

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:) CONSENT AGREEMENT
IHOR A. ZAKALUZNY, M.D.)
Complaint No. CR17-59)

This document is a Consent Agreement, effective when signed by all parties, regarding disciplinary action against the license to practice medicine in the State of Maine held by Ihor A. Zakaluzny, M.D. The parties to the Consent Agreement are: Ihor A. Zakaluzny, M.D. (“Dr. Zakaluzny”), the State of Maine Board of Licensure in Medicine (“the Board”) and the State of Maine Department of the Attorney General. This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B) and 32 M.R.S. § 3282-A.

STATEMENT OF FACTS

1. Dr. Zakaluzny has held a license to practice medicine in the State of Maine since April 18, 2016 (current license number MD21145), and specializes in general surgery.

2. On March 29, 2017, the Board initiated a complaint alleging that a physician submitted a mandated report stating that in the summer of 2016, he worked with Dr. Zakaluzny at a hospital. The physician reported incidents involving Dr. Zakaluzny, including that Dr. Zakaluzny urinated just outside of an office building within sight of an examination room and was seen by a patient. The Board docketed the complaint as CR17-59, and sent it to Dr. Zakaluzny for a response.

3. On May 1, 2017, the Board received Dr. Zakaluzny’s response to the complaint. In his response, Dr. Zakaluzny explained the circumstances giving

rise to his urinating in view of a patient, and stated that he thought that he could void without being seen. He accepts full responsibility for his “momentary lapse of judgment.”

4. On May 17, 2017, the Board received a copy of an evaluation of Dr. Zakaluzny requested pursuant to 32 M.R.S. § 3286.

5. Pursuant to 32 M.R.S. § 3282-A(2)(F), the Board may impose discipline for engaging in unprofessional conduct by violating a standard of professional behavior that is established in the practice of medicine.

6. At its meeting on July 11, 2017, the Board reviewed Complaint CR 17-59, and voted to set this matter for an adjudicatory hearing. In addition, the Board voted to offer Dr. Zakaluzny this Consent Agreement to resolve this matter without further proceedings. Absent Dr. Zakaluzny’s acceptance of this Consent Agreement by signing and dating it in front of a notary and mailing it to Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before March 30, 2018, the matter will be scheduled for an adjudicatory hearing.

COVENANTS

7. Dr. Zakaluzny admits the facts stated above and that such conduct constitutes grounds for discipline pursuant to 32 M.R.S. § 3282-A(2)(F) (for engaging in unprofessional conduct).

8. As discipline for the conduct described above, Dr. Zakaluzny agrees to accept, and the Board imposes:

a. A REPRIMAND for engaging in unprofessional conduct; and

b. A CIVIL PENALTY in the amount of One Thousand Dollars (\$1,000.00), payment of which shall be made by certified check or money order made payable to "Treasurer, State of Maine," and remitted to Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137, within thirty (30) days of the execution of this Consent Agreement; and

9. Violation by Dr. Zakaluzny of any of the terms or conditions of this Consent Agreement shall constitute grounds for discipline, including but not limited to modification, suspension, or revocation of licensure or the denial of re-licensure.

10. Dr. Zakaluzny acknowledges that while this Consent Agreement is in effect he must directly communicate with the Board or Board staff and has the obligation to respond to any request for information or documentation within the timeframe specified or requested. Failure to comply with or respond to any request shall be considered a violation of this Consent Agreement.

11. This Consent Agreement is not appealable and is effective until modified or rescinded in writing by the parties hereto.

12. Any conduct of Dr. Zakaluzny described herein may be considered in future Board action(s) as evidence of a pattern of misconduct.

13. The Board and the Department of the Attorney General may communicate and cooperate regarding Dr. Zakaluzny or any other matter relating to this Consent Agreement.

14. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408-A.

15. This Consent Agreement constitutes discipline and is an adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB), the Federation of State Medical Boards (FSMB), and other licensing jurisdictions.

16. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto. If any clause of this Consent Agreement is deemed illegal or invalid, then that clause shall be deemed severed from this Consent Agreement.

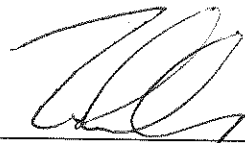
17. Dr. Zakaluzny acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult with an attorney before executing this Consent Agreement, that he executed this Consent Agreement of his own free will and that he agrees to abide by all terms and conditions set forth herein.

18. Dr. Zakaluzny has been represented by Kenneth W. Lehman, Esq., who has participated in the negotiation of the terms of this Consent Agreement.

19. For the purposes of this Consent Agreement, the term "execution" means the date on which the final signature is affixed to this Consent Agreement.

I, IHOR A ZAKALUZNY, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS AGREEMENT, I WAIVE CERTAIN RIGHTS, INCLUDING THE RIGHT TO A HEARING BEFORE THE BOARD. I SIGN THIS CONSENT AGREEMENT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: Mar 27/2018



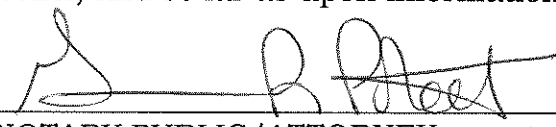
IHOR A ZAKALUZNY, M.D.

STATE OF Louisiana

_____, S.S.

Personally appeared before me the above-named Ihor A. Zakaluzny, M.D., and swore to the truth of the foregoing based upon his own personal knowledge, or upon information and belief, and so far as upon information and belief, he believes it to be true.

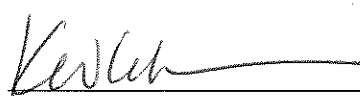
DATED: March 27, 2018



NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS: at death
381166

DATED: 3-30-2018



KENNETH W. LEHMAN, Esq.
Counsel for Ihor A. Zakaluzny, M.D.


STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 4/10/18


MAROULLA S. GLEATON, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: April 10, 2018


MICHAEL MILLER
Assistant Attorney General

Effective Date: April 10, 2018