

**MAINE STATE BOARD OF LICENSURE IN MEDICINE**

IN RE: Jaroslav P. Stulc, M.D. )  
Licensure Disciplinary Action ) **DECISION AND ORDER**  
Complaints CR-08-030 and CR08-052 )

**I. PROCEDURAL HISTORY**

Pursuant to the authority found in 32 M.R.S. Sec. 3282-A, *et seq.*, 5 M.R.S. Sec. 9051, *et seq.* and 10 M.R.S. Sec. 8001, *et seq.*, the Board of Licensure in Medicine (Board) met in public session at the Board's offices located in Augusta, Maine on May 12, 2009 at 1:00 p.m. The purpose of the meeting was to conduct a consolidated adjudicatory hearing to decide whether Jaroslav P. Stulc, M.D. violated Board statutes and Rules as alleged in the Notice of Hearing. A quorum of the Board was in attendance during all stages of the proceedings. Participating and voting Board members were Chairman Sheridan R. Oldham, M.D., Bettsanne Holmes, (public member), Gary R. Hatfield, M.D., Cheryl Clukey (public member), David Nyberg, Ph. D., (public member), Daniel K. Onion, M.D., Maroulla S. Gleaton, M.D., and David H. Dumont, M.D. Dennis Smith, Ass't. Attorney General, presented the State's case. Dr. Stulc appeared and was not represented by an attorney although he had been previously advised of his right to retain counsel. James E. Smith, Esq. served as Presiding Officer.

The Board convened the hearing and first determined that there were no conflicts of interest or bias on behalf of any Board member. The Board then took administrative notice of its statutes and Rules. State's exhibits 1-20 and Respondent's exhibits 1-4 were admitted into the Record. Subsequent to the parties' opening statements, the taking of testimony, exhibits, and closing arguments, the Board deliberated and made the following findings of fact by a preponderance of the credible evidence.

II.

FINDINGS OF FACT -Complaint # CR-08-052

1. Jaroslav P. Stulc, M.D., was first licensed as a physician in 1973. He became a surgeon and eventually developed a specialty in surgical oncology. Dr. Stulc was employed as a surgeon by the Trover Foundation in 1990, with surgical privileges at the Trover Foundation Regional Hospital in Madisonville, Kentucky. In 2000, he became a solo practitioner until 2007 when he departed from Kentucky to establish a practice in Maine.

2. On or about June 27, 2007, the Maine Board of Licensure in Medicine received an application from Dr. Stulc for a Permanent Maine medical license. On June 21, 2007, Dr. Stulc executed an affidavit as part of the application, which read in part:

I have carefully read the questions in this application and have answered them completely, without reservations of any kind, and declare under penalties of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute grounds for the denial, suspension or revocation of my license to practice medicine and surgery in the State of Maine, or other discipline as the Board may determine.

3. On his application for a Permanent medical license, **Dr. Stulc answered “No”** to the following question: “Have you EVER had your hospital, HMO, or other health care entity privileges revoked, suspended, restricted, limited in any way, or withdrawn involuntarily?” (emphasis added)

4. On or about August 20, 2007, while still in the process of obtaining information regarding Dr. Stulc’s application for a Permanent Maine medical license, the Board received an application from him for an Emergency (100 day) medical license. Unlike a Permanent medical license, the Board may issue an Emergency medical license without having all verifying background information regarding the applicant. On August 18, 2007, Dr. Stulc executed an affidavit as part of that application, which read in part:

I have carefully read the questions in this application and have answered them completely, without reservations of any kind, and declare under penalties of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute grounds for the denial, suspension or revocation of my license to practice medicine and surgery in the State of Maine, or other discipline as the Board may determine.

5. On the application for an Emergency medical license, **Dr. Stulc answered “No”** to the following question: “Have you EVER had your hospital, HMO, or other health care entity privileges revoked, suspended, restricted, limited in any way, or withdrawn involuntarily?” (emphasis added)

6. On August 20, 2007, based upon Dr. Stulc’s representations on his application, the Board staff issued Dr. Stulc an Emergency (100 day) medical license, which would not have been issued without review by the entire Board if Dr. Stulc had answered “Yes” to the above question.

