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Attorneys for Complainant

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: Chet Joseph Janecki, M.D. 7315 Hudson Avenue Hudson, FL 34667 Physician's and Surgeon's Certificate No. G-24422 Respondent.	No. D-5484 STIPULATION IN SETTLEMENT; DECISION AND ORDER

Respondent, Chet Joseph Janecki, M.D., and the Division of Medical Quality, Medical Board of California (hereinafter "Board"), through its counsel Deputy Attorney General Fred A. Slimp II, do hereby enter into the following stipulation:

1. Respondent Chet Joseph Janecki, M.D. (hereinafter "respondent") was heretofore issued physician's and surgeon's certificate number G-24422 under the laws of the State of California. At all times pertinent hereto, said certificate was

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in full force and effect, but expired on September 30, 1992, and is in delinquent status.

2. On or about November 8, 1993, an Accusation bearing number D-5484 was filed by Dixon Arnett, Executive Director of the Board, in his official capacity as such. Said Accusation alleges causes for disciplinary action against respondent. Respondent was duly and properly served with Accusation No. D-5484 by certified mail, and respondent filed a timely Notice of Defense requesting a hearing on the charges contained in the Accusation.

3. Respondent is fully aware of the charges and allegations of violation of the California Business and Professions Code contained in Accusation No. D-5484, and is also fully aware of his rights under the Administrative Procedure Act of the State of California, including his right to a formal hearing and opportunity to defend against the charges contained in Accusation No. D-5484, and reconsideration and appeal of any adverse decision that might be rendered following said hearing. Respondent knowingly and intelligently waives his rights to a hearing, reconsideration, appeal, and to any and all other rights which may be accorded him pursuant to the Administrative Procedure Act regarding the charges contained in Accusation No. D-5484.

4. As of March 30, 1994, respondent had completed five (5) years of involvement in the Impaired Practitioner Program of Florida, the Physician Recovery Network, and had complied with

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and completed the requirements of his five-year Physician Recovery Network monitoring contract.

5. By order of April 7, 1994, the Georgia Composite State Board of Medical Examiners terminated respondent's previous probationary order after finding that respondent had complied with the order and that further extension was unwarranted on the then-existing record.

6. For the purposes of this settlement only, respondent admits the truth of the allegations in Accusation number D-5484. Said admission may be used only in this proceeding and subsequent proceedings between the parties and shall have no force or effect except as provided herein.

7. Based on the foregoing admission, the Division of Medical Quality, Medical Board of California, may issue the following order which resolves the pending Accusation without the imposition of discipline:

(A) Should respondent ever desire to return to California to practice medicine, he shall give the Board sixty (60) days prior notice of his intended arrival.

(B) Within sixty (60) days of his previously noticed arrival in California, respondent shall obtain a medical and psychiatric evaluation of his fitness to practice medicine in California with safety to the public. Said medical and psychiatric evaluation shall be obtained in consultation with the Board's medical consultant or his designee, and the results shall be made available to the Division. Respondent shall not practice medicine in California until he has obtained the foregoing

evaluations, and said evaluations have been made available to the Division.

(C) Within ninety (90) days of his previously noticed arrival in California, respondent shall appear before a Diversion Evaluation Committee panel in order to assess the necessity for respondent's participation in the Board's Diversion Program. If the panel finds participation by respondent necessary or appropriate, respondent shall successfully complete the Diversion Program as provided by law. Respondent's participation in the Diversion Program shall be considered a Board referral and not a self-referral.

(D) Within thirty (30) days of the effective date of the Board's decision herein, respondent shall pay all costs and fees required to bring his California physician's and surgeon's certificate to a fully paid, active status.

(E) Should the Board find, after granting respondent the hearing required by law, that he has violated or failed to comply with any or all of the terms indicated in paragraphs 7(A) through and including 7(D) above, it shall enter its order revoking respondent's California Physician's and Surgeon's Certificate Number G-24422.

(8) **IT IS FURTHER STIPULATED AND AGREED** that the terms set forth herein shall be null and void and not binding upon the

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parties hereto unless approved by the Medical Board of California.

