

**VIRGINIA:**

**BEFORE THE BOARD OF MEDICINE**

**IN RE:       MICHAEL R. HRYVNIAK, 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.

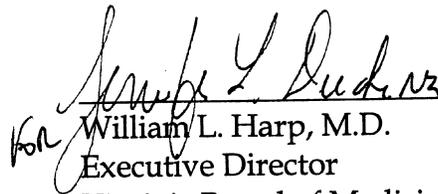
Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

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