



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

C. Maynard Guest, M.D.
Executive Secretary

February 8, 1993

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Harold Kapen, M.D.
8620 Bardstown Road
Louisville, KY 40291

RE: License No. 091230
Effective Date: 2/15/93

Dear Dr. Kapen:

Enclosed please find Order #BPMC 93-16 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0614

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

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IN THE MATTER

:

OF

: ORDER

HAROLD KAPEN, M.D.

: #93-16

-----X

Upon the application of HAROLD KAPEN, M.D.
(Respondent) to surrender his license as a physician in the
State of New York, which application is made a part hereof, it
is

ORDERED, that the application and the provisions
thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from
the roster of physicians in the State of New York; it is further

ORDERED, that Respondent shall not apply for the
restoration of Respondent's license until at least one year has
elapsed from the effective date of this order; and it is further

ORDERED, that this order shall take effect as of the
date of the personal service of this order upon Respondent, upon
receipt by Respondent of this order via certified mail, or seven
days after mailing of this order via certified mail, whichever
is earliest.

SO ORDERED,

DATED:

3 February 1993

Charles J. Vacanti

Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

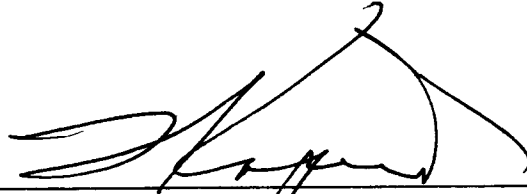
the specifications of professional misconduct set forth in the charges.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I am making this Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.



HAROLD KAPEN, M.D.
Respondent

Sworn to before me this
7 day of *January*, 1992



NOTARY PUBLIC

Notary Public, State at Large, KY.
My commission expires Sept. 4, 1995

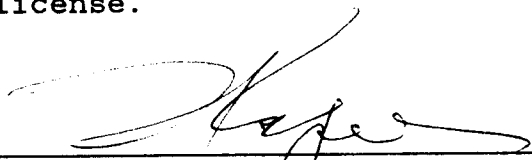
HAROLD KAPEN, M.D.

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

IN THE MATTER : APPLICATION TO
OF : SURRENDER
HAROLD KAPEN, M.D. : LICENSE

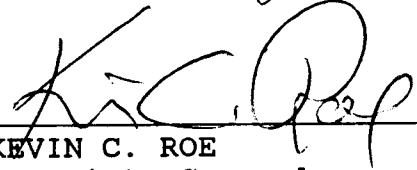
The undersigned agree to the attached application of the Respondent to surrender his license.

Date: Dec 21, 1992



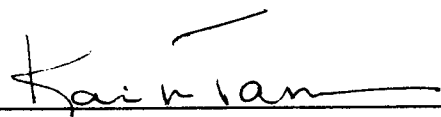
HAROLD KAPEN, M.D.
Respondent

Date: 1/14/92, 1992



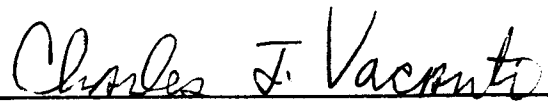
KEVIN C. ROE
Associate Counsel
Bureau of Professional
Medical Conduct

Date: Feb 5, 1992



KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

Date: 3 February 1992



CHARLES J. VACANTI, M.D.
Chairperson, State Board for
Professional Medical Conduct

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

-----X
IN THE MATTER : STATEMENT
OF : OF
HAROLD KAPEN, M.D. : CHARGES
-----X

HAROLD KAPEN, M.D., the Respondent, was authorized to practice medicine in New York State on January 7, 1964 by the issuance of license number 091230 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

A. On or about February 16, 1988, Respondent was convicted of Involuntary Manslaughter, a felony, in violation of §192(b) of the California Penal Code in the Superior Court of California, County of San Joaquin based on his plea of nolo contendere. Respondent was sentenced to two years probation and ordered not to practice medicine in the State of California. Respondent's conduct, if committed in this state, would constitute Criminally Negligent Homicide in violation of New York Penal Law §125.10.

B. On or about January 10, 1991 Respondent's license to practice medicine in the State of California was revoked by the Medical Board of California for gross negligence in violation of California Business and Professional Code §2234(b), repeated negligence in violation of California Business and Professional Code §2234(c), incompetence in violation of California Business and Professional Code §2234(d), and for conviction of an offense substantially related to the qualifications, functions or duties of a physician in violation of California Business and Professional Code §2236(a). The conduct upon which the California findings were based would constitute professional misconduct in New York State under New York Education Law §§6530(3), (4), (5) and (9)(a)(i).

SPECIFICATIONS

FIRST SPECIFICATION

Out-of-State Criminal Conviction

Respondent is charged with having been convicted of committing an act constituting a crime under the law of another jurisdiction which, if committed within this state, would have constituted a crime under New York State Law, in violation of New York Education Law §6530(9)(a)(iii) (McKinney Supp. 1992) in that, Petitioner charges:

1. The facts in paragraph A.

SECOND SPECIFICATION

Out-of-State Discipline

Respondent is charged with 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 violation of New York Education Law 6530(9)(b) (McKinney Supp. 1992) in that, Petitioner charges:

2. The facts in paragraph B.

DATED: Albany, New York

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