



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H.  
Commissioner

Dennis P. Whalen  
Executive Deputy Commissioner

November 29, 1999

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Robert Bogan, Esq.  
NYS Department of Health  
Office of Professional Medical Conduct  
433 River Street  
Hedley Park Place – 4<sup>th</sup> Floor  
Troy, New York 12180

Michael Robert Kronen, M.D.

REDACTED

Michael Robert Kronen, M.D.  
Eastern Behavioral Group Inc.  
650 Pennsylvania Avenue S.E.  
Suite 450  
Washington, DC 20003

Paul Maher, Esq.  
NYS Department of Health  
Office of Professional Medical Conduct  
433 River Street  
Hedley Park Place – 4<sup>th</sup> Floor  
Troy, New York 12180

**RE: In the Matter of Michael Robert Kronen, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 99-295) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said

LC 111 3

license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

Office of Professional Medical Conduct  
New York State Department of Health  
Hedley Park Place  
433 River Street - Fourth Floor  
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above. As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties **other than suspension or revocation** until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by **certified mail**, upon the Administrative Review Board **and** the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

REDACTED

/ Tyrone T. Butler, Director  
Bureau of Adjudication

TTB: mla

Enclosure

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

**COPY**

DETERMINATION

AND

ORDER

ORDER # 99-295

IN THE MATTER

OF

**MICHAEL ROBERT KRONEN, M.D.**

A Notice of Referral Proceedings and Statement of Charges, both dated September 27, 1999, were served upon the Respondent, **MICHAEL ROBERT KRONEN, M.D.**

**MICHAEL R. GOLDING, M.D.**, Chairperson, **DONNA B. O'HARE, M.D.** and **CHARLOTTE S. BUCHANAN, ESQ.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **MICHAEL P. MCDERMOTT, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on November 17, 1999, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **HENRY M. GREENBERG, ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.** and **PAUL ROBERT MAHER, ESQ.**, of Counsel. The Respondent appeared in person on his own behalf.

Evidence was received and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

**STATEMENT OF CASE**

This case was brought pursuant to Public health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such case, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(b) and (d). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order as Appendix I.

**WITNESSES**

For the Petitioner:

None

For the Respondent:

Michael Robert Kronen, M.D., the Respondent

## FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parenthesis refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous unless otherwise stated.

1. **MICHAEL ROBERT KRONEN, M.D.**, the Respondent, was authorized to practice medicine in New York state on January 26, 1990, by the issuance of license number 181330 by the New York State Education Department. (Pet's. Ex. 3)

2. On March 24, 1999, the Maryland State Board of Physician Quality Assurance, (hereinafter "Maryland Board"), entered a Consent Order, (hereinafter "Maryland Order"), that suspended Respondent's license to practice medicine for six (6) months (one month stayed) and placed him on probation for five (5) years with terms and conditions.

The disciplinary action by the "Maryland Board" was based on findings of immoral or unprofessional conduct by the Respondent, in that he engaged in inappropriate contact with a female patient/student,

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## HEARING COMMITTEE CONCLUSIONS

The Hearing Committee concludes that the conduct resulting in the Maryland Board's disciplinary action against the Respondent would, if committed in New York State, constitute misconduct under the laws of New York state.

### VOTE OF THE HEARING COMMITTEE

#### **SPECIFICATIONS**

##### FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by reason of having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York.

VOTE:       SUSTAINED (3-0)

##### SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by reason of his having had disciplinary action taken against him by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state.

VOTE:       SUSTAINED (3-0)

## HEARING COMMITTEE DELIBERATIONS

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, in reviewing the entire record to determine an appropriate penalty, the Hearing Committee believes that there are mitigating circumstances which must be considered.

The Respondent testified at this instant hearing in a very open manner and readily admitted to the charges against him.

He offered a report dated January 13, 1999, by Ellen G. McDaniel, M.D., a General and Forensic Psychiatrist, which was admitted into evidence as Respondent's exhibit "D". Dr. McDaniel's summary and conclusions are extremely pertinent to our deliberations.

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REDACTED

The Respondent's situation was further exacerbated by the fact that he had been experiencing difficulties

REDACTED

The Respondent is currently employed as a Child and Adolescent Psychiatrist at the District of Columbia's Juvenile Facility at Oak Hill with the approval of the "Maryland Board".

He works with adjudicated delinquents and his duties include medication management, crisis intervention and court ordered evaluations.

After a review of the entire record in the case, the Hearing Committee determines:

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2. The Hearing Committee was very impressed by the Respondent's candor and sincerity, his admission of past mistakes and his efforts to rehabilitate himself.

3. The Respondent has insight into his own impairment. He remains an active participant in the therapy programs prescribed by the "Maryland Board" and continues to make progress in controlling his impaired condition.

4. Although the Respondent's conduct cannot be condoned and was a serious breach of his professional responsibilities and the code of conduct to which he is required to adhere, the Hearing Committee endorses the opinion of his treating doctors that this problem will not reoccur.

5. The Respondent currently provides a very important service to an underserved population at the District of Columbia's Juvenile Facility at Oak Hill.

6. The Respondent has benefited from his current employment as a Child and Adolescent Psychiatrist and his performance is rated "outstanding". He has indicated that he wants to establish his career as a Child and Adolescent Psychiatrist.

7. The Respondent is a relatively young man, he is 40 years old, and the Hearing Committee feels that he still has the ability to make a positive contribution in the field of Child and Adolescent Psychiatry.