7. On January 22, 2008, based upon Dr. Stulc’s representations on his application, the Board staff issued Dr. Stulc a Permanent medical license, which would not have been issued without review by the entire Board if Dr. Stulc had answered “Yes” to the above question.

8. On or about January 24, 2008, the Board received information indicating that:

A. On May 20, 1996, Teresa Vincent, R.N., C.N.O.R. of the Madisonville Health Technology Center in Madisonville, Kentucky, sent a letter to Mohan Rao, M.D., of Trover Clinic in Madisonville, Kentucky regarding inappropriate comments and actions allegedly attributed to Dr. Stulc. The allegations involved three different surgical technology students, including: Student #1 who complained that Dr. Stulc attempted to secure an Allis Clamp on the breast area of her gown. Student #2 alleged that Dr. Stulc squirted saline from the Aspeto on the left breast area of her gown. Student #3 Student complained that she accidentally brushed up against Dr. Stulc during a procedure. Dr. Stulc stated, “Are you playing with me.” The Student replied, “No sir, I am not.” Dr. Stulc replied, “Would you like to play with me.” The Student replied, “No sir, but I will hold this rake for you.” The rake was for retraction at the operative site. The letter concluded by stating,

“I would like to stress at this time the above incidents are just inappropriate. Attached is the Kentucky Tech Sexual Harassment Policy.”

B. On or about April 19, 2006, Dr. Stulc’s clinical privileges at Trover Foundation Regional Hospital in Madisonville, Kentucky were renewed with the following restrictions/limitations:

1. That he undergo a psychological evaluation.
2. That failure to complete the evaluation or comply with other recommendations of the medical executive committee would result in the precautionary suspension of his “medical staff privileges.”
3. That he comply with a performance improvement plan for one year with “zero tolerance for validated behavioral occurrences.” The performance improvement plan required Dr. Stulc to:
  - a. “Conduct himself in a professional manner at all times, ensuring appropriate communication and interactions with patients, visitors, colleagues, and staff.”
  - b. “Be consistently available to hospital staff, colleagues, and for patient interactions while on call/on duty, and will respond in a timely and appropriate manner.”
  - c. “Adhere to all safety standards and patient safety protocols.”

9. On or about February 27, 2007, Dr. Stulc received a letter from the Medical Executive Committee of the Trover Foundation Regional Medical Center located in Madisonville, Kentucky, which stated in part: “The undersigned have received credible information that you have violated the terms of your Medical Staff PI (Performance Improvement) Plan entered into March 13, 2006 by making inappropriate, rude or offensive communications, behavior, or actions with any medical or hospital staff member. Specifically, on February 24, 2007... you in an unprofessional manner, loudly raised your voice (yelled) at a hospital nurse who had telephoned you for instructions concerning pain medication administration to your patient. Violation of your Performance Improvement Plan has been considered to be disruptive to the orderly operations of the hospital. Pursuant to the terms of said Performance Improvement Plan, any validated breach of expectations, actions, or described behaviors will result in immediate precautionary suspension and after due consideration, the undersigned have determined that such suspension is warranted. **This precautionary suspension shall become effective immediately, shall be deemed an interim precautionary action and not a professional review action, and shall not imply any final**

**finding of responsibility for the situation that caused the suspension.** This precautionary suspension shall remain in effect, unless or until modified by the Chief Executive Officer or Board of Directors.

