

CONNECTICUT MEDICAL EXAMINING BOARD

In re: Edward Keelan, M.D.
License No: 9038

MEMORANDUM OF DECISION

The Connecticut Medical Examining Board was presented with a Statement of Charges by the Department of Health Services, dated February 16, 1988, brought against Edward M. Keelan, M.D., License No. 9038 (Respondent). The Statement of Charges alleged, in three counts, violations of Conn. Gen. Stat. §§ 20-13c(4), (5), or (7).

A Notice of Hearing dated February 16, 1988 was issued to Dr. Keelan, by which a hearing was scheduled for March 22, 1988. Attached to the Notice was a copy of the Department's Statement of Charges. The hearing was not held on March 22, but was continued to May 3, 1988 at Respondent's request. Respondent appeared on May 3, 1988 represented by Attorney Raymond W. Ganin. Respondent's request for a continuance was denied at that time. A second day of the hearing was held on May 17. At all times Respondent had the opportunity to present evidence and cross-examine witnesses.

Prior to the initiation of the instant charges, the Respondent was given the opportunity to show compliance with all lawful requirements for the retention of his license pursuant to Conn. Gen. Stat. § 4-182(c).

FINDINGS OF FACT

1. Respondent Edward Keelan, M.D., is the holder of Connecticut Medical License Number 9038, and he held that license at all times referenced in the complaint.

2. On or about October 3, 1987 Respondent prescribed Xanax for patient G.A. and Valium for patient A.M. (Dept's Ex. 4.) Respondent did not take a proper physical or history before prescribing these drugs, and prescribed them for other than a medically proper purpose.

3. On or about October 17, 1987 Respondent prescribed Xanax and Hycodan for patient G.A., Valium and Hycodan for patient A.M., and Valium and Placidyl for patient B.T. (Dept's Ex. 4.) Respondent did not take a proper physical or history before prescribing these drugs, and prescribed them for other than a medically proper purpose.

4. On or about November 14, 1987 Respondent prescribed Diazepam and Placidyl for patient I.Q., Diazepam and Placidyl for patient L.P., Diazepam and Placidyl for patient C.Z., Tussionex and Anexia for patient G.A., and Tussionex and Anexia for patient A.M. (Dept's Ex. 4.) Respondent did not take a proper physical or history before prescribing these drugs, and prescribed them for other than a medically proper purpose. Furthermore, it was

impossible for Respondent to prescribe drugs to C.Z. and G.A. for a proper purpose since they were not present in Respondent's office on this date, and no medical information concerning them was taken from those who were present.

5. Patient's G.A., A.M., B.T., I.Q. and L.P. were asked by respondent what drugs they wanted, and they were prescribed without further questions or examination.

6. Respondent re-wrote and added to records during and in anticipation of the hearing.

7. Respondent failed to maintain proper medical records as required by Connecticut Regulation § 19a-14-41. Respondent's records failed in that they did not contain the assessment, diagnosis, and course of treatment provided each patient.

DISCUSSION AND CONCLUSIONS

The Respondent is charged with having violated Conn. Gen. Stat. § 20-13c(4), (5), or (7). That statute states, in pertinent part:

The Board is authorized to restrict, suspend or revoke the license or limit the right to practice of a physician... when the Board finds that such physician is unable to practice medicine with reasonable skill or safety for any of the following reasons:

...(4) illegal, incompetent or negligent conduct in the practice of medicine;... (5) possession, use, prescription for use, or distribution of controlled substances or legend drugs, except for therapeutic or other medically proper purposes; ... (7) violation of any provision of this chapter or any regulation established hereunder.

The department has produced substantial evidence that Respondent prescribed controlled substances for other than therapeutic or other medically proper purposes. Department Exhibit four clearly indicates that Respondent acted improperly by not taking an appropriate physical or history prior to prescribing controlled substances or legend drugs.

Respondent has also engaged in illegal, incompetent or negligent conduct in the practice of medicine by his improper prescribing of controlled substances or legend drugs.

Respondent failed to maintain proper medical records as required by Conn. Regulation 19a-14-41. It was clear to the Board that Respondent compiled records solely in anticipation of defending the Statement of Charges against him, and did not in the normal course of business keep adequate records of the treatment, diagnosis, and course of treatment provided each patient. Respondent admitted the records were rewritten for the purpose of the hearing. (Transcript, p. 193.)

The Board finds the Respondent in violation of Conn. Gen. Stat. § 20-13c(4), (5) and (7) as a result of his conduct listed in the First, Second and Third Counts of the Statement of Charges against him dated February 16, 1988. The Board must take action to ensure proper medical care and to protect the public health in the State of Connecticut. Respondent's assembly line method of prescribing controlled substances is substantially dangerous to the public health, and does not fall within the standards of the medical profession in the State of Connecticut. The Board finds Respondent unable to practice medicine with reasonable skill or safety as a result of that conduct.

