



COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals
Director

Department of Health Professions
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Richmond, Virginia 23230-1712

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June 28, 2007

Ryszard Zebrak, M.D.
8410 Heron Pointe Way
Spotsylvania, Virginia 22553

CERTIFIED MAIL
7160 3901 9849 4240 3567

RE: License No.: 0101-236077

Dear Dr. Zebrak:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on **Tuesday, August 14, 2007, at 2:45 p.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 governing the practice of medicine in Virginia. Specifically, you may have violated Sections 54.1-2915.A(8), (16), and (17) of the Code and Section 54.2915.A(10) of the Code, which includes the felonies contained in Section 18.2-258.1 of the Code. Specifically, from on or about January 4, 2006, to on or about February 5, 2007, you wrote prescriptions for 1,050 dosage units of Bontril (phendimetrazine, Schedule III) and 570 dosage units of Adipex-P (phentermine, Schedule IV) in the name of Individual A, a family member who expired on or about September 16, 2006, and diverted them for your personal and unauthorized use.

You may have violated Sections 54.1-2915.A(3), (13), (16), and (18) of the Code and Section 18 VAC 85-20-90.B.1 to (5) of the Virginia Board of Medicine Regulations, in your treatment of Patients A, B, C, D, and E from in or about March 2006 to in or about February 2007. Specifically, you initiated treatment for weight reduction with Bontril and/or Adipex-P for Patients A - E without performing a comprehensive history and physical examination for each patient; without having an electrocardiogram performed, interpreted, and recorded at the time of initiation of each patient's treatment; and without

prescribing and recording a diet and exercise plan for the patients. Further, you prescribed Adipex-P for Patient A for more than ninety (90) days, despite the fact that the patient showed no progress in weight loss.

Please see Attachment I for the name of the individual and patients 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; and
4. 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, Michael L. Goodman, 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 25, 2007**. Your documents may not be submitted by facsimile or e-mail. Should you or Adjudication Specialist Nancy Walsh wish to submit any documents for the Committee's consideration after **July 25, 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 **July 10, 2007**. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after **July 10, 2007**, will not be considered.

Notice of Informal Conference - Ryszard Zebrak, M.D.
June 28, 2007
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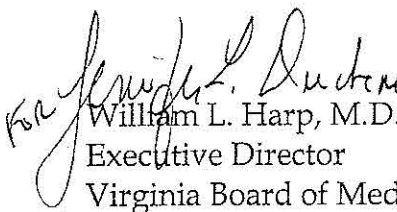
Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of medicine and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click 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 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 Nancy Walsh, Adjudication Specialist, at (804) 662-7443.

Sincerely,


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

NLW/notices/Zebrak

Enclosures:

Attachment I
Informal Conference Package
Map

cc: Stephen E. Heretick, J.D., President, Virginia Board of Medicine
Sandra Whitley Ryals, Director, Department of Health Professions
Reneé S. Dixon, Discipline Case Manager, Board of Medicine
Nancy L. Walsh, Adjudication Specialist, APD
Lorraine McGehee, Deputy Director, APD
Michael L. Goodman, Esquire [w/enclosures]
Helene J. Kelly, RN, MSN, Senior Investigator [112966]

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

**IN RE: RYSZARD ZEBRAK, MD.
 License No.: 0101-236077**

CONSENT ORDER

The Virginia Board of Medicine ("Board") and Ryszard Zebrak, M.D., as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Dr. Zebrak to practice medicine and surgery in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board makes the following findings of fact and conclusions of law in this matter:

1. Dr. Zebrak was issued license number 0101-236077 by the Board to practice medicine and surgery in the Commonwealth of Virginia on February 18, 2004. Said license will expire on October 31, 2008, unless renewed or otherwise restricted.
 2. Dr. Zebrak violated Section 54.1-2915.A(8), (16), and (17) of the Code of Virginia (1950), as amended ("Code"). Specifically:
 - a. On thirty-three (33) occasions from on or about January 4, 2006, to on or about January 5, 2007, Dr. Zebrak wrote prescriptions for Bontril (phendimetrazine, Schedule III) and Adipex-P (phentermine, Schedule IV) in the name of Individual A, a family member who died on or about September 16, 2006.
 - b. By his own admission, Dr. Zebrak used such prescriptions to obtain approximately 1,080 dosage units of Bontril and 570 dosage units of Adipex-P for his personal and unauthorized use. Dr. Zebrak denies giving any of these controlled substances to other individuals. Dr. Zebrak also denies abuse of other legal or illegal
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drugs.

3. Dr. Zebrak has stated that since receiving a telephone call from a pharmacist on or about January 8, 2007, he ceased writing prescriptions in the name of Individual A and discontinued taking Bontril and Adipex-P. According to Dr. Zebrak, he experienced no symptoms of withdrawal upon discontinuing the medications.

4. Dr. Zebrak has expressed remorse and regret about writing prescriptions for weight loss medications in the name of a family member and using such prescriptions to obtain controlled substances for his personal and unauthorized use.

5. Dr. Zebrak has stated that he struggles with his weight and that the controlled substances he prescribed in the name of Individual A helped him to reduce his body mass index (BMI). According to Dr. Zebrak, he was too embarrassed to ask his primary care physician to prescribe weight loss medication for him.

