

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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|----------------------------|---|-----------------------|
| Amy Mazza MacIntyre, M.D., | : |                       |
| Petitioner                 | : |                       |
|                            | : |                       |
| v.                         | : |                       |
|                            | : |                       |
| State Board of Medicine    | : | No. 891 C.D. 2026     |
| Respondent                 | : | Argued: July 30, 2026 |

BEFORE: HONORABLE STELLA M. TSAI, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION BY  
JUDGE TSAI

FILED: August 13, 2026

Before this Court is Amy Mazza MacIntyre, M.D.’s (Petitioner) July 14, 2026 “Amended Application for Emergency Stay Pending Appeal” (Amended Application for Stay) and the State Board of Medicine’s (Board) Answer thereto.<sup>1</sup> Through the Amended Application for Stay, Petitioner requests that this Court stay the Board’s revocation of her medical license while awaiting the outcome of her appeal.

**Background**<sup>2</sup>

Petitioner has held a license to practice as a medical physician and surgeon in Pennsylvania since 2002, and she has been employed as a psychiatrist at

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<sup>1</sup> Petitioner filed the original Application for Stay on July 9, 2026, and the Board filed its Answer on July 14, 2026. That same day, Petitioner filed the Amended Application for Stay, to which she attached the Board’s July 10, 2026 order denying Petitioner’s supersedeas request that she had filed with the Board on June 26, 2026. No other substantive changes were made in the Amended Application for Stay.

<sup>2</sup> Much of the factual background of this case is gleaned from the Board’s Final Adjudication and Order dated May 28, 2026.

Main Line Clinical Associates or her own practice. Final Order, Findings of Fact (F.F.) Nos. 1-2, 7. Petitioner became the treating psychiatrist of J.K. in September 2004, and she subsequently engaged in an intimate personal relationship with J.K. that turned sexual in February 2011, when J.K. was 24 years of age. *Id.* at F.F. Nos. 8, 24. This relationship continued through 2017, during which time Petitioner continued providing treatment and prescribing medication to J.K., although Petitioner did not evaluate him at any formal medical appointments and did not keep any records regarding prescribing.<sup>3</sup> *Id.* at F.F. No. 51.

On August 8, 2024, the Board filed an Order to Show Cause (OSC), alleging that Petitioner was subject to discipline for violations of The Medical Practice Act (Act)<sup>4</sup> and the Board's regulations. Final Order at 1. Specifically, the OSC alleged that Petitioner violated:

- Section 41(8) of the Act, 63 P.S. § 422.41(8), by engaging in immoral or unprofessional conduct with regard to her treatment of and personal relationship with J.K. (Count One). Final Order, Conclusions of Law (C.L.) No. 3;
- Section 41(6) of the Act, 63 P.S. § 422.41(6), for violating Section 16.61(a)(6) of the Board's regulation, 49 Pa. Code § 16.61(a)(6), which prohibits practicing the healing arts fraudulently, or with reckless indifference to the interests of a patient on a particular occasion, or with negligence on repeated occasions (Count Two). Final Order, C.L. No. 4;
- Section 41(6) of the Act, 63 P.S. § 422.41(6), for violating Section 16.61(a)(16) of the Board's regulation, 49 Pa. Code § 16.61(a)(16), which prohibits willfully harassing,

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<sup>3</sup> In her Amended Application for Stay and during oral argument before this Court, Petitioner focused on the length and nature of her relationship with J.K.

<sup>4</sup> Act of Dec. 20, 1985, P.L. 457, *as amended*, 63 P.S. §§ 422.1-422.53.

abusing or intimidating a patient (Count Three). OSC, 8/8/24, at ¶ 79;

- Section 41(6) of the Act for violating Section 16.92 of the Board's regulations, 49 Pa. Code § 16.92, which prohibits engaging in improper prescribing, administering, and dispensing of medications (Count Four). Final Order, C.L. No. 6;
- Section 41(6) of the Act for violating Section 16.95 of the Board's regulations, 49 Pa. Code § 16.95, which requires the maintenance of complete medical records of patient treatment (Count Five). Final Order, C.L. No. 7; and
- Section 41(6) of the Act for violating Section 16.110 of the Board's regulations, 49 Pa. Code § 16.110, which prohibits engaging in sexual misconduct (Count Six), Final Order, C.L. No. 8.

