

**TRUE AND EXACT
COPY OF ORIGINAL**

**BEFORE THE MINNESOTA
BOARD OF MEDICAL PRACTICE**

In the Matter of the
Medical License of
Abraham Verjovsky, M.D.
Date of Birth: 12-27-57
License Number: 32,782

**STIPULATION
AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between Abraham Verjovsky, M.D. ("Respondent"), and the Complaint Review Committee of the Minnesota Board of Medical Practice ("Board") as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice medicine and surgery in the State of Minnesota.

FACTS

2. For the purposes of this stipulation, the Board may consider the following facts as true:

a. Respondent is a psychiatrist who graduated from medical school in 1987 and was licensed by the Board in 1989. Respondent provided psychiatric care to patient #1, a 38-year-old woman, beginning October 21, 1994. On that date, patient #1 was admitted to a hospital with depression and suicidal ideations. Patient #1 reported a history of depression and also reported that her mother had a history of severe mental illness, leading to the latter's institutionalization. Respondent documented that patient #1 cited several severe stressors including separation from her husband. Patient #1 reported low energy, fatigue, thoughts of worthlessness and guilt, with difficulties in ability to think, concentrate, and make decisions, and thoughts of suicide.

b. On October 24, 1994, patient #1 was discharged from the hospital. From October 26 through December 2, 1994, patient #1 had ten therapy sessions with Respondent.

agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this amended stipulation.

Dated: _____, 1994

Nancy Kermath
NANCY A. KERMATH, M.D.
Respondent

Denis C. Bucher, M.D.
FOR THE COMPLAINT REVIEW
COMMITTEE

Dated: September 7, 1994

Rebecca Egge Moos
REBECCA EGGE MOOS
Attorney for Respondent

Linda F. Close
LINDA F. CLOSE
Attorney for Board

Bassford & Lockhart
3550 Multifoods Tower
Minneapolis, MN 55402
Telephone: (612) 333-3000

500 Capitol Office Building
525 Park Street
St. Paul, Minnesota 55103
Telephone: (612) 297-2040

Upon consideration of this stipulation and all the files, records, and proceedings herein,
IT IS HEREBY ORDERED that the terms of this stipulation are adopted and
implemented by the Board this 17th day of Sept, 1994.

MINNESOTA BOARD OF
MEDICAL PRACTICE

By: A. Edward Roche

first. When questioned by the investigator if Respondent knew for sure that patient #1 had received therapy, Respondent stated he thought she had received therapy, but only on two occasions. In reality, patient #1 consulted therapist MN on only one occasion, on January 6, 1995, three weeks after the sexual relationship began.

h. In approximately March 1995, patient #1 contacted Respondent for a referral to another therapist. Respondent gave patient #1 psychiatrist AB's name and telephone number. AB in turn referred patient #1 to therapist LH.

i. In an April 1996 letter to the Board, Respondent stated: "That I have harmed the former patient is an undeniable fact for me, though she did not feel that way." However, therapist LH documented the decline in patient #1's psychological status since the termination of the relationship with Respondent:

Symptoms: [Patient] states she has struggled with depression for the past 20 years. Additionally, she describes a history of panic attacks, staying in bed, sleeping long periods of time, fatigue, and apathy. She states she is depressed, lonely, isolating and withdrawing. She reports feelings of hopelessness, low self esteem, suicidal thinking, but denies current plan or intent. [Patient] states she is missing appointments . . . and may lose her business which is her only source of income. She reports decreased memory, difficulty concentrating, pre-occupation with thoughts, and daydreaming

Brief History: . . . She was married for three years and was recently divorced. Recently, [patient] states her sexual relationship with her mental health provider ended "after he self-reported himself." She expresses much sadness and resentment that this relationship is over and expresses much care and concern for him. She describes being very protective of this man and states "He has hurt enough and I don't want anything charted that can be used against him."

j. Patient #1 had only four sessions with therapist LH from March 23 to April 4, 1995, then failed to show for subsequent sessions. Despite repeated attempts by LH to contact patient #1, she never returned for therapy.

k. Respondent provided psychiatric treatment to patient #2, a woman who was age 32 in 1992, from 1992 to 1996. Respondent states that he provided medication

management and not psychotherapy. Patient #2 was under the care of Respondent through P.R.I.D.E., a support program for prostitutes and former prostitutes.

1. Respondent was aware that patient #2 was sexually attracted to him for a minimum of three years but did not transfer her to another psychiatrist.

Evaluation

m. Pursuant to the Board's request, Respondent admitted himself to Rush Behavioral Health Center, Multidisciplinary Assessment Program Presbyterian-St. Luke's Medical Center, DuPage, Illinois, for the purpose of a comprehensive psychiatric evaluation, a fitness for duty examination, and an assessment of his proclivity to engage in sexually inappropriate behavior with patients. The July 7, 1997, report included the following:

(1) Respondent's diagnosis included Axis II: Narcissistic Personality Disorder. Respondent's treating psychotherapist disagrees with this diagnosis and believes that the diagnosis is not supported by the Rush tests. The Rush Program opined that in Respondent's case, "his training, supervision and therapy have afforded him fair degree of insight relative to this condition. Provided the tendency to resort to narcissistic tendencies and defenses remain within his conscious awareness, and he adheres to the stipulations outlined below, we are of the opinion, to a reasonable degree of medical and psychiatric certainty, he is currently considered appropriate to practice medicine within a reasonable degree of competency, safety and skill."

(2) The report disagreed with Respondent's characterization of patient #1 being his "ex-patient" at the time the relationship was consummated. The report stated: "Although she may not have been technically under his care at the time they had sexual intercourse, certainly many of the dynamics of the therapeutic relationship continued to operate and fuel their sexual relationship. Even with consideration of the stressful situations he described at the time his relationship with [patient #1] was consummated, these stresses in no way explain or mitigate the inappropriateness and unethical nature of his conduct. [Respondent] has damaged her, perhaps permanently and we would strongly object to his characterization in his [April 1996] letter to the Board that 'she does not feel (I had harmed

her).’ The implication of his comment was that the psychiatric patient would be the best judge of whether he had inflicted damage. This reasoning is dangerously flawed because as a psychiatric patient, she could not possibly be in a position to identify, much less determine the acute and chronic ramifications of her sexual involvement with him."

(3) The report stated: "[W]e were troubled by [Respondent's] decision to continue seeing [patient #2] after his difficulties with [patient #1] [W]e are of the opinion [Respondent] placed himself in an unnecessarily vulnerable position and exercised exceedingly poor judgment by continuing to treat [patient #2]."

REMEDY

3. Upon this stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that until further order of the Board, made after notice and hearing upon application by Respondent or upon the Board's own motion, the Board may make and enter an order REPRIMANDING Respondent and imposing the following conditions and restrictions on his medical license:

- a. Respondent shall not engage in conduct with patients which is sexual or may reasonably be interpreted by patients as sexual.
- b. Respondent shall limit his practice to a group setting which has been approved in advance by the Committee or its designee. To obtain approval, Respondent must make a written request to the Committee, describing the proposed practice setting. Any approval by or on behalf of the Committee must be communicated to Respondent in writing.
- c. Respondent shall not provide individual psychotherapy to patients.
- d. When seeing female patients, Respondent shall continue the practice of having a chaperon in the room or see the patient with the door ajar and/or in a room which is glass-enclosed.
- e. Respondent shall not knowingly treat patients who have alleged sexual misconduct by a health care professional.
- f. Respondent shall not knowingly treat patients who within five years have been, or are currently, involved with the P.R.I.D.E. Program or other similar programs.

g. Respondent shall obtain a supervising psychiatrist, approved in advance by the Committee, who shall meet with Respondent at least once every two weeks for a minimum of three years for formal case consultation and shall make quarterly reports to the Board. Termination of supervision must be recommended by the supervisor and approved by the Committee.

h. Respondent shall continue in therapy with a pre-approved therapist who shall provide quarterly reports to the Board. Termination of therapy must be recommended by the therapist and approved by the Committee.

i. Respondent shall undergo marital and family counseling. Termination of counseling must be recommended by the counselor(s) and approved by the Committee.

j. Respondent and a designated Board member shall meet quarterly to review Respondent's progress under the terms of this Stipulation and Order. It shall be Respondent's obligation to contact the designated Board member to arrange each meeting.

k. Respondent shall pay to the Board, within six months of the date of this Order, \$15,000.00 in partial reimbursement of the Board's investigative costs consistent with Minn. Stat. § 147.141, clause (4).

l. This Stipulation and Order will remain in effect for a minimum of five (5) years from the date of this Order. At the end of this period, Respondent may petition for reinstatement to the Board. Upon hearing the petition, the Board may continue, modify or remove the conditions set out herein.

