



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Dennis P. Whalen
Executive Deputy Commissioner

June 7, 1999

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

RE: James P. Kartell, M.D.
NYS License No. 099835

Dear Mr. Bentley:

Enclosed is a copy of a Commissioner's Order and Notice of Hearing which summarily suspends Dr. James P. Kartell's right to practice medicine in the State of New York. This Order was served on June 1, 1999, and is in effect until further notice.

Sincerely,

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

Anne F. Saile
Director
Office of Professional Medical Conduct

Enclosure

cc: Daniel Kelleher

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

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IN THE MATTER : COMMISSIONER'S
 OF : SUMMARY
 JAMES P. KARTELL, M.D. : ORDER

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TO: JAMES P. KARTELL, M.D.
 29 Brady Loop
 Andover, Massachusetts 01810-3223

The undersigned, DENNIS P. WHALEN, Executive Deputy Commissioner of the New York State Department 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 Facts Supporting Summary Order of Suspension attached hereto and made a part hereof, has determined that the duly authorized professional disciplinary agency of another jurisdiction [the Commonwealth of Massachusetts Board of Registration in Medicine], has made a finding substantially equivalent to a finding that the practice of medicine in that jurisdiction by JAMES P. KARTELL, M.D., the Respondent, constitutes an imminent danger to the health of its people.

It is therefore:

ORDERED, pursuant to N.Y. Pub. Health Law Section 230(12) (b), that effective immediately, 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 Section 230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230, and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct and shall commence within thirty (30) days after the disciplinary proceedings against Respondent in Massachusetts are finally concluded [N.Y. Pub. Health. L. section 230(12)(b)].

The date and location of this hearing will be set forth in a written Notice of Summary Hearing and Statement of Charges to be provided to Respondent at a later date. The written Notice may be provided in person, by mail or other means.

If Respondent wishes to be provided this written Notice at an address other than the one noted above, he shall notify both the attorney whose name is set forth in this Order and the Director of the Bureau of Adjudication, Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180 (518-402-0748).

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 SECTION 230-a. YOU
ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT
YOU IN THIS MATTER.

DATED: May 28, 1999.
Albany, New York



DENNIS P. WHALEN
Executive Deputy Commissioner

Inquiries should be directed to:

DANIEL R. BURKE
Assistant Counsel
NYS Department of Health
Division of Legal Affairs
Corning Tower Building
Room 2509
Empire State Plaza
Albany, New York 12237-0032
(518) 473-4282

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

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IN THE MATTER : STATEMENT OF FACTS
 OF : SUPPORTING SUMMARY
 JAMES P. KARTELL, M.D. : ORDER OF SUSPENSION

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JAMES P. KARTELL, M.D., the Respondent, was authorized to practice medicine in New York State on September 14, 1967, by the issuance of license number 099835 by the New York State Education Department.

FACTUAL ALLEGATIONS

Upon a Motion for Summary Suspension and Memorandum in Support of Motion for Summary Suspension dated February 25, 1999, by the Complaint Counsel for the Commonwealth of Massachusetts Board of Registration in Medicine ("the Board"), an Order of Temporary Suspension dated March 3, 1999, was made by the Chair of the Board ordering that:

The certificate of registration to practice medicine in the Commonwealth of Massachusetts of James P. Kartell, M.D. is **SUSPENDED** effective March 3, 1999, and he is directed to surrender his wallet card and wall certificate to the Board immediately. All healthcare facilities or institutions where Dr. Kartell holds privileges are to be informed by him in writing within twenty-four hours of this order.


and determining that:

... the health, safety, and welfare of the public necessitates said suspension.

Upon information and belief, Respondent is a fifty-nine year old board-certified surgeon who on or about February 23, 1999 shot and killed a man in his estranged wife's hospital room at Holy Family Hospital in Methuen, Massachusetts, where the Respondent had hospital privileges. The man who was killed was visiting Respondent's estranged wife and after Respondent entered the room a fight broke out between the men. [See the annexed copy of the criminal complaint against the Respondent marked as Exhibit "A" and made a part hereof.] Respondent was arraigned on a first degree murder charge and pleaded not guilty.

Respondent, also licensed in the State of New Hampshire, has temporarily surrendered his medical license in that jurisdiction.

DATED: May 28, 1999.
Albany, New York


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

APPLICATION FOR COMPLAINT **ADULT** **JUVENILE** NUMBER _____

ARREST **HEARING** **SUMMONS** **WARRANT**

The within named complainant requests that a complaint issue against the within named defendant, charging said defendant with the offense(s) listed below.

DATE OF APPLICATION: 02-24-99 DATE OF OFFENSE: 02-23-99 PLACE OF OFFENSE: METHUEN

Trial Court of Massachusetts District Court Department
COURT DIVISION: Lawrence District Court
381 Common Street
Lawrence, Ma. 01840

NAME OF COMPLAINANT	NO.	OFFENSE	G.L. Ch. s.
<u>THOMAS MCMENAMON</u>	1.	<u>MURDER</u>	<u>265</u>
ADDRESS AND ZIP CODE OF COMPLAINANT <u>METHUEN POLICE DEPT</u> <u>90 HAMPSHIRE ST METHUEN</u>	2.		
NAME, ADDRESS AND ZIP CODE OF DEFENDANT <u>JAMES P. KARTELL</u> <u>29 BRADY LOOP</u> <u>ANDOVER, MASS</u>	3.		
	4.		

