



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

April 11, 2000

Mr. Robert Bentley, Director
Division of Professional Licensing Services
New York State Education Department
Cultural Education Center
Empire State Plaza
Albany, NY 12230

RE: Petar Muncan, M.D.
NYS License No. 193243

Dear Mr. Bentley:

Attached is a copy of Commissioner's Order and Notice of Hearing summarily suspending Dr. Petar Muncan's right to practice medicine in the State of New York. This Order was issued April 11, 2000 and is in effect for 90 days.

Sincerely,

A handwritten signature in cursive script that reads 'Anne Saile'.

Anne F. Saile
Director
Office of Professional Medical Conduct

Enclosure

cc: Daniel Kelleher

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

IN THE MATTER
OF
PETAR MUNCAN, M.D.

COMMISSIONER'S
ORDER AND
NOTICE OF
HEARING

TO: PETAR MUNCAN, M.D.
160-40 81st Street
Howard Beach, N.Y. 11414

The undersigned, Antonia C. Novello, M.D., M.P.H., Commissioner of Health, after an investigation, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached hereto and made a part hereof, has determined that the continued practice of medicine in the State of New York by PETAR MUNCAN, M.D., the Respondent, constitutes an imminent danger to the health of the people of this state.

It is therefore:

ORDERED, pursuant to N.Y. Pub. Health Law §230(12) (McKinney Supp. 2000), that effective immediately PETAR MUNCAN, M.D., Respondent, shall not practice medicine in the State of New York. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Pub. Health Law §230(12) (McKinney Supp. 2000).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 (McKinney 1990 and Supp. 2000), and N.Y. State Admin. Proc. Act §§301-307 and 401 (McKinney 1984 and Supp. 2000). The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on April 18, at 10:00 a.m., at the offices of the New York State Health Department, 5 Penn Plaza, Sixth Floor, New York, NY

10001, and at such other adjourned dates, times and places as the committee may direct. The Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. The Respondent shall appear in person at the hearing and may be represented by counsel. The Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to §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.

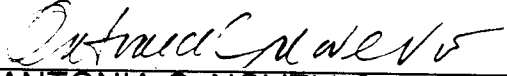
The hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, and by telephone (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty or sanction to be imposed

or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-a (McKinney Supp. 2000). YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
April 11, 2000


ANTONIA C. NOVELLO, M.D., M.P.H.
Commissioner
New York State Health Department

Inquiries should be directed to:

Dianne Abeloff
Associate Counsel
N.Y.S. Department of Health
Division of Legal Affairs
5 Penn Plaza
Suite 601
New York, New York 10001
(212) - 613-2606

SECURITY NOTICE TO THE LICENSEE

The proceeding will be held in a secure building with restricted access. Only individuals whose names are on a list of authorized visitors for the day will be admitted to the building

No individual's name will be placed on the list of authorized visitors unless written notice of that individual's name is provided by the licensee or the licensee's attorney to one of the Department offices listed below.

The written notice may be sent via facsimile transmission, or any form of mail, but must be received by the Department **no less than two days prior to the date** of the proceeding. The notice must be on the letterhead of the licensee or the licensee's attorney, must be signed by the licensee or the licensee's attorney, and must include the following information:

Licensee's Name _____ Date of Proceeding _____

Name of person to be admitted _____

Status of person to be admitted _____
(Licensee, Attorney, Member of Law Firm, Witness, etc.)

Signature (of licensee or licensee's attorney) _____

This written notice must be sent to either:

New York State Health Department
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor South
Troy, NY 12180
Fax: 518-402-0751

New York State Health Department
Bureau of Professional Medical Conduct
5 Penn Plaza
New York, NY 10001
Fax: 212-613-2611

IN THE MATTER
OF
PETAR MUNCAN, M.D.

