

BEFORE THE BOARD OF MEDICAL EXAMINERS

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

vs.

HANG JU CHON, M.D.,

Respondent.

FILED

Department of Professional Regulation  
ADMINISTRATIVE

CLERK

DATE

DPR CASE NO. 0055820  
LICENSE NO. ME 0029531

FINAL ORDER OF THE  
BOARD OF MEDICAL EXAMINERS

THIS CAUSE came before the Board of Medical Examiners (Board) pursuant to Section 120.57(2), Florida Statutes, on April 4, 1986, in Tampa, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. At the hearing, Petitioner was represented by Leslie Brookmeyer, Esquire; Respondent was present and represented by Dana Harden Hankins, Esquire. The facts are not in dispute.

Upon consideration, it is ORDERED:

1. The allegations of fact set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the findings of fact by the Board.
2. The conclusions of law alleged and set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the conclusions of law by the Board.
3. The violations set forth warrant disciplinary action by the Board. THEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent's license to practice medicine is hereby suspended for eighteen (18) months.

2. Reinstatement shall not be automatic. At the end of Respondent's suspension, he shall appear before the Board of Medical Examiners and show the Board at least 75 hours of Category I Continuing Medical Education in Board approved subjects of Pharmacology, Patient Records, and Prescription Writing.

3. At the end of Respondent's suspension, he will be placed on probation for a period of five (5) years with terms and conditions to be set by the Board at the time of reinstatement.

Pursuant to Section 120.59, Florida Statutes, the parties are hereby notified that they may appeal this Final Order by filing one copy of a notice of appeal with the clerk of the agency and by filing the filing fee and one copy of a notice of appeal with the District Court of Appeal within 30 days of the date this order is filed, as provided in Chapter 120, Florida Statutes, and the Florida Rules of Appellate Procedure.

DONE AND ORDERED this 14 day of August, ~~1986~~ 1987

BOARD OF MEDICAL EXAMINERS

  
WILLIAM F. BRUNNER, M.D.  
Chairman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by certified mail to HANG JU CHON, M.D., 640 West South Street, Orlando, Florida 32805 Dana Harden Hankins, Esquire, 5227 East Colonial Drive, Orlando, Florida 32807, and by hand delivery to Leslie Brookmeyer, Esquire, Department of Professional Regulation, 130 North Monroe Street, Tallahassee, Florida 32301, at or before 5:00 P.M., this 18 day of August, ~~XXXX~~1987



Dorothy J. Faircloth  
Executive Director

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF MEDICAL EXAMINERS

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

vs.

CASE NO. 0055820

HANG JU CHON, M.D.,

Respondent.

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ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner", and files this Administrative Complaint before the Board of Medical Examiners against Hang Ju Chon, M. D., hereinafter referred to as "Respondent", and alleges:

1. Petitioner, Department of Professional Regulation, is the state agency charged with regulating the practice of medicine pursuant to Section 20.30, Florida Statutes, Chapter 455, Florida Statutes, and Chapter 458, Florida Statutes.

2. Respondent is, and has been at all times material hereto, a licensed physician in the State of Florida, having been issued license number ME 0029531. Respondent's last known address is 640 West South Street, Orlando, Florida 32805.

COUNT ONE

3. On or about August 30, 1984, as a result of a law enforcement investigation of a pharmacy in Orlando, Florida, information was obtained by a confidential informer that Respondent would provide prescriptions for Valium upon request. Subsequent investigation by Petitioner determined that Respondent wrote prescriptions for this confidential informer/patient on August 30, 1984, for Valium 5 mg. tablets; on November 2, 1984, for Empirin No. 3 and Valium 5 mg. tablets; on February 13, 1985, for

Darvocet-N 100; and on February 15, 1985, for Empirin No. 3.

Darvocet-N and Valium are Schedule IV controlled substances; Empirin No. 3 is a Schedule II controlled substance. Respondent's medical records for this patient failed to reflect any justification of this course of treatment.

