



COMMONWEALTH of VIRGINIA

Department of Health Professions
Board of Medicine

John W. Hasty
Director of the Department

Warren W. Koontz, M.D.
Executive Director of the Board

Daniel J. Noonan, M.D.

908 E. Jefferson Street, Suite 101
Charlottesville, VA 22901

May, 6 1999

6606 West Broad Street
4th Floor
Richmond, Virginia 23230-1717
(804) 662-9908
FAX (804) 662-9517

CERTIFIED MAIL
Z 225 485 853

RE: License No. 0101-032425

Dear Dr. Noonan:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on **Saturday, June 5, 1999, at 8:30 a.m., at the Department of Health Professions, 6606 West Broad Street, Richmond, Virginia.** The conference will be conducted pursuant to Sections 54.1-2919 and 9-6.14:11 of the Code of Virginia (1950), as amended ("Code").

An Informal Conference Committee ("Committee"), composed of three members of the Board, will inquire into allegations that you may have violated certain laws governing the practice of medicine in Virginia. Specifically, you may have violated Section 54.1-2915.A(1), (2), (4), (5) and (3), as further defined in Section 54.1-2914.A(3), (9), (10), (11), (14) and (15), Section 54.1-3303 and Section 54.1-3408 of the Code, in that:

1. Between on or about August 5, 1991, and September 7, 1993, by your own admission, you inappropriately prescribed for Individual A, a family member with whom you did not have a bona fide physician-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).

Further, you prescribed these medications with the intent and/or knowledge that some, if not all of the medications, were for your personal and unauthorized use.

2. By your own admission, you prescribed various medications to include Fiorinal with codeine, anti-depressant medications and cardiovascular agents for various family members with whom you did not have bona fide physician-patient relationships.

3. Between on or about December 21, 1990, and July 12, 1993, you 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);

55 dosage units of Fioricet (Schedule VI); and
50 dosage units Propacet-N 100mg (Schedule IV).

Between on or about December 4, 1990, and February 17, 1994, you also self-prescribed and/or self-administered the following Schedule VI anti-anxiety and anti-depressant medications: Buspar, Zoloft, Prozac, Pamelor and amitriptyline, as well as the following Schedule VI cardiovascular agents: Captoen, Inderal and Verapamil.

4. On or about October 5, 1992, you admitted to E. Williams Pelton, M.D., who treated you for headaches, that you continued to self-administer two (2) to three (3) Fiorinal with codeine tablets a day, which you prescribed for yourself, in addition to the Verapamil prescribed by Dr. Pelton. Dr. Pelton advised you against self-administering more than forty (40) Fiorinal tablets a month, but by your own admission, you "found that hard to do" and admitted to taking more of the medication than was recommended.

5. From approximately October 28, 1990, through April 26, 1994, by your own admission, on more than one occasion, you called into Medical Arts Pharmacy East, Charlottesville, Virginia, prescriptions that had been written for you by other physicians.

6. On or about September 7, 1993, you began treatment with William Rheuban, M.D., for depression and stress-related issues.

7. On or about February 1, 1993, during a pre-operative physical examination on Patient B, you erroneously informed her that she had tested positive for the HIV virus.

8. On or about February 4, 1993, you performed an abdominal hysterectomy on Patient B. During this operation, you knowingly and improperly used titanium staples, instead of polysorb staples for the vaginal cuff closure. Further, by your own admission, you failed to notify the patient of this error in a timely manner, in that you waited until the patient returned for a post-operative examination on or about March 19, 1993. As a result of the use of the titanium staples, Patient B experienced persistent pelvic pain and dyspareunia, and on or about September 24, 1993, underwent a partial vaginectomy to remove the surgical staples.

9. On or about December 9, 1993, you performed a laparoscopic assisted vaginal hysterectomy with bilateral salpingo-oophorectomy and incidental appendectomy on Patient C. During the course of the operation you perforated Patient C's bowel. Further, you failed to adequately monitor, assess and treat Patient C post-operatively. As a result, Patient C developed post-operative septic shock with subsequent refractory cardiac failure and expired on December 11, 1993.