10. On or about March 23, 2007, Dr. Stulc received a letter from the Medical Executive Committee of the Trover Foundation Regional Medical Center located in Madisonville, Kentucky, which stated in part: “[T]he Committee has received additional credible information that you have violated the terms of your Medical Staff PI (Performance Improvement) Plan entered into March 13, 2006 as well as the Medical Staff Values and Experiences. Specifically, two complaints have been received. The first complaint asserts that you visited an employee while she was a maternity patient following delivery in the hospital who was not your patient. During the visit, it is reported that you kissed her on the cheek, put your hands under the sheet and mashed around on her stomach, and prior to leaving the room, kissed her on the forehead. Upon the employee’s return to work, over the course of time, she asserts that you have rubbed your privates up against her, as well as rubbed your rear end across hers, smacked her on the behind with your hand several times... The second complaint asserts that you repeatedly contacted a patient, also an employee, and repeatedly requested of the employee... to be present during her urethropexy surgical procedure. In addition, the employee states that you have taken pictures of her backside with your cell phone, and brushed up against her. Such actions are considered of a sexual nature constituting sexual harassment and violate the terms of your Medical Staff PI (Performance Improvement) Plan entered into March 13, 2006 as well as the Medical Staff Values and Expectations. Violation of your Performance Improvement Plan is considered to be disruptive to the orderly operations of the hospital. Pursuant to the terms of said Performance Improvement Plan, any validated breach of expectations, actions, or described behaviors will result in immediate precautionary suspension and after due consideration, the undersigned have determined that such suspension is warranted. **This precautionary suspension shall become effective immediately, shall be deemed an interim precautionary action and not a professional review action, and shall not imply any final finding of responsibility for the situation that caused the suspension.** This precautionary suspension shall remain in effect, unless or until modified by the Chief Executive Officer or Board of Directors.

11. On or about May 30, 2007, Dr. Stulc, while represented by legal counsel, received a letter from an attorney representing Trover Foundation Regional Medical Center, which indicated that the **precautionary suspension of his clinical privileges was lifted subject to the following restrictions/limitations:** 1. That Dr. Stulc undergo a psychiatric evaluation. 2. That Dr. Stulc enter the Kentucky Physicians Health Foundation. 3. That Dr. Stulc attend and complete a formal educational course in "Maintaining Proper Boundaries." 4. That a strong letter of private admonition be issued to Dr. Stulc. 5. That Dr. Stulc have a chaperone accompany him "at all times while he is in the hospital... The validated failure to ensure accompaniment by a chaperone while in the hospital will result in immediate precautionary suspension and shall be grounds for termination. 6. That Dr. Stulc avoid unnecessary contact with hospital employees. 7. That Dr. Stulc be prohibited from taking pictures with his camera phone or any other device within the hospital. 8. That Dr. Stulc remain on a "performance improvement plan for an indefinite period of time with zero tolerance for validated behavioral occurrences... Any validated behavioral occurrences shall result in a minimum 31 day suspension and shall be reported to the National Practitioner Data Bank..." 9. That Dr. Stulc "shall tender his resignation from the Medical Staff of Regional Medical Center to become effective September 1, 2007 and shall agree not to reapply for privileges indefinitely." 10. The records of Trover Health System reflect that Dr. Stulc was placed on a work improvement plan. An investigation into his conduct was completed. No final adverse action was taken against Dr. Stulc's privileges which therefore were in good standing at that time.

12. The Maine Board found that the language in the above paragraph 10 amounted to a *quid pro quo* in order to secure Dr. Stulc's resignation.

13. On June 10, 2007, Dr. Stulc submitted an application as a physician to Redington-Fairview General Hospital. In that application, he responded "Yes" to the following question: "Have you ever had your clinical privileges or employment at any hospital or any other health care facility limited, suspended, revoked, not renewed or made subject to probationary conditions or otherwise adversely affected?" Dr. Stulc stated therein that "I voluntarily accepted a probationary status last year at Regional Medical Center due to anger management issues...I sought psychological evaluation for anxiety, stress and anger therapy..." Dr. Stulc neglected to mention any sexually-

related complaints or the course on Maintaining Proper Boundaries which he was ordered to complete.

14. On or about June 3, 2008, the Board received a response from Dr. Stulc to complaint CR 08-052. In his response, Dr. Stulc indicated that, through therapy, he came to understand “a pattern of self-deception and denial of deeply rooted behavioral issues” and stated, I now realize and accept that the complaints raised at Trover were not entirely unfounded and the proceedings were significant events that I should have fully disclosed on my applications for licensure. It was not my intent to deceive the Board, but I had deceived myself into believing these events were not important.