6. Dr. Zebrak violated Sections 54.1-2915.A(3), (13), and (18) of the Code and Section 18 VAC 85-20-90.B.1 to (5) of the Virginia Board of Medicine Regulations, in his treatment of Patients A, B, C, D, and E from in or about March 2006 to in or about February 2007. Specifically, he prescribed Bontril and/or Adipex-P for Patients A - E for the purpose of weight reduction without performing a comprehensive history and physical examination for each patient at the initiation of treatment; without having an electrocardiogram performed, interpreted, and recorded within ninety (90) days of initial prescribing; and without prescribing and recording a diet and exercise plan for the patients. Further, he prescribed Adipex-P for Patient A for more than ninety (90) days, despite the fact that the patient showed no progress in weight loss. Dr. Zebrak has stated that although he does not

have the facilities or staff to perform complete physical examinations or laboratory studies at his office, he refers patients to their primary care physicians for such treatment, as indicated.

7. On or about March 29, 2007, Dr. Zebrak underwent a psychiatric evaluation by a treatment provider who met with Dr. Zebrak, spoke with several collateral sources, and reviewed pharmacy records documenting the dates during which Dr. Zebrak prescribed Bontril and Adipex-P in the name of Individual A and the quantities of each drug that Dr. Zebrak obtained for his personal and unauthorized use. The treatment provider submitted a one-page report to the Board stating that although Dr. Zebrak obtained such controlled substances inappropriately, he does not fit the criteria for addiction and recommended outpatient individual therapy.

8. Dr. Zebrak has stated his willingness to continue outpatient individual therapy.

CONSENT

I, Ryszard Zebrak, M.D., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document and am represented by Michael L. Goodman, Esquire;

2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 2.2-4000.A et seq. of the Code of Virginia;

3. I have the following rights, among others:

- a. the right to an informal conference before the Board; and
 - b. the right to appear in person or by counsel, or other qualified representative before the agency.
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4. I waive all rights to an informal conference;
5. I admit the truth of the above Findings of Fact; and
6. I consent to the following Order affecting my license to practice medicine and surgery in the Commonwealth of Virginia.

ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that Ryszard Zebrak, M.D., be, and hereby is, issued a REPRIMAND and that his license be subject to the following TERMS and CONDITIONS:

1. For a period of at least twelve (12) months from the date of entry of this Order, Dr. Zebrak shall remain under the care of his current treating psychiatrist or another practitioner approved by the Board, who shall provide written reports regarding Dr. Zebrak's condition on a calendar quarterly basis. The initial report shall include a statement of the diagnosis, treatment plan, and prognosis. Thereafter, the report shall contain a detailed statement on the current condition, prognosis, and any change in the treatment plan or diagnosis. Dr. Zebrak's treatment shall include outpatient individual therapy sessions, the frequency of which shall be determined by the treatment provider.
 2. Dr. Zebrak shall sign an authorization providing for unrestricted communication between the Board and Dr. Zebrak's therapist.
 3. Within twelve (12) months from the date of entry of this Consent Order, Dr. Zebrak shall complete Board-approved continuing medical education ("CME") courses, consisting of at least 10 hours for each, in the subjects of medical recordkeeping and proper
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prescribing of controlled substances. All CME courses shall be approved in advance of registration by the Executive Director of the Board. Within twenty-one days (21) days of completion of the CME, Dr. Zebrak shall submit a certificate or other evidence, satisfactory to the Board, of completion of each course. Any CME hours obtained in compliance with this term shall not be used towards compliance with the Board's continuing education requirements for license renewal.

4. Within sixty (60) days from entry of this Order, Dr. Zebrak shall submit written certification that he has read, and will comply with: (i) the laws governing the practice of medicine (Title 54.1, Chapter 29 of the Code); (ii) the Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic (18 VAC 85-20-10 *et seq.*); (iii) Sections 54.1-3302, 3303, 3304 and 3310 of the Code; and (iv) the Drug Control Act (Title 54.1, Chapter 34 of the Code).

5. Upon receipt of evidence that Dr. Zebrak has complied with the terms of this Consent Order, the Committee authorizes the Executive Director of the Board to close this matter without further proceedings. In the event that Dr. Zebrak fails to comply with the terms of this Consent Order, in the Board's discretion, he may be noticed to meet with a Special Conference Committee.

Dr. Zebrak 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.

Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Consent 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.

FOR THE BOARD:

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

ENTERED: 8/13/2007

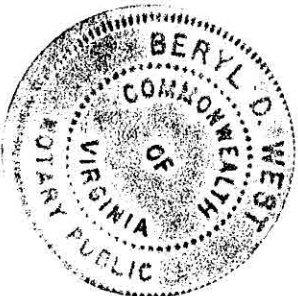
SEEN AND AGREED TO:

Ryszard Zebrak, M.D.
Ryszard Zebrak, M.D.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF FREDERICKSBURG, TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 08 day of AUG, 2007, by Ryszard Zebrak, M.D.

Beryl D. West
Notary Public # 274095
My commission expires: 9/30/2007





COMMONWEALTH of VIRGINIA

Department of Health Professions

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

September 4, 2008

Sandra Whitley Ryals
Director

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TEL (804) 367- 4400
FAX (804) 527- 4475

Ryszard Zebrak, M.D.
8410 Heron Pointe Way
Spotsylvania, Virginia 22551

CERTIFIED MAIL

7160 3901 9845 1844 6073

RE: License No.: 0101-236077

Dear Dr. Zebrak:

The Virginia Board of Medicine ("Board") has received verification that you have complied with the terms and conditions of the Consent Order entered August 13, 2007.

Therefore, pursuant to the authority granted by Term #5, 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 [112966]
Jennie Wood, Administrative Assistant
Susan Brooks, Office Manager, APD