10. On or about April 3, 1996, you proceeded with a diagnostic laparoscopy on Patient D to remove an approximately 12 cm pelvic cystic mass. You encountered significant bleeding, and abandoned the laparoscopy and proceeded with a laparotomy. As you attempted to dissect the many dense adhesions in the patient's abdomen, you lacerated the bladder and injured the intestine. You attempted to control the bleeding on the bladder surface with use of an Argon beam coagulator. In your interview of January 22, 1999, with an investigator of the Department of Health Professions, you admitted that you over-sewed the defects created by the surgery. The pathology report from the surgery, dated April 4, 1996, indicated that the right and left ovaries and fallopian tubes had been removed along with the cyst. The report also noted that "the left adnexal specimen/cyst contains a portion of the smooth muscle wall of what appears to be intestine." Postoperatively,

Patient D did not do well, was observed to have blood in her urine, and developed a postoperative ileus. A cystogram performed on or about April 8, 1996, revealed two perforations of the bladder, and on or about April 22, 1996, Patient D underwent an exploratory laparotomy with a re-section of the small bowel and an ileocolostomy. Patient D continues to suffer from urinary problems, digestive difficulties, and abdominal pain.

11. On or about May 10, 1996, Patient E underwent an abortion at Artemis Women's Health Center, in northern Virginia. However, unbeknownst to Patient E the abortion failed. On or about May 22, 1996, Patient E presented to your office for follow-up examination. You failed to detect that the abortion was unsuccessful and that Patient E was still pregnant.

In order to protect the privacy of Individual A, and Patients B, C, D and E, they have been referred to by letter only. Please see Attachment I of this notice for the identity of the individuals referenced above.

The following actions may be taken by this Committee:

1. If a majority of the Committee is of the opinion that a suspension or revocation of your license may be justified, the Committee shall present to the Board in writing its findings, and the Board may proceed with a formal hearing;
2. The Committee may notify you in writing that you are fully exonerated of any charge that might affect your right to practice medicine in Virginia;
3. The Committee may reprimand or censure you, or;
4. The Committee may place you on probation for such time as it may designate and direct that during such period you furnish the Committee or its chairman, at such intervals as the Committee may direct, evidence that you are not practicing in violation of the provisions of Chapter 29, Title 54.1 of the Code, which governs the practice of medicine in Virginia.

You have the right to information which will be relied upon by the Committee in making a decision. Therefore, I enclose a copy of the documents which will be distributed to the members of the Committee and will be considered by the Committee when discussing the allegations with you and when deliberating upon your case. These documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office. I also enclose relevant sections of the Administrative Process Act, which governs proceedings of this nature, as well as laws relating to the practice of medicine and other healing arts in Virginia.

A request to continue this proceeding must be made in writing and directed to me at the address listed on this letter. Such request must be received by 5:00 p.m. on May 18, 1999, and must state in detail the reason for the request. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after May 18, 1999, will not be considered.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by May 18, 1999. Further, it is your responsibility to provide the enclosed materials to your attorney.

Notice of Informal Conference - Dr. Noonan

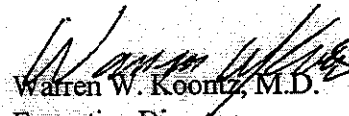
May 6, 1999

Page 4

Further, to facilitate this proceeding, the Committee requests that you provide to Patricia L. Larimer, Senior Legal Assistant, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia 23230-1717, eight (8) copies of any documents you intend to submit for its consideration by May 18, 1999.

Please advise the Board of your intention to be present. Should you fail to appear at the informal conference the Board may proceed to a formal administrative hearing in order to impose sanctions. Should you have any questions regarding this notice, please contact Patricia L. Larimer, Senior Legal Assistant, at (804) 662-7444.

Sincerely,


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

WWK:fd0506N2.ifc.noonan
PLL:NOONAN12NIF.DOC

cc: Clark Russ, M.D., President
John W. Hasty, Director, Department of Health Professions
James L. Banning, Director, Administrative Proceedings Division
Suzanne T. Ellison, Assistant Attorney General
Informal Conference Committee
Patricia L. Larimer, Senior Legal Assistant
Vicki Gwaltney Garrison, Enforcement Division (Case No. 94-01812)
Donna P. Whitney, Enforcement Division (Case No. 97-00812/97-00731)
Reneé Dixon, Case Manger
Judi Smith, Senior Administrative Assistant
Vicki Hutson-McCloud, Senior Administrative Assistant, APD

Enclosures:

Virginia Code Sections:

54.1-2914
54.1-2915
54.1-2919
54.1-3303
54.1-3408
9-6.14:11

Informal Conference Package
Map
Attachment I