15. Dr. Stulc further admitted that he “sprayed all of the students present – male and female” with saline – but denied any “sexual connotation.”

16. Dr. Stulc additionally confirmed that, prior to coming to Maine, Trover Hospital in Kentucky had imposed “precautionary suspensions” of his clinical privileges, placed him on a performance improvement plan, and required that he obtain counseling for anger management. Dr. Stulc admitted that, while at Trover, he “had inappropriately brushed up against... two women in a flirtatious manner,” that “there was an air of constant flirtation” [at Trover], and that he did not maintain proper boundaries with staff.

17. Dr. Stulc repeatedly denied that he had intended to practice fraud or deceit in obtaining his Maine medical license and preliminarily focused the blame for this omission on the Board’s application form. He argued that the application did not contain the word “provisionally.” In other words, the application’s language did not ask: “Have you EVER had your hospital, HMO, or other health care entity privileges revoked, **PROVISIONALLY** suspended, **PROVISIONALLY** restricted, limited in any way, or withdrawn involuntarily?”

18. Dr. Stulc further testified that he was led to believe that his practice problems at Trover were not reportable to the National Practitioner Data Bank, and that the investigation at Trover did not result in any adverse action against his privileges. Therefore, he did not report the administrative

action taken against him at Trover despite being ordered to: undergo a psychiatric evaluation; to attend and complete a formal educational course in “Maintaining Proper Boundaries;” to be the subject of a strong letter of private admonition; and to be restricted by having a chaperone accompany him “at all times while he is in the hospital... The validated failure to ensure accompaniment by a chaperone while in the hospital will result in immediate precautionary suspension and shall be grounds for termination.” Dr. Stulc testified that he currently would not answer the same question on his application with the previous answer.

**III. CONCLUSIONS OF LAW RE: CR-08-052**

The Board found Dr. Stulc’s reasoning to be fallacious and incredible, and accordingly determined by a vote of 8-0, that based on the above cited evidence, Dr. Stulc violated the provisions of 32 M.R.S. §3282-A(2)(A)(The practice of fraud or deceit in obtaining a license under this chapter). Additionally, other examples of misleading or deceptive answers occurred throughout this hearing. For instance, Dr. Stulc’s Curriculum Vitae listed him as the editor of the “Kentucky Medical Association Journal,” whereas he was actually the scientific editor of that publication. Additionally, several articles were listed in his Curriculum Vitae under the heading “Publications,” whereas the articles had not been published. Some had languished for more than 20 years and Dr. Stulc was unaware of the final disposition of those articles. In response, Dr. Stulc testified that he had not updated his Curriculum Vitae since 2007. That testimony was also false in that he listed in that document his research and professional experience from 2008 forward.

**IV. FINDINGS OF FACT -Complaint # CR-08-030**

1. Prior to moving to Maine in late August 2007, Dr. Stulc had attended a three-day course in “Professional Boundaries & Ethics Program” in Atlanta, Georgia. The three-day course, held on August 17-19, 2007, included lectures and discussions on the following topics: (1) Ethics and the Hippocratic Oath-Betraying Professional Trust; (2) Boundary theory and boundary dynamics; (3) Differentiating boundary drifts, crossings and violations; (4) Defining non-sexual and sexual boundary violations; (5) Psychodynamics of violations; (6) Laws and Legal Consequences of Boundary Violations; (7) Relapse Prevention; (8) Enactment Dynamics and Sexual Misconduct; (9)



Victimization, Victim Impact and Victim Empathy; and (10) Implementing your Boundary Protection Plan.

2. Dr. Stulc began his employment as a surgeon at Redington-Fairview General Hospital (Redington-Fairview) for one week in August 2007 and full-time on September 19 of that year.

