

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: DANIEL J. NOONAN, M.D.
License No.: 0101-032425

CONSENT ORDER

In accordance with the provisions of Sections 54.1-110, 54.1-2400(11) and 9-6.14:12 of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was convened before the Virginia Board of Medicine ("Board"), on November 19, 1999, in Richmond, Virginia. The purpose of this hearing was to receive and act upon evidence that Dr. Noonan may have violated certain laws relating to the practice of medicine. These matters are fully set forth in a Notice of Formal Hearing and Statement of Particulars dated September 3, 1999.

Pursuant to Sections 9-6.14:14.1F and 54.1-2400(11) of the Code, the hearing was held before a panel of the Board with a member of the Board presiding. The proceedings were recorded by a certified court reporter. The case was presented by Suzanne T. Ellison, Assistant Attorney General. Lynne R. Fleming, Assistant Attorney General, was present as legal counsel for the Board. Dr. Noonan appeared at the formal administrative hearing and was represented by Stephen W. Bricker, Esquire.

Before completing the presentation of his case, Dr. Noonan offered to resolve this matter by Consent Order, and the following terms were agreed to by Dr. Noonan and the Board.

FINDINGS OF FACT

Now, having considered the evidence and testimony presented, the Board makes the following findings:

1. Between on or about July 8, 1991, and October 11, 1993, Dr. Noonan inappropriately prescribed for Individual A, a family member, with whom he did not have a bona fide practitioner/patient relationship, the following controlled substances:

- 300 dosage units of Fiorinal with codeine (Schedule III),
- 50 dosage units of Tylenol with codeine #3 (Schedule III), and
- 60 dosage units of temazepam (Schedule IV).

2. Dr. Noonan prescribed for various family members with whom he did not have bona fide practitioner/patient relationships, various controlled substances to include the following:

Fiorinal with codeine (Schedule III),
Propacet-N 100mg. (Schedule IV),
300 dosage units of Zoloft (Schedule VI),
800 dosage units of Pamelor (Schedule VI),
100 dosage units of amitriptyline (Schedule VI), and
2700 dosage units of Capoten (Schedule VI).

3. Between on or about December 21, 1990, and July 12, 1993, Dr. Noonan inappropriately self-prescribed and/or self-administered the following controlled substances:

800 dosage units Fiorinal with codeine (Schedule III),
100 dosage units Fiorinal (Schedule III), and
55 dosage units of Fioricet (Schedule VI).

4. Between on or about December 4, 1990, and February 17, 1994, Dr. Noonan self-prescribed and/or self-administered Prozac (Schedule VI), an anti-depressant medication.

5. On or about October 5, 1992, Dr. Noonan admitted to E. Williams Pelton, M.D., a neurologist, who treated Dr. Noonan for headaches, that he continued to self-prescribe and self-administer two (2) to three (3) tablets of Fiorinal with a day, in addition to the Verapamil prescribed by Dr. Pelton. Dr. Pelton advised Dr. Noonan against self-administering more than forty (40) Fiorinal tablets a month. However, on or about June 21, 1994, Dr. Noonan admitted during his interview with an investigator of the Department of Health, that he "found that hard to do" and that he took more of the medication than was recommended.

6. Dr. Noonan stated in his June 21, 1994, interview, that from approximately October 28, 1990, through April 26, 1994, on more than one occasion, he telephoned into the Medical Arts Pharmacy East, Charlottesville, Virginia, prescriptions for medications to include Buspar, Inderal and Verapamil, that had been written for him by other physicians.

7. On or about September 7, 1993, Dr. Noonan began treatment with William Rheuban, M.D., a psychiatrist, for depression and stress-related issues.

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8. While the care provided to Patients B, C, and D may have been less than optimal, it did not establish a violation of Virginia Code Section 54.1-2915.A(4) or Section 54.1-2914.A(10).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Committee concludes that Dr. Noonan is in violation of Section 54.1-2915.A(3) as further defined in Section 54.1-2914.A(3) and (14), and Sections 54.1-3303 and 54.1-3408.A of the Code.

CONSENT

I, Daniel J. Noonan, M.D., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document
2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia;
3. I have the following rights, among others:
 - a. the right to a formal fact-finding hearing before the Board;
 - b. the right to representation by counsel; and
 - c. the right to cross-examine witnesses against me.
4. I waive all rights to a formal hearing
5. I admit the truth of the above Findings of Fact Nos. 1 through 7;
6. I neither admit nor deny the above Finding of Fact No. 8; however, I waive any right to further administrative proceedings in this matter;
7. I consent to the following Order affecting my license to practice medicine in the Commonwealth of Virginia.

ORDER

WHEREFORE, based on Findings of Fact 1 through 6, and the Conclusions of Law, it is hereby ORDERED that Daniel J. Noonan, M.D., be, and hereby is, issued a REPRIMAND.

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Further, it is hereby ORDERED that the disposition of this matter is CONTINUED INDEFINITELY, and that Conclusions of Law regarding Virginia Code Sections 54.1-2915.A(2) and (5), and 54.1-2914.A(11) are deferred, upon the following terms and conditions:

1. Dr. Noonan shall undergo a comprehensive psychiatric and neuropsychological evaluation by Board approved practitioners and shall authorize these practitioners to submit a detailed report of findings to the Board within six (6) months of the date of this Order.
2. Dr. Noonan shall undergo a comprehensive substance abuse evaluation by a Board approved practitioner and shall authorize this practitioner to submit a detailed report of findings to the Board within six (6) months of the date of this Order.
3. Dr. Noonan shall sign an authorization providing for unrestricted communication between and among the Board, the Board's consultants, Dr. Noonan's current or former treating or evaluating practitioners, including, but not limited to, E. Williams Pelton, M.D.; William Rheuban, M.D.; and James D. Allen, M.D.
4. Dr. Noonan shall provide the Board with documentation of all continuing medical education credits obtained since January 1, 1998.
5. Upon receipt of evidence that Dr. Noonan has complied with the requirements of this Order, he shall appear before an informal conference committee of the Board for final disposition of this matter and determination of violations of Section 54.1-2915.A(2) and (5) and Section 54.1-2914.A(3), as defined in Section 54.1-2914.A(11).
6. Dr. Noonan shall notify the Executive Director of the Board of Medicine by certified mail of any change of address within ten days of such occurrence.
7. Dr. Noonan shall maintain a course of conduct in his practice of medicine commensurate with the requirements of Chapter 29, Title 54.1 of the Code, as well as all other laws of the Commonwealth.

Violation of this Consent Order shall constitute grounds for the revocation of the license of Dr. Noonan. In the event Dr. Noonan violates any of the terms and conditions of this Consent Order, a formal administrative hearing shall be convened to determine whether his license shall be revoked.

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Pursuant to Section 9-6.14:14 of the Code, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

FOR THE BOARD:

Warren W. Koontz
Warren W. Koontz, M.D.
Executive Director
Virginia Board of Medicine

Dec 23, 1999
ENTERED

SEEN AND AGREED TO:

Daniel J. Noonan M.D.
Daniel J. Noonan, M.D.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Charlottesville, TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 20 day of December, 1999, by Daniel J. Noonan, M.D.

Chressia W. Bell
Notary Public

My commission expires: 8/31/0003