DATED: May 28, 1994

DANIEL E. LUNGREN, Attorney General
of the State of California
JANA L. TUTON, Supervising Deputy
Attorney General

FRED A. SLIMP II
Deputy Attorney General

Attorneys for Complainant

I HAVE READ the stipulation, decision and order. I understand that I have the right to a hearing on the charges contained in the Accusation, the right to cross-examine witnesses, and the right to introduce evidence in mitigation. I knowingly, voluntarily, and intelligently waive all of these rights. I understand the terms and ramifications of the stipulation, decision and order, and agree to be bound by those terms.

DATED: 5-25-95

CHET JOSEPH JANECKI, M.D.

Respondent

DECISION AND ORDER

The foregoing is adopted as the Decision of the Division of Medical Quality, Medical Board of California, in this matter and shall become effective on the 29 day of August, 1994.

IT IS SO ORDERED this 28 day of July, 1994.

DIVISION OF MEDICAL QUALITY
Medical Board of California
Department of Consumer Affairs
State of California

By Alan E. Shumacher MD

ORIGINAL

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BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: CHET JOSEPH JANECKI 7315 Hudson Avenue Hudson, FL 34667 Physician and Surgeon Certificate No. G-24422 Respondent.	No. D-5484 ACCUSATION

Dixon Arnett, for causes for discipline, alleges:

1. Complainant Dixon Arnett makes and files this accusation solely in his official capacity as Executive Director of the Medical Board of California (hereinafter referred to as the "Board") and not otherwise.

2. On May 15, 1973, the Medical Board of California issued physician and surgeon certificate number G-24422 to Chet Joseph Janecki, M.D. The certificate will expire September 30,

1992. Respondent Chet Joseph Janecki, M.D., voluntarily requested the Medical Board of California to cancel his license.

3. Under Business and Professions Code section 2234, the Division of Medical Quality shall take action against any licensee who is charged with unprofessional conduct.

4. Under Business and Professions Code section 2305, the revocation, suspension, or other discipline by other state of a license or certificate to practice medicine issued by the state shall constitute unprofessional conduct against such license in this state.

5. Respondent has subjected his physician and surgeon certificate to discipline under Business and Professions Code Sections 2234 and 2305 in that on or about October 1, 1991, the Composite State Board of Medical Examiners, State of Georgia entered a Consent Order with respondent, whereby the Board issued respondent a Public Reprimand and placed his license on five years probation due to a history of alcohol and/or substance abuse. The Consent Order is attached as Exhibit A.

WHEREFORE, complainant prays a hearing be held and that the Medical Board of California make its order:

1. Revoking or suspending physician and surgeon certificate No. G-24422 issued to Chet Joseph Janecki, M.D.

2. Prohibiting Chet Joseph Janecki, M.D. from supervising physician assistants; and

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3. Taking such other and further action as may be deemed proper and appropriate.

DATED: November 8, 1993

DIXON ARNETT
Executive Director
Medical Board of California
Division of Medical Quality
Department of Consumer Affairs
State of California
Complainant

EXHIBIT A

FILED IN OFFICE
Joint Secretary
State Examining Boards
OCT 21 1991
DOCKET NUMBER
91-519

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

STATE OF GEORGIA

IN THE MATTER OF:	*	
	*	
CHESTER JOSEPH JANECKI, M.D.	*	AG FILE NO. 96520-91-TKB
	*	
Applicant.	*	

CONSENT ORDER

By agreement of the Composite State Board of Medical Examiners and CHESTER JOSEPH JANECKI, M.D., Applicant, the following disposition of this matter is entered pursuant to the provisions of the Georgia Administrative Procedure Act, codified as O.C.G.A. § 50-13-13(a)(4).

FINDINGS OF FACT

1.

The Applicant is licensed to practice medicine in Florida, Arkansas, Ohio, New York, Vermont, California, and Hawaii, and has applied for a license to practice medicine in Georgia by reciprocity/endorsement.

2.

Applicant answered "yes" to the question on the application for licensure, "Have you ever been treated or hospitalized for mental illness, drug or alcohol abuse?" The Applicant explained that he was hospitalized from February 21, 1989 through March 21, 1989 for management of alcohol abuse at the South Miami Hospital.

3.

The Board has received letters in support of the Applicant's application for licensure.

4.

The Applicant waives any further findings of fact with respect to the above matter. However, the Applicant shall be allowed to submit a supplemental statement for the investigative file in explanation and mitigation of the matters stated herein for consideration by the Board prior to its review of this Consent Order.