4. Law enforcement personnel also obtained prescriptions written by Respondent for patient "R.T." for Tylenol with Codeine No. 3 and Valium 5 mg. Tylenol with Codeine No. 3 is a Schedule III controlled substance; Valium is a Schedule IV controlled substance. Respondent's medical records for "R.T." do not reflect any justification for this course of treatment.

5. Based upon the foregoing allegations, Respondent is in violation of Sections 458.331(1)(n), (q) and (t), Florida Statutes (1983), in that he is guilty of failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, and test results; in that he is guilty of prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of his professional practice; and in that he is guilty of gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

COUNT TWO

6. Petitioner realleges and incorporates by reference those allegations contained in paragraphs one through five, as set forth above.

7. A review of Respondent's medical records for patient "D.T." revealed Respondent had prescribed for this patient on March 20, 1981, Tussionex and Valium; on April 1, 1981, Tussend;

on April 4, 1981, Tussionex; on May 4, 1981, Tuss-Organidin; on May 11, 1981, Tussend and Valium; on May 18, 1981, Lomotil; on May 28, 1981, Tussionex; on June 1, 1981, Tussionex; and on July 29, 1981, Valium and Tussi-Organidin. Tussionex and Tussend are Schedule III controlled substances; Valium is a Schedule IV controlled substance; and Tussi-Organidin is a Schedule V controlled substance. Respondent's medical records for "D.T." fail to reflect justification for this course of treatment.

8. On December 8, 1983, patient "D.T." was seen by Respondent for a complaint of leg pain. Respondent prescribed Tylenol No. 3, a Schedule III controlled substance. Respondent's medical records for this patient fail to reflect any examination, x-rays or other justification for this course of treatment.

9. Respondent believed patient "D.T." to be addicted to drugs and ceased treating him. However, when this patient returned on February 11, 1985, Respondent prescribed Valium for him. Respondent's medical records for this patient fail to reflect justification for this course of treatment.

10. Based on the foregoing allegations, Respondent is in violation of Sections 458.331(1)(n), (q) and (t), Florida Statutes (1983), in that he is guilty of failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, and test results; in that he is guilty of prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of his professional practice; and in that he is guilty of gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

COUNT THREE

11. Petitioner realleges and incorporates by reference those allegations contained in paragraphs one through ten, as set forth above.

12. During the aforesaid investigation of the subject pharmacy, numerous prescriptions were obtained which were written by Respondent and which failed to show a patient name or address on the front of the prescription. Many of these prescriptions were not dated. No DEA number was provided, the signature was not legible, and amounts of medication to be dispensed were not indicated. Among these were prescriptions for Ativan, Valium, Darvon Compound-65 and Xanax, all of which are Schedule IV controlled substances.

13. Based on the foregoing allegations, Respondent is in violation of Sections 893.04(1)(b) and (c), Florida Statutes (1983), and thereby in violation of Section 458.331(1)(h), Florida Statutes (1983), in that he is guilty of failing to perform any statutory or legal obligation placed upon a licensed physician.

COUNT FOUR

14. Petitioner realleges and incorporates by reference those allegations contained in paragraphs one through thirteen, as set forth above.

15. Respondent's medical records for patient "L.C." reflect the patient is allergic to Codeine. However, these patient records further reflect that on thirteen occasions the Respondent prescribed Tylenol No. 3, and on three occasions he prescribed Empirin No. 3 for patient "L.C.". On all but one of these occasions, the records reflect that 30 tablets of these Schedule III controlled substances were prescribed. Each tablet of both Tylenol No. 3 and Empirin No. 3 contains 30 milligrams of Codeine Phosphate.

16. Respondent's medical records for patient "M.A." reflect the patient is allergic to Aspirin and Penicillin. However, these patient records further reflect that on January 7, 1985, Respondent prescribed 30 Fiorinal tablets for the patient, "M.A.". Fiorinal is a Schedule III controlled substance, and each tablet contains 325 milligrams of Aspirin, USP.

