

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF MEDICINE**

IN RE :
 :
JOSEPH G. JEMSEK, M.D. :
MD038331 :
Respondent :

ORDER TERMINATING SUMMARY SUSPENSION

This matter comes before the District of Columbia Board of Medicine (the “Board”) pursuant to the Health Occupations Revision Act (HORA), D.C. Code § 3-1201.01 *et seq.* The Board has broad jurisdiction to regulate the practice of medicine and to impose a variety of disciplinary sanctions upon a finding of a violation of the HORA. D.C. Code, § 3-1201.03; *Mannan v. District of Columbia of Medicine*, 558 A.2d 329,333 (D.C. 1989). The Council of the District of Columbia, in amending the HORA, “intended to strengthen enforcement of its licensing laws.” *Davidson v. District of Columbia Board of Medicine*, 562 A.2d 109, 113 (D.C. 1989). And the HORA “was designed to ‘address modern advances and community needs with the paramount consideration of protecting public interest.’” *Joseph v. District of Columbia Board of Medicine*, 587 A.2d 1085,1088 (D.C. 1991) (*quoting* Report of the D.C. Council on Consumer and Regulatory Affairs on Bill 6-317, at 7 (November 26, 1985)) (emphasis added by court).

Dr. Joseph Jemsek (Respondent) was summarily suspended from the practice of medicine on May 14, 2025, when he was served with a *Notice of Summary Action to Suspend License* (Summary Suspension) issued on May 13, 2025 by the D.C. Department of Health (DC Health) pursuant to D.C. Code § 3-1205.15(a). Respondent timely requested a hearing, and subsequently requested the hearing be continued in order for him to identify legal representation. The assigned Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH),

which has jurisdiction to hear these cases, granted the continuance. The Summary Suspension remains in effect until superseded by an order of the Board. *See* 17 DCMR 4118.11.

Respondent, through his retained counsel, submitted an *Affidavit of Joseph Jemsek, MD., to Surrender License* (Surrender Affidavit) signed on July 2, 2025. Pursuant to D.C. Code § 3-1205.17, the D.C Board may issue an order revoking, suspending or accepting the surrender of the license. The allegations contained in the Summary Suspension are significant and raise strong concerns about Respondent’s practice. Additionally, the Board acknowledges that it voted to revoke Respondent’s license in an unrelated case. It finds no reason to disturb that decision. Therefore, the Board issues the following:

ORDER

UPON CONSIDERATION of the Summary Suspension issued on May 13, 2025, and the Surrender Affidavit of July 2, 2025, it is

ORDERED that the medical license of Joseph Jemsek, M.D., is **REVOKED**; and the *Notice of Summary Action to Suspend License* is **TERMINATED**.

DISTRICT OF COLUMBIA BOARD OF MEDICINE

Aug. 14, 2025



Date

By: Andrea Anderson, MD, MEd, FAAFP
Chairperson

Judicial Review of Final Actions by a Board

Pursuant to D.C. Official Code § 3-1205.20:

Any person aggrieved by a final decision of a board or the Mayor may appeal the decision to the District of Columbia Court of Appeals pursuant to D.C. Official Code § 2-510.

NOTE: Any appeal noted to the Court of Appeals must be filed within 30 days of the final decision of the Board. See D.C. Court of Appeals Rule 15(a)(2).

D.C. Official Code, §2-510 provides:

(a) Any person suffering a legal wrong, or adversely affected or aggrieved, by an order or decision of the Mayor or an agency in a contested case, is entitled to a judicial review thereof in accordance with this subchapter upon filing in the District of Columbia Court of Appeals a written petition for review. If the jurisdiction of the Mayor or an agency is challenged at any time in any proceeding and the Mayor or the agency, as the case may be, takes jurisdiction, the person challenging jurisdiction shall be entitled to an immediate judicial review of that action, unless the Court shall otherwise hold. The reviewing Court may by rule prescribe the forms and contents of the petition and, subject to this subchapter, regulate generally all matters relating to proceedings on such appeals. A petition for review shall be filed in such Court within such time as such Court may by rule prescribe and a copy of such petition shall forthwith be served by mail by the clerk of the Court upon the Mayor or upon the agency, as the case may be. Within such time as may be fixed by rule of the Court, the Mayor or such agency shall certify and file in the Court the exclusive record for decision and any supplementary proceedings, and the clerk of the Court shall immediately notify the petitioner of the filing thereof. Upon the filing of a petition for review, the Court shall have jurisdiction of the proceeding, and shall have power to affirm, modify, or set aside the order or decision complained of, in whole or in part, and, if need be, to remand the case for further proceedings, as justice may require. Filing of a petition for review shall not in itself stay enforcement of the order or decision of the Mayor or the agency, as the case may be. The Mayor or the agency may grant, or the reviewing Court may order, a stay upon appropriate terms. The Court shall hear and determine all appeals upon the exclusive record for decision before the Mayor or the agency. The review of all administrative orders and decisions by the Court shall be limited to such issues of law or fact as are subject to review on appeal under applicable statutory law, other than this subchapter. In all other cases the review by the Court of administrative orders and decisions shall be in accordance with the rules of law which define the scope and limitations of review of administrative proceedings. Such rules shall include, but not be limited to, the power of the Court:

(1) Subject to subsections (c) and (d) of this section and so far as necessary to decision and where presented, to decide all relevant questions of law, to interpret constitutional and statutory provisions, and to determine the meaning or applicability of the terms of any action;

(2) To compel agency action unlawfully withheld or unreasonably delayed; and

(3) To hold unlawful and set aside any action or findings and conclusions found to be:

(A) Arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(B) Contrary to constitutional right, power, privilege, or immunity;

(C) In excess of statutory jurisdiction, authority, or limitations or short of statutory jurisdiction, authority, or limitations or short of statutory rights;

(D) Without observance of procedure required by law, including any applicable procedure provided by this subchapter; or

(E) Unsupported by substantial evidence in the record of the proceedings before the Court.

(b) In reviewing administrative orders and decisions, the Court shall review such portions of the exclusive record as may be designated by any party. The Court may invoke the rule of prejudicial error.

(c) In reviewing an order or decision of the Mayor or an agency in any court or administrative proceeding, including but not limited to proceedings under subsection (a) of this section, the reviewing tribunal shall defer to the Mayor's or agency's reasonable interpretation of a statute or regulation it administers; provided, that the interpretation is not plainly wrong, or inconsistent with the statutory or regulatory language or the legislature's intent.

(d) In reviewing a rule adopted by the Mayor or an agency, the reviewing tribunal shall defer to the Mayor's or agency's reasonable interpretation of a statute it administers; provided, that the interpretation is not plainly wrong or inconsistent with the statutory language or the legislature's intent.

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