3. On or about September 24, 2007, while discussing a colonoscopy procedure with a male patient, and in the presence of medical assistant Danielle Gagnon, an employee of Redington-Fairview General Hospital, Dr. Stulc made a sexualized comment to the patient, to wit: "about going where his wife hadn't (meaning the patient) and stating that he allows his wife to go there."

4. That on or about September 26, 2007, Dr. Stulc screamed at medical assistant Danielle Gagnon, "Why do you people keep calling me? I know where I'm supposed to be" after she had paged him because he was an hour late for a patient appointment. Dr. Stulc subsequently arrived at the office and was very hostile and rude to medical assistant Daniele Gagnon.

5. That on or about October 1, 2007, Dr. Stulc stated out loud, while walking by a female patient who was being taken from the medical office by paramedics to the hospital, that "she is nothing but a whiner baby." This comment was overheard by medical office manager Tanya Daigle and medical assistant Danielle Gagnon. The patient was being transferred due to low blood sugar and being cold with clammy skin.

6. Dr. Stulc first testified that he never used the word "whiner baby" but later admitted that he may have used it one time.

7. That on or about October 10, 2007, while using the medical office computer at Redington Medical Primary Care, medical office of Redington-Fairview, Dr. Stulc downloaded and printed out pornographic images of women.

8. Dr. Stulc performs breast examinations, perineum examinations, and other examinations on female patients.

9. That on or about October 10, 2007, Dr. Stulc viewed pornographic images using the medical office computer at Redington Medical Primary Care both before and after seeing patients (including women) of Redington-Fairview.

10. The medical office computer used by Dr. Stulc to download pornographic images was also used by female employees of Redington-Fairview (Tanya Daigle and Danielle Gagnon), who were exposed to the pornographic images, including raw images of sexual acts, down-loaded or printed by Dr. Stulc, including:

- a. Observing the pornographic images on the medical office computer screen at the time Dr. Stulc was using the computer;
- b. Inadvertently discovering copies of pornographic images which were face-up in his desk drawer. In this regard, Dr. Stulc's testimony at first focused not on his actions but rather challenged the witness as to why she was opening his desk drawer. The reason was that Dr. Stulc had requested that she deposit a receipt and change in that drawer.
- c. Discovering copies of pornographic images on the back-side of patient forms when using the office printer (i.e. the pornographic images were placed in the paper tray of the office printer).<sup>1</sup>

11. Tanya Daigle and Daniele Gagnon subsequently reported Dr. Stulc's pornographic downloads to the medical director at Redington-Fairview.

12. That on or about October 12, 2007, Dr. Stulc admitted to the medical director of Redington-Fairview, that while using the medical office computer, he had been downloading and viewing pornographic images of women during office hours. He stated at that meeting words to the effect that "I'm just a guy" in order to explain his actions. His apology, according to Ms. Gagnon, did not appear to be sincere.

13. On or about October 15, 2007, Dr. Stulc was advised by the administration of Redington-Fairview that it would have "zero tolerance" for using the medical office computer to download and view pornographic images of women during office hours.

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<sup>1</sup> There was no evidence to suggest that Dr. Stulc intended for the pornographic materials to be viewed by others.

14. On or about October 26, 2007, Dr. Stulc, stated to a 15 year-old female patient, "boy, they sure didn't make'em like that when I was younger" (Referring to the fact that the young girl's breasts were well-developed for her age). The girl's mother was present and told Diane Gagnon that she felt "uncomfortable."

15. Between on or about November 13, 2007 and November 20, 2007, Dr. Stulc made rude and inappropriate comments towards medical staff, including stating to Tanya Daigle in front of patients in a "degrading tone of voice," that she "needed to go back to school."

16. On or about November 20, 2007, Dr. Stulc, while using the medical office computer during office hours and prior to performing a procedure on a female patient, downloaded and viewed pornographic images of women.

17. On or about November 21, 2007, Tanya Daigle accessed the medical office computer used by Dr. Stulc to download the medical dictation from the previous day. When Ms. Daigle moved the computer mouse, she observed the following image: a medical procedure room with a woman in a Johnny sitting and posing provocatively on the exam table. The caption over the woman was "CASUAL SEX."