4. Within ten days of the date of this order, Respondent shall provide the Board with a list of all hospitals and skilled nursing facilities at which Respondent currently has medical privileges and a list of all states in which Respondent is licensed or has applied for licensure. The information shall be sent to Robert A. Leach, Minnesota Board of Medical Practice, University Park Plaza, 2829 University Avenue S.E., Suite 400, Minneapolis, Minnesota 55414-3246.

5. The following shall apply during the effective period of this Stipulation and Order:

a. If Respondent shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the Committee shall schedule a hearing before the Board. The Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Respondent shall submit a response to the allegations at least three days prior to the hearing. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

b. At the hearing before the Board, the Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this stipulation and order. Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice, or suspension or revocation of Respondent's license.

6. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating hereto.

7. In the event Respondent should leave Minnesota to reside or practice outside the state, Respondent shall promptly notify the Board in writing of the new location as well as the dates of departure and return. Periods of residency or practice outside of Minnesota will not apply to the reduction of any period of Respondent's suspended, limited, or conditioned license in Minnesota unless Respondent demonstrates that practice in another state conforms completely with Respondent's Minnesota license to practice medicine.

8. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter and has so chosen David P. Bunde.

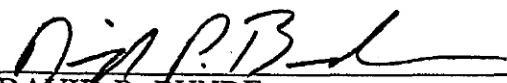
9. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.

10. Respondent hereby acknowledges that he has read and understands this stipulation and has voluntarily entered into the stipulation without threat or promise by the Board or any of its members, employees, or agents. This stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this stipulation.

Dated: March 31, 1998


ABRAHAM VERJOVSKY, M.D.
Respondent


FOR THE COMMITTEE


DAVID P. BUNDE
Attorney for Respondent


THOMAS C. VASALY
Attorney for Committee

Fredrikson & Byron, P.A.
1100 International Centre
900 Second Avenue South
Minneapolis, MN 55402
(612) 347-7048

500 Capitol Office Building
525 Park Street
St. Paul, MN 55103
(612) 297-5950

ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein,
IT IS HEREBY ORDERED that the terms of this stipulation are adopted and
implemented by the Board this 17th day of July, 1998.

MINNESOTA BOARD OF
MEDICAL PRACTICE

By: 

AFFIDAVIT OF SERVICE BY MAIL

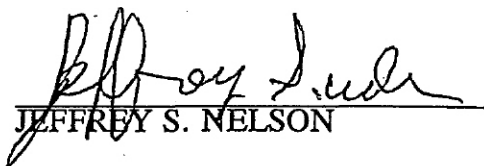
**Re: In the Matter of the Medical License of Abraham Verjovsky, M.D.
License No. 32,782**

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

JEFFREY S. NELSON, being first duly sworn, hereby deposes and says:

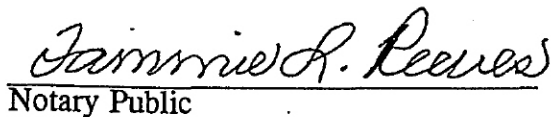
That at the City of St. Paul, County of Ramsey, State of Minnesota, on July 13, 1998, he served the attached **Stipulation and Order** by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with first-class postage prepaid, and addressed to:

DAVID P BUNDE ESQ
1100 INTERNATIONAL CENTRE
900 SECOND AVE SO
MPLS MN 55402-3397

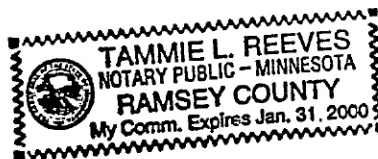


JEFFREY S. NELSON

Subscribed and Sworn to before me
this 13th day of July, 1998.