CONCLUSIONS OF LAW

The Applicant's condition and/or prior conduct constitute sufficient grounds for refusal of a license to practice medicine in the State of Georgia under O.C.G.A. Chs. 1 and 34, T. 43, as amended. The Applicant hereby waives any further conclusions of law with respect to the above-styled matter.

ORDER

The Composite State Board of Medical Examiners, having considered the particular facts and circumstances of this case, hereby orders, and the Applicant hereby agrees, that the Applicant shall be issued a license to practice medicine in the State of Georgia, subject to the following conditions:

1.

Commencing on the effective date of this Consent Order, the Applicant's license shall be placed on probation until

discharged by the Board, with the following terms and conditions of probation:

(a) Participation in Support Group. The Applicant shall affiliate with and regularly participate in meetings of Alcoholics Anonymous, Narcotics Anonymous, Caduceus Club or another similar support group acceptable to the Board in accordance with his aftercare contract or as otherwise required by the Board.

(b) Abstain from Mood Altering Substances. The Applicant shall completely abstain from the consumption of mood altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a legitimate purpose. Any such treatment shall be reported by Applicant to the monitoring physician, if different from the treating physician, and the treating and/or monitoring physician shall report such treatment and prescribing to the Board in writing. If such treatment entails the use of narcotic or other potentially addictive substances, a consultation with a board approved addictionologist shall be obtained at the direction of the medical coordinator.

(c) Supervision and Monitoring. Applicant shall designate an acceptable supervising ("workplace") physician and an acceptable primary care ("monitoring") physician experienced in addictionology, and provide a copy of this Consent Order to such physicians. Such physicians shall sign a statement to be submitted in conjunction with the Consent Order, as evidence of having read and understood same.

(d) Quarterly Reports. The Applicant shall submit or cause to be submitted quarterly reports from the supervising and monitoring physicians or therapists regarding his performance and mental/physical condition by March 31, June 30, September 30 and December 31, including a report on any medication being prescribed to the Applicant. Failure to submit or have such reports submitted in a timely manner shall be considered a violation of this Consent Order. It is expected that said supervising and monitoring physicians shall be in communication with each other and will immediately report any change in Applicant's condition which would render Applicant unable to practice with reasonable skill and safety to patients. By executing this Consent Order, Applicant specifically consents to such supervising and monitoring physicians or any other facility where Applicant obtains medical treatment reporting upon Applicant's condition, notwithstanding any privilege provided by state or federal law. Applicant shall obtain prior Board approval through the medical coordinator or executive director for any change in supervising or monitoring physicians.

(e) DEA Registration. In accordance with Board rules, Applicant shall not prescribe, administer, order or dispense controlled substances for personal or family use. There shall be no restrictions for legitimate prescribing, administering or dispensing of controlled substances in the course of Applicant's practice.

(f) Random Drug/Alcohol Screens. The Board or its representative or Applicant's supervising or monitoring physicians shall have the authority at any time to order the Applicant to undergo random witnessed and immediate drug/alcohol urine, biological fluid or blood screen analysis at the Applicant's expense. Proper chain of custody shall be maintained and positive results shall be confirmed by such means as may be required to ensure the validity of such screening.

(g) Further evaluation. At any time during the period of probation, the Board shall also have the authority to order the Applicant to undergo a physical or mental evaluation by physicians designated by the Board. Applicant shall execute such releases as may be required for the Board to obtain the results of such evaluations.

(h) Periods of Residency Outside Georgia. In the event the Applicant should leave Georgia to reside or practice outside of Georgia for periods longer than thirty (30) consecutive days, the Applicant shall notify the Board in writing of the dates of departure and return. Periods of residency or practice outside of Georgia as well as periods when Applicant is not actively engaged in the practice of medicine or is on inactive licensure status will not apply to the deduction of the applicant's probationary period, except as authorized by the Board. The Applicant shall advise the Board of any change in address of record or employment status.

(i) Public Order. Copies to Institutions, Employers, Associates. The Applicant shall supply a copy of this Consent Order, once approved and docketed, within ten (10) days from receipt by Applicant, as follows: A copy of this Consent Order shall be supplied to each hospital or other institution in Georgia where he maintains staff privileges of any kind, and to any person with whom Applicant is associated in practice or for whom Applicant is employed as a physician in the State of Georgia. Applicant shall also be required to disclose the existence of and provide a copy of this Consent Order in connection with any future application for institutional appointment, associated practice or employment as a physician in the State of Georgia while this Consent Order is in effect.

