



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

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NYS Department of Health*

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Ansel R. Marks, M.D., J.D.
Executive Secretary

PUBLIC

July 31, 2003

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Kacanka Hruby, M.D.
3 Carillon Circle
Easthampton, MA 01027

Re: License No. 183583

Dear Doctor Hruby:

Enclosed please find Order #BPMC 03-207 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect August 7, 2003.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to the Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
KACENKA HRUBY, M.D.
CO-03-04-1582-A

SURRENDER

ORDER

BPMC No. 03-207

KACENKA HRUBY, M.D., says:

On or about August 17, 1990, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 183583 by the New York State Education Department. I currently reside at 3 Carillon Circle, EastHampton, MA 01027.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I have been offered the opportunity to settle this matter with a Consent Agreement. I have not, however, practiced medicine in New York State in many years and I do not intend to return to practice medicine in New York. I am, therefore, applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I, hereby, contest all Factual Allegations and specifications except I do not contest Factual Allegations A and B(2) except the words in B(2) "alcohol, drugs, physical disability, or" and the two (2) specifications set forth in the Statement of Charges (Exhibit A).

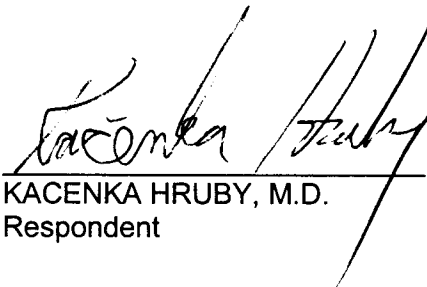
I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or

construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind of manner.

Date: 7/21, 2003



KACENKA HRUBY, M.D.
Respondent

AGREED TO:

Date: July 16, 2003


W. SCOTT LIEBERT, Esq.
Attorney for Respondent

Date: July 27, 2003


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: July 29, 2003


DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

ORDER

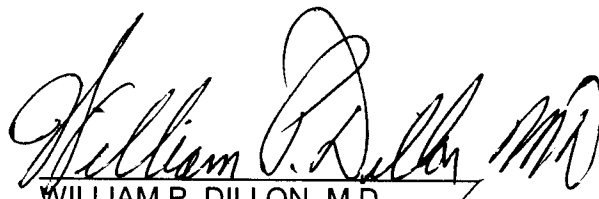
Upon the proposed agreement of **KACENKA HRUBY, M.D.**, to Surrender her license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of the Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 7/31, 2003


WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
KACENKA HRUBY, M.D.
CO-03-04-1582-A

STATEMENT
OF
CHARGES

KACENKA HRUBY, M.D., the Respondent, was authorized to practice medicine in New York state on August 17, 1990, by the issuance of license number 183583 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about February 19, 2003, the Commonwealth of Massachusetts, Board of Registration in Medicine, (hereinafter "Massachusetts Board"), by a Consent Order, (hereinafter "Massachusetts Order") indefinitely suspended Respondent's right to renew her license to practice medicine, based on practicing medicine while her ability to do so was impaired by mental instability.

B. The conduct resulting in the Massachusetts Board disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(2) (practicing the profession fraudulently);
2. New York Education Law §6530(7) (practicing the profession while impaired by alcohol, drugs, physical disability, or mental disability);
3. New York Education Law §6530(8) (being a habitual abuser of alcohol, or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects, except for a licensee who is maintained on an approved therapeutic regimen which does not impair the ability to practice, or having a psychiatric condition which impairs the licensee's ability to practice); and/or
4. New York Education Law §6530(20) (moral unfitness).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:


1. The facts in Paragraphs A and/or B.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *June 23*, 2003
Albany, New York


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct