dhp.virginia.gov)  
TEL (804) 662 9900  
FAX (804) 662 9943  
TDD (804) 662 7197

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, 5<sup>th</sup> 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

Notice of Informal Conference - Michael R. Hryvniak, M.D.

May 1, 2007

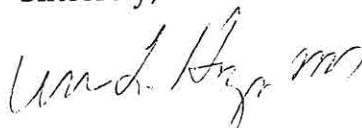
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of the Board, may be accessed at <http://www.dhp.virginia.gov/medicine>. You may request a paper copy from the Board office by calling (804) 662-7009.

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

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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  
Renee 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]

**VIRGINIA:**

**BEFORE THE BOARD OF MEDICINE**

**IN RE:       MICHAEL R. HRYVNIAC, M.D.**  
**License No.: 0101-039400**

**ORDER**

In accordance with Sections 54.1-2400(10), 2.2-4019 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with Michael R. Hryvniak, M.D., on July 31, 2007, in Fredericksburg, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the Special Conference Committee ("Committee") were: Jane E. Piness, M.D., Chairman; Ann T. Burks, J.D.; and Robert T. Mosby, Jr., M.D. Dr. Hryvniak appeared personally and was represented by legal counsel, Julia Krebs-Markrich, Esquire. Virginia Scher, Adjudication Specialist, was present as a representative for the Administrative Proceedings Division of the Department of Health Professions. The purpose of the informal conference was to inquire into allegations that Dr. Hryvniak may have violated certain laws and regulations governing the practice of medicine in the Commonwealth of Virginia, as set forth in a Notice of Informal Conference dated May 1, 2007.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Now, having properly considered the evidence and statements presented, the Committee makes the following Findings of Fact and Conclusions of Law:

1. Michael R. Hryvniak, M.D., was issued license number 0101-039400 to practice medicine in Virginia on May 1, 1986. Said license is currently active and will expire on January 31, 2008 unless renewed or acted upon.

2. Dr. Hryvniak violated Section 54.1-2915.A(3), (18) and (19) of the Code, and 18 VAC 85-20-100.A(2) of the Board's regulations governing the practice of medicine in his treatment of

Patient A. Specifically, on or about April 29, 2005, Dr. Hryvniak performed a psychiatric evaluation of Patient A, who had multi-faceted and complex psychiatric issues, and in July 2005, undertook her psychotherapy treatment. Dr. Hryvniak subsequently engaged in a personal and sexual relationship with Patient A from approximately May 2006 until on or about July 30, 2006.

3. In or about July 2006, Dr. Hryvniak officially terminated his relationship with Patient A and took steps to notify the Board regarding his misconduct.

4. Due to circumstances surrounding his relationship with Patient A, Dr. Hryvniak took a voluntary leave of absence from his practice beginning in August 2006.

5. Dr. Hryvniak underwent assessment at a treatment facility in Kansas on August 14-18, 2006, and entered treatment at the facility from August 28, 2006 until December 1, 2006.

6. In late 2006, Dr. Hryvniak began intensive individual psychotherapy and medication management.

7. Dr. Hryvniak is currently attending AA meetings 3-4 times per week and has an AA sponsor.

8. Dr. Hryvniak has voluntarily refrained from practice since August 2006, and hopes to return to practice with the approval of the Board in an acceptable setting. Dr. Hryvniak stated that he plans to utilize a support system through his colleagues, family, therapist and support group.

9. Dr. Hryvniak stated to the Committee that he is extremely remorseful. He apologized to the Board, his family, his colleagues, his patients and the medical profession.

**ORDER**

WHEREFORE, based on the above Findings of Fact and Conclusions of Law, it is hereby ORDERED that the license of Michael R. Hryvniak, M.D., be, and hereby is, placed on INDEFINITE PROBATION subject to the following terms and conditions:

1. Dr. Hryvniak may practice medicine only in a Board-approved setting. Dr. Hryvniak shall obtain approval from the Executive Director of the Board of the practice setting prior to engaging in practice. Dr. Hryvniak shall obtain approval from the Executive Director of the Board of any changes to his practice setting prior to initiating any changes.

