

State Board of Medical Examiners
Open Disciplinary Minutes
June 9, 2004

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, June 09, 2004 at the Richard J. Hughes Justice Complex, 25 Market Street, 4th Floor, Conference Center, Trenton, New Jersey for Disciplinary Matters Pending Conclusion, open to the public. The meeting was called to order by Dr. David Wallace, Chairperson for Open Disciplinary Matters.

PRESENT

Board Members Criss, Haddad, Harrer, Huston, Lucas, Moussa, Paul, Patel, Perry, Robins, Rokosz, Wallace, Walsh and Weiss.

EXCUSED

Board Members Chen, Desmond, Farrell, Ricketti and Trayner.

ALSO PRESENT

Assistant Attorney General Joyce, Deputy Attorneys General Ehrenkrantz, Flanzman, Gelber, Kenny, Levine, and Executive Director Roeder and Medical Director Gluck.

RATIFICATION OF BOARD MINUTES

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE MAY 12, 2004 OPEN DISCIPLINARY BOARD MINUTES AS SUBMITTED.

HEARINGS, PLEAS, RETURN DATES, APPEARANCES

OLD BUSINESS

**11:00 a.m. - CHEN, Kenneth H., M.D./a.k.a. CHEN, Kuen H. (License # MA 30252)
(Counseling D.A.G.: LEVINE, Debra W.)**

BEY, Hakima D.A.G. for Complainant

This matter was set down for hearing on an Order to Show Cause and Verified Complaint filed by the Attorney General on May 19, 2004 seeking the temporary suspension of the license of Kenneth H. Chen, M.D.

To date, the Administrative Office of the Board had not received for filing Dr. Chen's Answer to the charges contained within the Verified Complaint. Dr. Chen should have submitted his Answer to the Board Office no later than Friday, June 4, 2004.

A hearing on the Attorney General's temporary suspension application was scheduled to commence on Wednesday, May 26, 2004, however Respondent requested an adjournment of this matter and agreed to immediately cease and desist from practicing medicine in the State of New Jersey in the Interim Consent Order filed on May 25, 2004 until he appeared at the June 9, 2004, Board meeting. All materials pertinent to this matter were enclosed for the Board's review.

THE BOARD, UPON MOTION MADE AND SECONDED, MOVED TO RATIFY THE CONSENT ORDER SIGNED ON JUNE 8, 2004 BY DR. CHEN AGREEING TO THE TEMPORARY SUSPENSION OF HIS LICENSE PENDING PLENARY HEARING AND FINAL DISPOSITION BY THE BOARD OF THE UNDERLYING CHARGES CONCERNING BUPRENEX PRESCRIBING.

OLD BUSINESS

1. CITARELLI, Louis J., M.D. (License # MA 44506) LABUE, Anthony, Esq., for Respondent KENNY, Paul R., D.A.G. for Complainant

S.D.A.G. Dick was recused in this matter.

Enclosed for Board consideration was Dr. Louis Citarelli's May 5, 2004 letter seeking approval of his reapplication for staff privileges at Columbus Hospital and Clara Maass Hospital. Also enclosed was Dr. John V. Kelly May 7, 2004 letter requesting approval for Dr. Citarelli to be allowed to make house calls on his own for his practice. Copy of Order Restoring Licensure filed December 29, 2003 was also enclosed.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO ACCEPT DR. CITARELLI'S REQUEST FOR APPROVAL TO APPLY FOR HOSPITAL PRIVILEGES AND TO MAKE HOUSE CALLS.

**Executive Director Roeder noted for the record, that there was an inadvertent typographical error on the Open Agenda listing Sandra Dick as counseling S.D.A.G. in this matter when in fact she is recused in this matter.

2. NOONAN, Frank, M.D. (License # MA 15093) (Counseling D.A.G.: FLANZMAN, Steven N.)

CIPRIANO, Dennis A., Esq. for Respondent BEY, Hakima D.A.G. for Complainant

The Administrative Office received the enclosed OAL Initial Decision in the matter of Dr. Frank Noonan on May 12, 2004. This matter was to be decided for finalization by the Board on the papers. Also enclosed for the Board consideration were D.A.G. Bey's June 2, 2004 letter brief to the Board along with Exhibits A through E, urging the Board to impose civil penalties and all costs upon Respondent, as recommended by the ALJ.

Apparently Dr. Noonan was in Default and did not appear at the OAL hearing. The Judge ordered Dr. Noonan's license be suspended and revoked from the practice of medicine and surgery in the State of New Jersey effective immediately.

The Board, upon motion made and seconded, voted to go into executive session for deliberations and advice of counsel. All parties, except counseling staff, left the room.

The Board returned to open session and announced the following motion.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO ADOPT ALL PROPOSED FINDINGS OF FACTS AND CONCLUSIONS OF LAW SET FORTH IN THE INITIAL DECISION IN THE MATTER OF FRANK NOONAN; AND ON THE ISSUE OF PENALTIES AND COSTS THE BOARD MOVED TO DO THE FOLLOWING:

- 1). TO REVOKE THE LICENSE OF DR. NOONAN TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF NEW JERSEY;
- 2.) TO IMPOSE COSTS TALLING \$26,991.05 AS DETAILED IN THE CERTIFICATION OF D.A.G. HAKIMA BEY AND;
- 3.) TO IMPOSE PENALTIES IN THE AMOUNT OF \$140,000 WHICH IS BASED ON AN ASSESSMENT OF \$10,000 FOR EACH OF THE 14 PATIENTS THAT WERE THE SUBJECT OF FINDINGS OF FACT WITHIN THE INITIAL DECISION FROM THE ALJ.

3. WIJAYA, Don Henry, M.D. (License # MA 32387)

KERN, Steven I., Esq. for Respondent
BERGER, Susan D.A.G. for Complainant

D.A.G. Levine handed-out to the Board a copy of the June 4, 2004 Order from the Supreme Court of New Jersey denying certification in the Dr. Wijaya matter.

The Board was asked to determine whether the Doctor should be given a one week period to wind down his practice or the Revocation be effective immediately.

THE BOARD, UPON MOTION MADE AND SECONDED, MOVED TO REVOKE THE LICENSE OF DR. WIJAYA EFFECTIVE WITHIN SEVEN (7) DAYS OF TODAY'S MEETING ON JUNE 16, 2004.

NEW BUSINESS

None.

The meeting ended at 12:00 p.m.

Respectfully Submitted,

Glenn Farrell Esq.,
Vice President
Chairperson for Open
Disciplinary Matters

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