18. On or about November 21, 2007, Tanya Daigle contacted the medical director at Redington-Fairview concerning the above image on the office computer used by Dr. Stulc. The medical director came to the office and viewed the image. At that time, Tanya Daigle and Danielle Gagnon also observed on the computer screen "a side bar of latest websites [and] there were several nude and raw pornography photos."

19. On November 26, 2007, Dr. Stulc was notified by letter from Redington-Fairview that he was under investigation for downloading pornography for a second time and that the hospital was "suspending his employment with pay, effective immediately." Dr. Stulc did not report this to the Board.

20. On December 2, 2007, the Emergency Medical License issued to Dr. Stulc expired. He filed an

amendment to his Permanent License application on January 3, 2008, in which he corrected his previous “No” answer regarding a medical malpractice question but did not correct or update his answer to number 9 regarding the suspension of his hospital privileges, even though his privileges had been suspended at Redington-Fairview five weeks before.

21. From December 12 – December 19, 2007, Dr. Stulc underwent an evaluation at the Professional Renewal Center (Center) in Lawrence, Kansas. He was thereafter treated at the Center from January 2, 2008 until February 15, 2008. He was diagnosed with low level depression with borderline personality traits, including obsessive and narcissistic traits. He made significant progress regarding his anger management and sexual maladaptive behavior although Dr. Stulc had a tendency to say what he thought the staff and others wanted to hear and that he had a tendency to blame others for his misfortunes. On discharge, the Center’s staff decided on 16 recommendations. In the Center’s opinion, Dr. Stulc would be eligible to return to work as a physician if he complied with those recommendations.

22. Tanya Daigle, following Dr. Stulc’s suspension from Redington-Fairview, was cleaning out a closet which Dr. Stulc shared with former locum tenens practitioners. While performing that chore, she noticed several overturned boxes and more pornographic pictures. On cross-examination at this hearing, Dr. Stulc attempted to place the blame for these pictures on Ms. Daigle due to her cleaning out the closet.

23. On or about May 8, 2008, the Board received a letter from Redington-Fairview indicating that Dr. Stulc had formally resigned from the medical staff at the hospital while under investigation “regarding possible failure to be forthright on his initial application for Medical Staff membership and privileges regarding prior disciplinary action and unprofessional behavior.”

24. On or about June 9, 2008, the Board received a response from Dr. Stulc to Complaint CR 08-030. Dr. Stulc admitted that, while on duty and at work as a physician at Redington-Fairview, he downloaded, and in some instances printed, pictures of nude and semi-nude women. Dr. Stulc admitted that he continued to engage in this conduct, despite female employees’ knowledge of his conduct and after being confronted about the inappropriateness of this conduct by hospital

administration. In addition, Dr. Stulc admitted that one of the images he kept on his computer in the hospital was the image of a woman in a hospital gown sitting on an exam table with the words “casual sex” posted onto the image. Although Dr. Stulc indicated that this image was e-mailed to him by a colleague, he failed to delete the image.

25. At this hearing, Dr. Stulc stated that he had not practiced medicine for many months and had no interest to returning to his profession except in a non-clinical capacity.

**V. CONCLUSIONS OF LAW RE: CR-08-030**

The Board, exercising its knowledge, experience, and training, regarding this complaint concluded by the votes noted in parentheses that Dr. Jaroslav Stulc violated the following provisions of Board statutes and Rules, except for allegation # 4.

1. 32 M.R.S. §3282-A(2)(E) Incompetence: By engaging in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or patient or to the general public. (7-1)

2. 32 M.R.S. §3282-A(2)(F) Unprofessional conduct: By violating a standard of professional behavior, including engaging in disruptive behavior, that has been established in the practice of medicine. “Disruptive behavior” means aberrant behavior that interferes with or is likely to interfere with the delivery of care. (8-0)

3. 32 M.R.S. §3282-A(2)(F) (Unprofessional conduct: By violating a standard of professional behavior, including engaging in disruptive behavior, that has been established in the practice of medicine. The violated standard is found as follows in the Code of Medical Ethics of the American Medical Association, Principles of Medical Ethics:

A. A physician shall be dedicated to providing competent medical care, with compassion and respect for human dignity and rights.