COURT USE ONLY → A hearing upon this complaint application will be held at the above court address on _____ DATE OF HEARING _____ TIME OF HEARING _____ AT _____ COURT ← 0

CASE PARTICULARS — BE SPECIFIC

NO.	NAME OF VICTIM Owner of property, person assaulted, etc.	DESCRIPTION OF PROPERTY Goods stolen, what destroyed, etc.	VALUE OR PROPERTY Over or under \$250.	TYPE OF CONTROLLED SUBSTANCE OR WEAPON Marijuana, gun, etc.
1	<u>JANOS VAJDA</u> <u>B WALKER RD</u>			
2	<u>No ANDOVER, MASS</u>			
3				
4				

OTHER REMARKS: SEE STATEMENT OF FACTS

Thomas McMenamon
SIGNATURE OF COMPLAINANT

DEFENDANT IDENTIFICATION INFORMATION — Complete data below if known.

DATE OF BIRTH: 5-19-39 PLACE OF BIRTH: BROOKLYN NY SOCIAL SECURITY NUMBER: _____ SEX: M RACE: W HEIGHT: 70" WEIGHT: 230 EYES: BLU HAIR: BL

OCCUPATION: PHYSICIAN EMPLOYER/SCHOOL: _____ MOTHER'S NAME (MAIDEN): _____ FATHER'S NAME: _____

COURT USE ONLY

DATE	DISPOSITION	AUTHORIZED
	NO PROCESS TO ISSUE <input type="checkbox"/> At request of complainant <input type="checkbox"/> Complainant failed to prosecute <input type="checkbox"/> Insufficient evidence having been presented	
	PROCESS TO ISSUE <input type="checkbox"/> Sufficient evidence presented <input type="checkbox"/> Defendant failed to appear	TYPE OF PROCESS <input type="checkbox"/> Warrant <input type="checkbox"/> Summons returnable
	<input type="checkbox"/> Continued to _____	

EXHIBIT "A"

District Court Department



COURT DIVISION ESSEX		NAME, ADDRESS AND ZIP CODE OF DEFENDANT James A. Bartell 29 Sandy Loop Andover, Mass.	
DEPT. DIV. AND SEX 5/28/79 MALE	OFFENSE CODE(S) 001	PLACE OF OFFENSE(S) Northam	
DATE OF OFFENSE(S) 2/25/79	POLICE DEPARTMENT (if applicable) Northam		
COMPLAINANT THOMAS J. WILSON	RETURN DATE AND TIME 2/26/79		
DATE OF COMPLAINT 2/26/79	COUNT-OFFENSE 2-1100 265 a1		

TO ANY JUSTICE OR CLERK-MAGISTRATE OF THE DISTRICT COURT DEPARTMENT:

The undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date and at the location stated herein the defendant did commit the offense(s) listed below.

*arr 2/27/99
PTH*

did assault and beat James Vajda, with intent to murder said person, and by such assault and beating did kill and murder said person, in violation of G.L. c.295, s-1.

COUNT-OFFENSE	
COUNT-OFFENSE	
COUNT-OFFENSE	
COUNT-OFFENSE	

COMPLAINANT <i>Thomas J. Wilson</i> FIRST JUSTICE	SWORN TO BEFORE CLERK-MAGISTRATE/ASST. CLERK <i>[Signature]</i>	ON (DATE) <i>6-7-99</i>	<input type="checkbox"/> ADDITIONAL COUNTS ATTACHED
CLERK-MAGISTRATE/ASST. CLERK Michael T. Della Jr.	COURT ADDRESS 2 Appleton Street Lawrence, Ma 01840-1525	ON (DATE)	
A TRUE COPY ATTEST: X			

EXHIBIT "A"

METHUEN POLICE DEPARTMENT

DEFENDANT: KARTELL, JAMES ARREST#:

OFFICER: DET THOMAS MCMENAMON-- TRP STEVEN O'CONNOR

BADGE#: P25

OFFENSES: MURDER

LOCATION: HOLY FAMILY HOSPITAL DATE: 02/23/99

TIME: 18:43HRS

THE FOLLOWING IS A STATEMENT OF FACTS ON THE ABOVE CASE WITH A DETAILED REPORT TO FOLLOW.

I THOMAS MCMENAMON AM A MEMBER OF THE METHUEN POLICE ASSIGNED TO THE DETECTIVE DIVISION AND WILL TESTIFY TO THE FOLLOWING:

ON TUESDAY NIGHT AT 1843 HRS THIS DEPT RECEIVED A CALL REPORTING A SHOOTING AT THE HOLY FAMILY HOSPITAL ON EAST ST. SEVERAL CRUISERS WERE DISPATCHED AND WHEN THEY ARRIVED THE FOLLOWING INFO WAS OBTAINED.

SUZAN KARTELL-KAMM #8 WALKER RD NO ANDOVER WAS A PATIENT AT THE HOSPITAL AND HAD A MALE FRIEND BY THE NAME OF JANOS VAJDA ALSO OF #8 WALKER RD NO ANDOVER WAS VISITING HER WHEN HER HUSBAND DR JAMES KARTELL OF 29 BRADY LOOP ANDOVER ENTERED THE ROOM AND ACCORDING TO WITNESSES A VERBAL ARGUMENT STARTED. AFTER A COUPLE OF MINUTES A PHYSICAL FIGHT STARTED AND THE SUSPECT JAMES KARTELL PULLED A GUN AND SHOT MR VAJDA TWICE CAUSING HIM TO FALL TO THE FLOOR. WITH THIS SEVERAL DOCTORS ATTEMPTED TO TREAT MR VAJDA AND HE WAS PRONOUNCED DEAD BY THE MEDICAL STAFF DOCTORS AT THE HOSPITAL.

Thomas McMenama
02-24-99

EXHIBIT "A"