2. Should Dr. Hryvniak wish to return to private practice, he may do so only under the auspices of a Board-approved practice monitor. Dr. Hryvniak shall meet with his practice monitor at least two times per month to review cases and discuss the clinical management of patients. Dr. Hryvniak shall be responsible for any costs associated with the services of the practice monitor. Dr. Hryvniak shall ensure that quarterly reports are submitted to the Board by his practice monitor regarding monitoring and clinical judgment.

3. Dr. Hryvniak shall continue in therapy with a Board-approved therapist. The frequency and ultimate termination of therapy shall be determined by the Board-approved therapist. Dr. Hryvniak shall ensure that quarterly reports are submitted to the Board by his therapist which address the frequency of meetings, medication and progress.

4. Dr. Hryvniak shall continue to maintain regular attendance at AA group meetings.

5. Dr. Hryvniak shall attend and successfully complete a Board-approved course on professional boundaries consisting of not less than fifteen (15) hours of CME. This course shall be face-to-face (i.e., no home study, journal or Internet courses that do not allow for interaction with the

lecturers). Within twenty-one (21) days of completion of the course required by this term, Dr. Hryvniak shall submit written verification of completion satisfactory to the Board. CME hours required by this term shall not be used toward licensure renewal requirements.

6. In approximately eighteen (18) months from entry of this Order, a report shall be prepared regarding Dr. Hryvniak's compliance with the above terms and conditions, which shall be reviewed by the Executive Director of the Board. The Committee authorizes the Executive Director of the Board to terminate the terms and conditions on the license of Dr. Hryvniak, or to refer the matter to an informal conference.

7. Dr. Hryvniak shall maintain a course of conduct in his practice of medicine commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

8. Dr. Hryvniak shall cooperate with the Virginia Board of Medicine and the Department of Health Professions in the investigation or inspection of his practice to verify that he is in compliance with this Order.

Violation of this Order may constitute grounds for suspension or revocation of Dr. Hryvniak license. In the event that Dr. Hryvniak violates this Order, an administrative proceeding may be convened to determine whether his license shall be revoked.

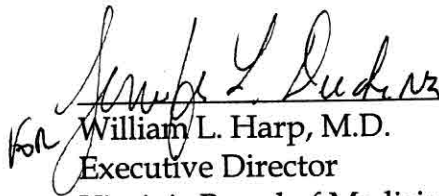
Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2400(10) of the Code, Dr. Hryvniak may, not later than 5:00 p.m., on September 12, 2007, notify William L. Harp, M.D., Executive Director, Board of Medicine, 6603

West Broad Street, Richmond, Virginia 23230, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

Therefore, this Order shall become final on September 12, 2007, unless a request for a formal administrative hearing is received as described above.

FOR THE BOARD

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

Entered: 8/7/2007





# COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals  
Director

## Department of Health Professions

Perimeter Center  
9960 Mayland Drive, Suite 300  
Richmond, Virginia 23233-1463

www.dhp.virginia.gov  
TEL (804) 367-4400  
FAX (804) 527-4475

November 26, 2008

Michael R. Hryvniak, M.D.  
4001 Fair Ridge Dr Ste 305  
Fairfax, Virginia 22033

### CERTIFIED MAIL

7160 3901 9845 3426 5986

RE: License No.: 0101-039400

Dear Dr. Hryvniak:

The Virginia Board of Medicine ("Board") has received verification of your compliance with the terms and conditions of the Board's Order entered August 7, 2007.

Therefore, pursuant to the authority granted by Term #6, I have determined that the terms placed on your license should be TERMINATED effective this date. The record of the Board currently reflects that you have a full and unrestricted license in the Commonwealth of Virginia.

Pursuant to §54.1-2400.2 (F) of the *Code of Virginia*, a signed copy of this letter shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

The Board wishes you well in your future endeavors.

Sincerely,

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

cc: Renée S. Dixon, Discipline Case Manager [110340]  
Jennie Wood, Administrative Assistant  
Susan Brooks, Office Manager, APD