STATEMENT
OF
CHARGES

PETAR MUNCAN, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 11, 1993, by the issuance of license number 193243 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about May 19, 1999, Respondent examined Patient A at his office, 2519 Avenue U, Brooklyn, N.Y. 11229, for a possible renal mass. On or about June 2, 1999, Respondent admitted Patient A (the identity of Patient A is contained in the attached Appendix) to Maimonides Medical, Brooklyn, N.Y. On or about the date, Respondent performed a left radical nephrectomy. Respondent's conduct deviated from accepted medical standards, in that:
1. Respondent examined Patient A on or about May 19, 1999. Respondent failed to identify which kidney contained the mass, and or document in office record his clinical findings about the conditions of Patient A's kidneys.
 2. Prior to surgery Respondent failed to review the MRI or the report of the MRI which he had ordered on or about May 19, 1999.

3. Respondent failed to incorporate Patient A's CT Scan report of May 14, 1999 and the MRI report of May 20, 1999 in Patient A's hospital record.
4. Respondent failed to have Patient A's CT scan and MRI in the operating room on June 2, 1999, when he performed the left nephrectomy.
5. On or about June 2, 1999, Respondent failed to perform an adequate intra-operative examination of Patient A's left kidney. After the kidney was removed, Respondent failed to perform an adequate examination of the kidney.
6. On or about June 2, 1999, the afternoon of the left nephrectomy, the pathologist informed Respondent that the left kidney was tumor free. Respondent still failed to reconcile the removal of a tumor-free kidney with the pre-operative diagnosis of a 5x7 cm lobulated heterogeneous mass and failed to take appropriate action based upon this information.
7. Respondent knowingly and with the intent to deceive failed to make a note in Patient A's hospital record that he had removed a tumor-free kidney.
8. Sometime subsequent to the surgery, Respondent in sum and substance informed Patient A and his primary treating physician

that the left kidney that Respondent had removed contained a benign tumor. Respondent knew that this was false, and engaged in the communication with the intent to deceive.

9. Respondent on or about October 8, 1999, wrote in his office record that the September 24, 1999 CT Scan of the Patient A's remaining kidney revealed a new 6x7 cm mass. Respondent knew that this statement was false, and engaged in the communication with the intent to deceive.
10. On or about June 7, 1999, Respondent inappropriately discharged Patient A from the hospital despite pain in his right flank.
11. Respondent failed to provide complete post-operative follow-up care for Patient A.
12. On or about June 11, 1999, Respondent recorded low hemoglobin and hematocrit for Patient A. On or about June 23, 1999, Respondent ordered a blood test. Patient A had an abnormally high BUN of 45 (normal = 5-26) and a creatinine level of 1.9 (normal= .5- 1.5). Respondent failed to follow-up, in a timely manner, the abnormal results of the blood tests.
13. On or about September 30, 1999, after receiving the report of Patient A's CT scan of September 24th, Respondent learned of the right renal mass. Respondent failed to immediately notify

Patient A of this mass.

14. On or about October 8, 1999, Respondent informed Patient A that he needed a total nephrectomy of the remaining (right) kidney with permanent hemodialysis. Respondent failed to offer a partial right nephrectomy to the patient, or other alternative treatment.
15. Respondent's hospital chart for Patient A failed to accurately reflect Patient A's medical condition.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4)(McKinney Supp. 2000) by practicing the profession of medicine with gross negligence as alleged in the facts of the following:

1. Paragraph A and all its subparagraphs.

SECOND SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 2000) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

2. Paragraphs A, A1 through A 14 and/or A15.

THIRD SPECIFICATION

GROSS INCOMPETENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(6)(McKinney Supp. 2000) by practicing the profession of medicine with gross incompetence as alleged in the facts of the following:

3. Paragraph A and all of its subparagraphs.

FOURTH SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5)(McKinney Supp. 2000) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following:

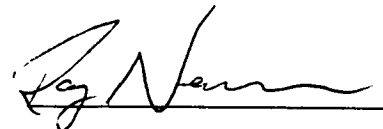
4. Paragraphs A, A1 through A 14, and/or A15.

FIFTH SPECIFICATION
FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 2000) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

5. Paragraph A and all of its subparagraphs.

DATED: April 7, 2000
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct