



COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals
Director

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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

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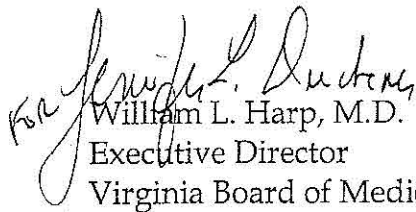
Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of medicine and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click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

