



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

September 3, 1999

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

CERTIFIED MAIL
Z 225 485 985

RE: License No. 0101-032425

Dear Dr. Noonan:

In accordance with Sections 54.1-105, 54.1-110, 54.1-2400 and 9-6.14:12 of the Code of Virginia (1950), as amended ("Code"), you are hereby given notice that the Virginia Board of Medicine ("Board") will convene a formal administrative hearing to receive and act upon evidence that you may have violated certain laws governing the practice of medicine in Virginia, as set forth in the attached Statement of Particulars.

The formal administrative hearing will be held in accordance with the provisions of Sections 54.1-2400(11) and 9-6.14:14.1F of the Code, before a panel of the Board, with a member of the Board presiding. You have been scheduled to appear before the Board on **Thursday, October 14, 1999, at 1:00 p.m., in the offices of the Department of Health Professions, 6606 West Broad Street, Richmond, Virginia.** A map is enclosed for your convenience. Your presence is required thirty (30) minutes in advance of the appointed time. Please report to the 4th Floor receptionist and you will be directed to a waiting room. Please be seated in the waiting room and you will be called when the Board is ready to meet with you.

You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. Should you wish to subpoena witnesses, request for subpoenas must be made in writing in accordance with the enclosed Instructions for Requesting Subpoenas. Should you wish to present materials at this meeting, please have fifteen (15) copies ready for distribution.

You have the right to information which will be relied upon by the panel in making a determination. Under separate cover you will receive the Commonwealth's exhibits. These documents will be provided to the Board prior to your hearing, and will be considered by the Board as evidence when it deliberates upon your case. You will be given instructions regarding any objections to these exhibits in the cover letter which will accompany them.

Should you or Assistant Attorney General Suzanne T. Ellison wish to make prehearing motions, each of you is directed to file motions in writing, addressed to me at the Board office, at least ten (10) business days prior to this hearing. Further, to facilitate this hearing, the Board requests that you provide to Patricia

Notice of Formal Hearing – Dr. Noonan

September 17, 1999

Page 2


L. Larimer, Senior Legal Assistant, Department of Health Professions, 6606 West Broad Street, Richmond, Virginia 23230, fifteen (15) copies of any documents you intend to introduce into evidence at least (10) business days before the hearing.

Absent good cause shown to support a request for a continuance, the formal administrative hearing will be held on October 14, 1999. A request to continue this proceeding must state in detail the reason for the request and must establish good cause. Such request must be made in writing to me at the address listed on this letter and must be received by 5:00 p.m. on September 17, 1999. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after September 17, 1999, will not be considered.

You may be represented by an attorney at the formal administrative hearing. Further, it is your responsibility to provide the enclosed materials to your attorney.

Please indicate, by letter to this office, your intention to be present.

Sincerely,


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

WWK:fd0903N1.fah.noonan

PLL\Noonan12FHN.doc

cc: Joseph A. Leming, M.D., President, Virginia Board of Medicine
John W. Hasty, Director, Department of Health Professions
James L. Banning, Director, Administrative Proceedings Division
Suzanne T. Ellison, Assistant Attorney General
Patricia L. Larimer, Senior Legal Assistant
Vicki Garrison, Pharmacy Inspector (94-01812/66866)
Donna Whitney, Senior Investigator (97-00731/68354 and 97-00812/68381)
Reneé Dixon, Discipline Case Manager
Judi Smith, Senior Administrative Assistant

Enclosures:

Statement of Particulars

Attachment I

Virginia Code Sections:

54.1-105

54.1-110

54.1-2400

54.1-2914

54.1-2915

54.1-3303

54.1-3408

9-6.14:12

9-6.14:14.1F

Map

Instructions for Requesting Subpoenas

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

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

STATEMENT OF PARTICULARS

The Board alleges that Daniel J. Noonan, M.D., may have violated Sections 54.1-2915.A(2), (4), (5) and (3) as further defined in Sections 54.1-2914.A(3), (10), (11) and (14), Section 54.1-3303.A and Section 54.1-3408.A of the Code of Virginia (1950), as amended, in that:

1. Between on or about August 5, 1991, and September 7, 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 various medications to include Fiorinal with codeine (Schedule III), anti-depressant medications, and cardiovascular agents for various family members with whom he did not have bona fide practitioner/patient relationships.

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);

55 dosage units of Fioricet (Schedule VI); and

50 dosage units Propacet-N 100mg (Schedule IV).

4. Between on or about December 4, 1990, and February 17, 1994, Dr. Noonan self-prescribed and/or self-administered the following Schedule VI anti-anxiety and anti-depressant medications: Buspar, Zoloft,

Dr. Noonan

Prozac, Pamelor and amitriptyline, as well as the following Schedule VI cardiovascular agents: Capoten, Inderal and Verapamil.

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 prescriptions that had been written for him by other physicians into the Medical Arts Pharmacy East, Charlottesville, Virginia.

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

8. On or about February 4, 1993, Dr. Noonan performed an abdominal hysterectomy on Patient B. Before beginning the vaginal cuff closure, Dr. Noonan was informed that he had titanium staples and not polysorb staples. However, Dr. Noonan used the titanium staples, instead of polysorb staples for the vaginal cuff closure. Further, Dr. Noonan failed to notify the patient of the use of the titanium staples in a timely manner, in that he waited until the patient returned for a post-operative examination on or about March 19, 1993. Patient B experienced persistent pelvic pain and dyspareunia, and on or about September 24, 1993, underwent a partial vaginectomy to remove the titanium staples.

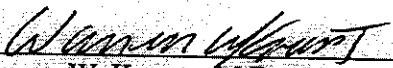
9. On or about December 9, 1993, Dr. Noonan failed to exercise sound judgment in choosing to perform a laparoscopic assisted vaginal hysterectomy with bilateral salpingo-oophorectomy and incidental appendectomy on Patient C. During the course of the operation, Dr. Noonan perforated Patient C's bowel. Further, he failed to adequately monitor, assess, and treat Patient C post-operatively. As a result, Patient C

Dr. Noonan

developed septic shock with subsequent refractory cardiac failure and died on December 11, 1993.

10. On or about April 3, 1996, Dr. Noonan proceeded with a diagnostic laparoscopy on Patient D to remove an approximately 12 cm pelvic cystic mass. During the procedure, Dr. Noonan encountered significant bleeding, and abandoned the laparoscopy and proceeded with a laparotomy. As he attempted to dissect the many dense adhesions in the patient's abdomen, Dr. Noonan lacerated the bladder and injured the intestine. Dr. Noonan attempted to control the bleeding on the bladder surface with use of an Argon beam coagulator. In his interview of January 22, 1999, with an investigator of the Department of Health Professions, Dr. Noonan admitted that he over-sewed the defects created by the surgery. The pathology report from the surgery, dated April 4, 1996, noted that "the left adnexal specimen/cyst contains a portion of the smooth muscle wall of what appears to be intestine." Postoperatively, Patient D was observed to have blood in her urine and developed an 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.

FOR THE BOARD



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

DATE: Sept 3, 1999

PLL\NOONAN12SOP.DOC