B. A physician shall uphold the standards of professionalism, be honest in all professional

interactions, and strive to report physicians deficient in character or competence, or engaging in fraud or deception, to appropriate entities

C. A physician shall respect the rights of patients, colleagues, and other health care professionals.

D. A physician shall, while caring for a patient, regard responsibility to the patient as Paramount. (8-0)

4. 32 M.R.S. §3282-A(2)(H): A violation of the Board's statutes or rules;

1. Board Rule, Chapter 10, Sexual Misconduct:

a. Section 1(3) "Physician sexual misconduct" is behavior that exploits the physician-patient relationship in a sexual way. This behavior is non-diagnostic and/or nontherapeutic, may be verbal or physical, and may include expressions or gestures that have a sexual connotation or that a reasonable person would construe as such. Sexual misconduct is considered incompetence and unprofessional conduct as defined by 32 M.R.S. §3282-A(2).

b. Section 1(3)(B) – "Sexual impropriety" is behavior, gestures, or expressions by the physician that are seductive, sexually suggestive, or sexually demeaning to a patient, including but not limited to:

i. Subjecting a patient to an examination in the presence of another when the physician has not obtained the verbal consent of the patient or where the consent has been withdrawn.

ii. Inappropriate comments about or to the patient, including but not limited to making sexual comments about a patient's body or underclothing; making sexualized or sexually demeaning comments to a patient... (8-0).

5. 32 M.R.S. §3282-A(2)(C)(A professional diagnosis of a mental or physical condition that has resulted or may result in the licensee performing services in a manner that endangers the health or safety of patients). This allegation was dismissed by a vote of 6-2.

## VI.

### SANCTIONS

As the result of the above Findings and Conclusions, the Board by the vote of 8-0 ordered that Dr. Stulc's license be **IMMEDIATELY REVOKED**.<sup>2</sup> The Board considered the fact that Dr.

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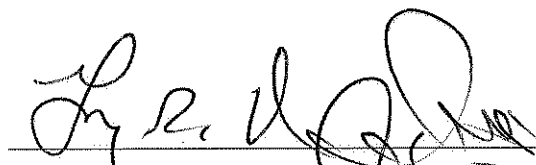
<sup>2</sup> Dr. Stulc was advised following the hearing to explore the possibility of applying for an administrative license.

Stulc's competency as a surgeon was not challenged. However, 10 M.R.S. Sec. 8008 states the purpose of occupational and professional regulatory boards to be as follows:

"The sole purpose of an occupational and professional regulatory board is to protect the public health and welfare. A board carries out this purpose by ensuring that the public is served by competent and **honest practitioners** and by establishing minimum standards of proficiency in the regulated professions by examining, licensing, regulating and disciplining practitioners of those regulated professions. Other goals or objectives may not supersede this purpose." The Board found it abundantly clear that Dr. Stulc was neither honest in his practice of medicine nor trustworthy.

**So Ordered.**

Dated: June 9, 2009



Gary Hatfield, M.D., Secretary & Chairman Pro Tem  
Maine Board of Licensure in Medicine

## **VII.**

### **APPEAL RIGHTS**

Pursuant to the provisions of 5 M.R.S. Sec. 10051.3 and 10 M.R.S. Sec. 8003 (5)(G) and (5-A), any party that appeals this Decision and Order must file a Petition for Review in the District Court within 30 days of receipt of this Order. The petition shall specify the person seeking review, the manner in which they are aggrieved and the final agency action which they wish reviewed. It shall also contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought and a demand for relief. Copies of the Petition for Review shall be served by Certified Mail, Return Receipt Requested upon the Maine State Board of Licensure in Medicine, all parties to the agency proceedings and the Attorney General.