8. The Hearing Committee has reviewed the "Maryland Board's" March 24, 1999 ORDER and finds that the terms and conditions of probation imposed by the ORDER are appropriate, given the circumstances of this case. (SEE Pet's. Ex.4)

Based on the foregoing, the Hearing Committee determines that the interest of justice in this case can best be served by limiting the Respondent's license to practice medicine; by suspending his license for five (5) years, staying the suspension and

placing him on probation for a period of five (5) years under terms and conditions hereinafter set forth in the ORDER.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The Respondent's license to practice medicine in New York is hereby **LIMITED** as follows:
  - a. The Respondent is prohibited from engaging in the independent, unsupervised, private practice of medicine.
  - b. The Respondent's medical practice shall be restricted to employment in an Institution where his practice can be supervised as part of the ongoing quality program of the institution.
2. The Respondent's license to practice medicine in the state of New York is **SUSPENDED** for a period of five (5) years, **SUSPENSION STAYED**, and the Respondent is placed on **PROBATION** for a period of five (5) years under the following terms and conditions.
  3. The Respondent shall comply fully with the March 24, 1999, Maryland State Board of Physician Quality Assurance ORDER.
  4. The Respondent shall provide a written authorization for the Maryland State Board of Physician Quality Assurance to provide the Director of the New York State Office of Professional Conduct, (OPMC), with any/all information or documentation as requested

by OPMC to enable OPMC to determine whether the Respondent is in compliance with the Maryland Board's ORDER.

5. The Respondent shall submit, quarterly, a signed Compliance Declaration to the Director of OPMC which truthfully attests whether Respondent has been in compliance with the Maryland ORDER during the declaration period specified.

6. Should the "Maryland Board's" terms of probation terminate for any reason prior to the five (5) year term of this ORDER, the Respondent must continue under psychiatric treatment and submit reports as requested by OPMC for the remainder of the New York probation period.

**7. THE RESPONDENT'S LICENSE TO PRACTICE MEDICINE IN THE STATE OF NEW YORK SHALL REMAIN LIMITED EVEN AFTER THE FIVE (5) YEAR NEW YORK PROBATION PERIOD.**

8. The Respondent shall take the Child and Adolescent Psychiatry Boards within the five (5) year probation period.

9. The Respondent shall be solely responsible for all expenses incurred under this ORDER.

10. If, at some future date, the Respondent chooses to return to practice in New York he must:

- ◆ Provide ninety days prior notice concerning his return to the Office of Professional Medical Conduct,
- ◆ Include with the notice proof that his license remains in good standing in all states where he maintains a license; and
- ◆ Provide information concerning this disciplinary action to any New York hospital at which he applies for privileges and/or employment.

11. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against the Respondent as may be authorized pursuant to the law.

12. This Order shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

**DATED:** Troy, New York

23 Nov 1999

REDACTED

MICHAEL R. GOLDING, M.D. T V J  
Chairperson

**DONNA B. O'HARE, M.D.**  
**CHARLOTTE S. BUCHANAN, ESQ.**

**APPENDIX ONE**

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

**IN THE MATTER  
OF  
MICHAEL ROBERT KRONEN, M.D.**

NOTICE  
OF  
REFERRAL  
PROCEEDING

TO: Michael Robert Kronen, M.D.

REDACTED

Michael Robert Kronen, M.D.  
Eastern Behavioral Group Inc.  
650 Pennsylvania Ave S.E., Suite 450  
Washington, DC 20003

**PLEASE TAKE NOTICE THAT:**

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 28th day of October, 1999 at 10:00 in the forenoon of that day at the Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence

may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before October 18, 1999.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge or Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before October 18, 1999 and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of



the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A  
DETERMINATION THAT SUSPENDS OR REVOKES YOUR  
LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE  
AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED,  
YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT  
YOU IN THIS MATTER.

DATED: Albany, New York  
*September 27*, 1999

REDACTED

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PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

Inquiries should be addressed to:

Robert Bogan  
Assistant Counsel  
Office of Professional Medical Conduct  
433 River Street  
Suite 303  
Troy, NY 12180  
(518)402-0820

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

**IN THE MATTER  
OF  
MICHAEL ROBERT KRONEN, M.D.**

**STATEMENT  
OF  
CHARGES**

MICHAEL ROBERT KRONEN, M.D., the Respondent, was authorized to practice medicine in New York state on January 26, 1990, by the issuance of license number 181330 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about March 24, 1999, the Maryland State of Board of Physician Quality Assurance, (hereinafter "Maryland Board"), entered a Consent Order, (hereinafter "Maryland Order"), that suspended Respondent's license to practice medicine for six (6) months (one month stayed) and placed him on probation for five (5) years with terms and conditions, based on unprofessional conduct, in that he engaged in inappropriate contact with a female patient/student,

REDACTED

B. The conduct resulting in the Maryland Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state laws:

1. N.Y. Education Law §6530 (2) [practicing the profession fraudulently or beyond its authorized scope];

2. N.Y. Education Law §6530 (16) [failure to comply with federal, state, or local laws, rules, or regulations governing the practice of medicine];

3. N.Y. Education Law §6530 (20) [moral unfitness]; and/or

4. N.Y. Education Law §6530 (44) [in the practice of psychiatry, engaging in physical contact of a sexual nature with a patient].

## **SPECIFICATIONS**

### **FIRST SPECIFICATION**

Respondent violated N.Y. Education Law §6530 (9)(b) by reason of having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1) The facts in paragraphs A and/or B.

**SECOND SPECIFICATION**

Respondent violated N.Y. Education Law §6530 (9)(d) by reason of his having had disciplinary action taken against him by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in paragraph A and/or B.

DATED: *Sept 27* 1999  
Albany, New York

REDACTED

PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional  
Medical Conduct