The Board members who have participated in the final decision of this case have either read the record or heard the case.

ORDER

That Respondent's license to practice medicine be revoked effective thirty (30) days from the date of the mailing of the decision to the Respondent, which date is noted below.

CONNECTICUT MEDICAL EXAMINING BOARD

Aug 16, 1988
(Date)

Henry Madnix, Jr., M.D.
Chairman

Date of mailing of this decision to the Respondent.

August 17, 1988
(Date)

Celia B. Carroll
Celia B. Carroll
Liaison to the
Connecticut Medical Examining
Board

NO. 025 29 00 S

EDWARD KEELAN, M.D.,
Plaintiff /s/,

- vs -

CONN. MEDICAL EXAMINING BOARD,
Defendant /s/.

X

:

SUPERIOR COURT

:

JUDICIAL DISTRICT

:

OF FAIRFIELD

:

AT BRIDGEPORT

:

SEPTEMBER 12, 1988

X

B E F O R E

THE HONORABLE BRUCE THOMPSON,

JUDGE

A P P E A R A N C E S:

For the Plaintiff /s/

DAVID LAUDANO, ESQ.
Law Office of Raymond W. Ganim
2192 Main Street
Stratford, Connecticut

For the State of Connecticut

MICHAEL JARJURA, ESQ.
Assistant Attorney General
30 Trinity Street
Hartford, Connecticut

Alice S. Deyoe

Court Monitor

September 12, 1988

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THE COURT: Let's take up first, Doctor Edward Keelan versus Connecticut Medical Examining Board.

If counsel would state their names for the record, please.

MR. LAUDANO: Attorney David Laudano from the Law Office of Raymond W. Ganim, representing Doctor Edward Keelan, M.D., petitioner in this action.

MR. JARJURA: Attorney Michael Jarjura, Assistant Attorney General, representing the Connecticut Medical Examining Board.

THE COURT: Gentlemen, we have discussed this matter in chambers and I believe that we have reached an agreement as to the formulation of an order with respect to the request for a stay. Is that correct?

MR. JARJURA: That's correct, your Honor.

MR. LAUDANO: Correct.

For the record, Doctor Edward Keelan is seated to my right. He's in the courtroom.

THE COURT: I have before me, dated September 1st, 1988, a Motion for Stay of Agency Revocation. That motion will be acted on as follows:

The Motion for Stay with respect to the revocation of the petitioner's license to practice medicine will be granted. And the revocation

September 12, 1988

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of that license will be stayed pending the completion of this appeal.

However, the granting of that stay is conditioned upon the petitioner not practicing medicine within the state of Connecticut, nor prescribing medication during the period of the stay.

Gentlemen, is that the substance of what we discussed in connection with this matter?

MR. JARJURA: Yes.

MR. LAUDANO: Yes, your Honor.

THE COURT: And it meets with everyone's approval, including that of Doctor Keelan. Is that correct, Mr. Laudano?

MR. LAUDANO: Yes, it does.

That meets with your approval. Is that correct, Doctor?

DOCTOR KEELAN: It does, yes.

THE COURT: Anything else, gentlemen? Anything you'd like to add? Either of you.

MR. LAUDANO: No, your Honor.

MR. JARJURA: No, your Honor.

THE COURT: Okay. Thank you very much.

MR. LAUDANO: Thank you, your Honor.

(WHEREUPON THE HEARING WAS CONCLUDED)

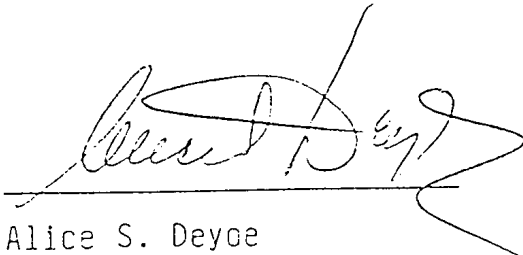
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_____	X	
EDWARD KEELAN, M.D.,	:	SUPERIOR COURT
Plaintiff /s/,	:	JUDICIAL DISTRICT
- vs -	:	OF FAIRFIELD
CONN. MEDICAL EXAMINING BOARD,	:	AT BRIDGEPORT
Defendant /s/.	:	SEPTEMBER 12, 1988
_____	X	

C E R T I F I C A T I O N

I, Alice S. Deyoe, Court Monitor for the Judicial District of Fairfield at Bridgeport, do hereby certify that the foregoing transcript consisting of 3 pages, taken on September 12, 1988 before The Honorable Bruce Thompson, Judge in the Superior Court, to be a true and correct transcript of the official tape recording made in this case.

Dated at Bridgeport, Connecticut, this 21st day of September, 1988.



Alice S. Deyoe