(j) Abide By Laws, Rules and Terms. The Applicant shall abide by all State and Federal laws regulating the practice of medicine or relating to drugs, the Rules and Regulations of the Composite State Board of Medical Examiners, and the terms of this Consent Order and probation. If Applicant is subject to any terms or conditions imposed by a lawful licensing authority or court of competent jurisdiction, Applicant shall also abide by all such terms and conditions and provide copies to the Board of any reports required under such terms and conditions. If the Applicant shall fail to abide by such laws, rules or terms, or if it should appear from monitoring reports submitted to the Board that the Applicant is otherwise unable to practice

medicine with reasonable skill and safety to patients, the Applicant's license shall be subject to further discipline, including revocation, upon substantiation thereof after notice and hearing, and if revoked the Board in its discretion may determine that the license should be permanently revoked and not subject to reinstatement. Should another lawful licensing authority or court of competent jurisdiction enter an order revoking Applicant's license or revoking Applicant's probationary status while Applicant is subject to this Consent Order, Applicant's Georgia license shall stand automatically suspended, effective on the date of such action, pending proceedings for revocation or other action by the Georgia Board. Applicant further agrees that any violation of this Consent Order shall be deemed to be sufficient to authorize the Board to order summary suspension of the Applicant's license, pending further proceedings, pursuant to the provisions of the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-18(c)(1), or any other statute authorizing emergency action, but Applicant understands that he shall be entitled to an expedited hearing to substantiate such violation(s), if the Board exercises such right.

(k) Termination of Probation. Applicant may petition for termination of probation by certifying under oath before a notary public that the Applicant has complied with all conditions of probation and by providing documentation

supporting discharge from probation. Such petition may be filed as follows: After a minimum term of probation of five (5) years of continuous sobriety; petition for termination may be filed 60 days prior to contemplated date of termination. The Composite State Board of Medical Examiners shall review and evaluate the practice of the Applicant prior to lifting the probation. At such time, the Board shall be authorized to restore all rights and privileges incident to the license of the Applicant, unless it extends, maintains, or imposes such restrictions or conditions as the Board deems appropriate, based upon the information presented to it pursuant to this Consent Order. Notice of intent to extend, maintain or impose such restrictions or conditions beyond the designated probationary period shall be given to the Applicant, and Applicant may respond to such notice in writing or request an appearance before the Board as in a non-contested case. This Consent Order shall remain in effect pending a final determination by the Board.

2.

In addition to and in conjunction with any other sanction contained herein, this Consent Order and dissemination thereof shall serve as a public reprimand, to the Applicant for his conduct.

3.

This Consent Order, if approved by the Composite State Board of Medical Examiners, shall in no way be construed as condoning the Applicant's prior condition or conduct, and shall not be construed as a waiver of any of the lawful rights possessed by the Board.

4.

Applicant acknowledges that he has read this Consent Order and that he understands its contents. He understands that he has the right to appear before the Board in this matter, and freely, knowingly and voluntarily waives such right by entering into this Consent Order. He understands that this Consent Order will not become effective until approved by the Composite State Board of Medical Examiners and docketed by the Joint Secretary, State Examining Boards. He further understands and agrees that a representative of the Department of Law may be present during presentation of this Consent Order to the Board and that the Board shall have the authority to review the investigative file and all relevent evidence in considering this Consent Order. He further understands that this Consent Order, once approved, shall constitute a public record which may be disseminated as a disciplinary action of the Board. However, if the Consent Order is not approved, it shall not constitute an admission against interest in this proceeding, or

prejudice the right of the Board to adjudicate this matter.

Applicant consents to the terms and conditions contained herein.

Approved, this 18 day of October, 1991.

COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

BY: Marjorie E. Lucas
MARJORIE E. LUCAS
President

(BOARD SEAL)

ATTEST: William L. Mills
Joint Secretary
State Examining Boards

Consented to:

Chester Joseph Janecki
CHESTER JOSEPH JANECKI, M.D.
Applicant

Witness of Signature:
Sworn to and subscribed before me this 18 day of October, 1991.
[illegible]
NOTARY PUBLIC
My commission expires:

Notary Public, Fayette County, Georgia.
My Commission Expires Jan. 8, 1993