Notary Public



**TRUE AND EXACT
COPY OF ORIGINAL**

ADDENDUM

It is further stipulated by and between Abraham Verjovsky, M.D. ("Respondent"), and the Complaint Review Committee ("Committee") of the Minnesota Board of Medical Practice, through their attorneys, as follows:

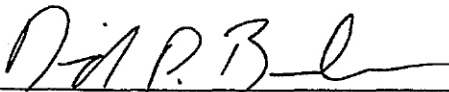
1. The following paragraph is hereby included in and made a part of the stipulation and order herein adopted by the Board on July 11, 1998:

The Committee views Respondent's practice as inappropriate in such a way as to require Board action under Minn. Stat. § 147.091, subd. 1(g), (k) and (t) (1996) and Respondent agrees that the conduct cited in the stipulation and order constitutes a reasonable basis in law and fact to justify the disciplinary action.

2. Respondent understands that this Addendum will be attached to and made a part of the July 11, 1998, stipulation and order and that any summaries or descriptions of the stipulation and order by the Board may include references to the statutes cited in this Addendum.

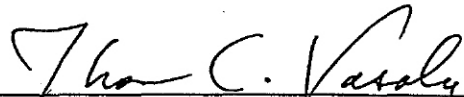
Dated: 7-20-98

Dated: July 14, 1998



DAVID P. BUNDE
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Fredrikson & Byron, P.A.
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900 Second Avenue South
Minneapolis, MN 55402
(612) 347-7048

TCV: jsn.vasa.fv5



THOMAS C. VASALY
Attorney for Committee
525 Park Street, Suite 500
St. Paul, MN 55103-2106
(612) 297-5950

BEFORE THE MINNESOTA
BOARD OF MEDICAL PRACTICE

**TRUE AND EXACT
COPY OF ORIGINAL**

In the Matter of the
Medical License of
Abraham Verjovsky, M.D.
Date of Birth: 12/27/1957
License Number: 32,782

**ORDER OF
UNCONDITIONAL LICENSE**

The Minnesota Board of Medical Practice ("Board") having convened on July 12, 2003, to review the petition of Abraham Verjovsky, M.D. ("Respondent"), for reinstatement of an unconditional license to practice medicine and surgery makes the following:

FINDINGS OF FACT

1. By Stipulation and Order dated July 11, 1998 ("Order"), the Board reprimanded Respondent and conditioned and restricted Respondent's license to practice medicine and surgery in the State of Minnesota, based on unethical and unprofessional conduct and sexual misconduct.
2. On June 10, 2003, Respondent submitted a petition for an unconditional license.
3. Respondent has paid the civil penalty required by the Order, and the Board has received periodic reports verifying Respondent's compliance with the terms and conditions of the Order.

Based on the foregoing, the Board concludes that Respondent has complied with and fulfilled the Order issued by the Board on July 11, 1998, and hereby issues the following:

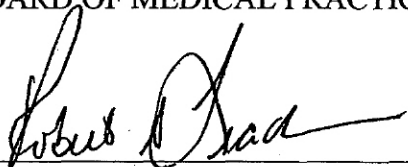
ORDER

IT IS HEREBY ORDERED that an unconditional license to practice medicine and surgery in the State of Minnesota be conferred upon Respondent, such license to carry all duties, benefits, responsibilities, and privileges inherent therein through Minnesota statute and rule.

Dated:

July 12, 2003

STATE OF MINNESOTA
BOARD OF MEDICAL PRACTICE



AFFIDAVIT OF SERVICE BY MAIL

**Re: In the Matter of the Medical License of Abraham Verjovsky, M.D.
License No. 32,782**

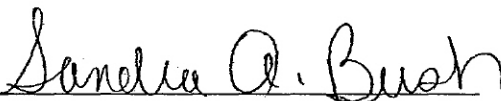
STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

SANDRA A. BUSH, being first duly sworn, deposes and says:


That at the City of St. Paul, County of Ramsey and State of Minnesota, on July 14, 2003, she served the attached ORDER OF UNCONDITIONAL LICENSE by depositing in the United States mail at said city and state, a true and correct copy thereof, properly enveloped, with first class postage prepaid, and addressed to Respondent's most recent address on file with the Board of Medical Practice:

PERSONAL AND CONFIDENTIAL

Abraham Verjovsky, M.D.
2136 Ford Parkway
St. Paul, MN 55116


SANDRA A. BUSH

Subscribed and sworn to before me on
July 14, 2003.


Notary Public

AG: #883872-v1