Petitioner filed an Answer to the OSC. Final Order at 1.

The Board appointed a hearing examiner to conduct a hearing. *Id.* At the start of the hearing, the parties filed a stipulation, which, in part, withdrew Count Three. *Id.* at 2. Petitioner admitted to the violations alleged in all other Counts, except for Count Four, the violation based on engaging in improper prescribing, administering, and dispensing of medications. *Id.* at 2-3. Thereafter, the Commonwealth presented two witnesses and six exhibits and the parties admitted one joint exhibit—the stipulation. *Id.* at 3. Dale Panzer, M.D., testified as the Commonwealth's expert in psychiatry, including the standard of care applicable to prescribing medications in a psychiatric context. *Id.* at F.F. No. 86. Petitioner presented two witnesses, including Elliot Atkins, Ed.D., who testified as an expert, but who is not a medical doctor and not licensed to prescribe medication, and who addressed mitigation and Petitioner's emotional state, but did not address medical prescribing standards. *Id.* at 3; *Id.* at F.F. Nos. 89, 91, 94.

On March 5, 2026, the hearing examiner issued a Proposed Adjudication and Order, finding a violation of Count Four, as well as the stipulated violations of Counts One, Two, Five, and Six, and recommending Petitioner's license be revoked. *Id.* at 3. On March 30, 2026, Petitioner filed exceptions to the hearing examiner's proposed order, and the Commonwealth filed a response on March 31, 2026. *Id.*

After reviewing all the evidence, the Board concurred with the hearing examiner's findings and recommended the sanction of revocation.<sup>5</sup> *Id.* In reaching that conclusion, the Board credited the Commonwealth's expert and J.K. as credible witnesses. *Id.* at 23. The Board also addressed Petitioner's arguments in mitigation, but gave limited weight to Petitioner's testimony regarding fear, coercion, and personal stressors, as well as to remedial steps she took after the relationship with J.K. ended and her expressions of regret. *Id.* at 28-31. The Board also gave limited weight to Petitioner's expert, Dr. Atkins, because "[h]is evaluations relied heavily on [Petitioner's] self-reported history, he did not interview J.K. or other collateral sources, and he did not address the medical standards governing prescribing practices." *Id.* at 31.

Accordingly, the Board concluded that "revocation is necessary because the misconduct was not isolated or momentary. [Petitioner's] violations occurred over a period of years and involved the same patient to whom she owed heightened professional obligations as the treating psychiatrist." *Id.* at 33.

On June 29, 2026, Petitioner filed with this Court a petition for review of the Board's Final Order. On July 14, 2026, Petitioner filed the instant Amended Application for Stay, and the Board filed its Answer the same day. This Court held

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<sup>5</sup> Section 42(a)(3) of the Act, 63 P.S. § 422.42(a)(3), authorizes the Board to "[r]evoke . . . a license or certificate."

oral argument on the Amended Application for Stay via telephone conference call on July 30, 2026.

### **Discussion**

The law is well established that a stay is warranted where:

1. The petitioner makes a strong showing that [she] is likely to prevail on the merits.
2. The petitioner has shown that without the requested relief, [she] will suffer irreparable injury.
3. The issuance of a stay will not substantially harm other interested parties in the proceedings.
4. The issuance of a stay will not adversely affect the public interest.

*Pa. Pub. Util. Comm'n v. Process Gas Consumers Grp.*, 467 A.2d 805, 808-09 (Pa. 1983). The petitioner must make a strong showing on *each* of the above criteria in order for the stay to issue. *See id.* However, the first prong is not “inflexible” and “must be considered and weighed relative to the other three criteria.” *Id.* at 809 n.8. Thus, a court “may exercise its discretion to grant a stay if the [petitioner] has made a substantial case on the merits,” but only when the other three factors “strongly favor interim relief.” *Id.* at 809 (quoting *Washington Metro. Area Transit Comm'n v. Holiday Tours, Inc. (Washington Metro.)*, 559 F.2d 841, 843 (D.C. Cir. 1977)).

Turning to the first prong, Petitioner has alleged that the Board did not sufficiently consider her mitigating evidence, including the true nature of her relationship with J.K., her efforts in seeking outside professional help to mitigate her transgressions, the fact that her transgression involved a single patient, and her continued practice for nearly a decade before the Board’s issuance of the OSC

without any violations.<sup>6</sup> Regarding her seeking of professional help, Petitioner challenges the Board's review and findings with respect to the testimony of Dr. Atkins, her treating psychologist. The Court finds that these allegations by Petitioner present a substantial case on the merits. *See Shah v. State Bd. of Med.*, 589 A.2d 783, 787 (Pa. Cmwlth. 1991) (this Court granted a stay of the revocation of a doctor's license based on immoral and unprofessional conduct and patient abuse, which was upheld by the Pennsylvania Supreme Court).

Next, the Court finds that Petitioner has met the second prong of the *Process Gas* factors by showing she would be irreparably harmed by a stay. Petitioner operates her own practice, currently treating an estimated 1,000 patients. Without a stay, Petitioner would be forced to close her business and transition these patients, a business she would be unlikely to recover even if, as the Board noted, she was successful on her appeal or applied for reinstatement five years after her license revocation. *See Carlini v. Highmark*, 756 A.2d 1182, 1188 (Pa. Cmwlth. 2000) ("With respect to equitable relief, 'the impending loss of a business opportunity' is considered to be irreparable harm" (quoting *West Penn Specialty MSO, Inc. v. Nolan*, 737 A.2d 295, 299 (Pa. Super. 1999))).<sup>7</sup>

Moving to the third and fourth prongs, the Court finds that Petitioner has shown that the Board would not be substantially harmed by the granting of a stay and the public interest would not be adversely affected by the granting of a stay. As

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<sup>6</sup> The Board cites *Tumpati v. State Board of Medicine*, (Pa. Cmwlth., No. 1361 C.D. 2023, filed Nov. 4, 2024), 2024 WL 4664093 at \*4-5, for the proposition that the length of time that has passed since the violation occurred without any further violations is not relevant for this Court's determination regarding the merits of the case. However, this Court in *Tumpati*, an unreported decision, merely agreed with the Board in that case that the passage of time alone does not suggest mitigation. Here, Petitioner does not rely solely on the passage of time.

<sup>7</sup> *Carlini* involved a doctor's challenge to his loss of network credentials that would result in a potential loss of nearly half his business.

noted above, Petitioner has practiced nearly a decade without any further actions necessitating discipline.<sup>8</sup> Petitioner's actions leading to the instant revocation, although spread over several years, were focused on a single individual.<sup>9</sup> In that time, she has treated thousands of patients without reported incident, and there is a purported shortage of psychiatrists with Petitioner's subspecialty. Additionally, during oral argument, counsel for Petitioner identified the significant efforts undertaken by Petitioner to restructure her practice in order to avoid any similar transgressions in the future. Further, and perhaps most importantly, during oral argument, counsel for the Board conceded that Petitioner posed no immediate threat to the public. Thus, if a stay were not granted, the public may be more harmed by the loss of a psychiatrist with Petitioner's subspecialty if she could not practice.

### **Conclusion**

After review of the parties' submissions and following oral argument, this Court holds that Petitioner established the second, third, and fourth prongs of the *Process Gas* factors, which strongly weigh in favor of a stay, and made a "substantial case on the merits" for purposes of the first prong. Accordingly, the Court grants Petitioner's Amended Application for Stay.



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STELLA M. TSAI, Judge

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<sup>8</sup> Even assuming arguendo that *Tumpati* prevents this Court from considering the amount of time that Petitioner has practiced without any violations in our review of the merits, such consideration is relevant to deciding whether Petitioner poses a current danger to the public and whether granting a stay is in the public interest.

<sup>9</sup> The Court in no way means to downplay the significance and seriousness of the violations committed by Petitioner and merely notes the same as a consideration we must undertake in disposing of Petitioner's current Amended Application for Stay.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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| Amy Mazza MacIntyre, M.D., | : |                   |
| Petitioner                 | : |                   |
|                            | : |                   |
| v.                         | : |                   |
|                            | : |                   |
| State Board of Medicine,   | : |                   |
| Respondent                 | : | No. 891 C.D. 2026 |

**ORDER**

AND NOW, this 13th day of August 2026, upon consideration of Amy Mazza MacIntyre, M.D.'s July 14, 2026 "Amended Application for Emergency Stay Pending Appeal" (Amended Application for Stay) and the State Board of Medicine's Answer thereto, the Amended Application for Stay is GRANTED.



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STELLA M. TSAI, Judge