17. Based on the foregoing allegations, Respondent is in violation of Sections 458.331(1)(q) and (t), Florida Statutes (1983), in that he is guilty of prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, not in the best interest of the patient and therefore other than in the course of his professional practice; and therefore is guilty of gross or repeated malpractice or the failure to practice medicine with that level of care, skill and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

COUNT FIVE

18. Petitioner realleges and incorporates by reference those allegations contained in paragraphs one through seventeen, as set forth above.

19. Respondent's medical records reflect he first saw patient "J.R." on September 18, 1984, at which time the patient requested Valium. On that occasion and on the five succeeding visits through December 20, 1984, Respondent prescribed for this patient Valium and Darvocet-N 100, both Schedule IV controlled substances. Respondent's records for patient "J.R." fail to reflect justification for this course of treatment.

20. Based on the foregoing allegations, Respondent is in violation of Sections 458.331(1)(n), (q), and (t), Florida Statutes (1983), in that he is guilty of failing to keep written medical records justifying the course of treatment of the patient,



including, but not limited to, patient histories, examination results, and test results; and in that he is guilty of prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of his professional practice; and therefore is guilty of gross or repeated malpractice or the failure to practice medicine with that level of care, skill and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

COUNT SIX

21. Petitioner realleges and incorporates by reference those allegations contained in paragraphs one through twenty, as set forth above.

22. Respondent's medical records for patient "S.B." reflect this patient was seen on 86 occasions between April 29, 1980, and August 6, 1984. On at least 42 of these visits, Respondent prescribed Tylenol No. 3, and on 28 visits he prescribed Darvocet-N 100. During this period of time, Respondent also prescribed for this patient Talwin, Wygesic, Medigesic Plus, Tussionex, Tussi-Organidin and Tussend. Tylenol No. 3, Tussend and Tussionex are Schedule II controlled substances; Talwin, Wygesic and Darvocet-N 100 are Schedule IV controlled substances; Tussi-Organidin is a Schedule V controlled substance; and Medigesic Plus is a legend drug containing Butalbital, a derivative of Barbituric Acid, which may be habit-forming. Respondent's records for patient "S.B." fail to reflect justification for this course of treatment.

23. Respondent's medical records for patient "S.B." also reflect that on at least ten separate office visits during the aforesaid period of time, patient "S.B." complained of and received medication for "toothache". Respondent's records for this patient fail to indicate that the patient was ever referred

to a dentist. In addition, Respondent's records reflect that the patient complained of and received medication for cramps, low abdominal pain and discharge. Respondent's records fail to indicate that the patient was ever referred to a gynecology specialist.

24. Based on the foregoing allegations, Respondent is in violation of Sections 458.331(1)(n), (q), (v) and (t), Florida Statutes (1983), in that he is guilty of failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, and test results; in that he is guilty of prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of his professional practice; . . . in that he is guilty of practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which he knows or has reason to know that he is not competent to perform; and in that he is guilty of gross or repeated malpractice or the failure to practice medicine with that level of care, skill and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

#### COUNT SEVEN

25. Petitioner realleges and incorporates by reference those allegations contained in paragraphs one through twenty-four, as set forth above.

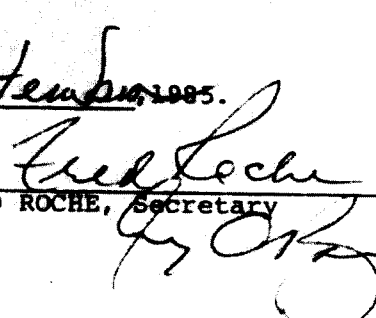
26. Respondent's medical records for patient "C.B." reflect this patient was seen on 48 occasions between May 9, 1980, and September 21, 1981, and between early 1983 and February 12, 1984. On at least 30 of these visits, Respondent prescribed Darvocet-N 100. During the aforesaid periods of time, Respondent also prescribed Tussi-Organidin and Talwin. Tylenol No. 3 is a

patient "S.B." is the same as that for patients "C.B." and "C.P.". Dates on prescriptions for patient "C.P." with the same address coincide with office visits reflected in Respondent's medical records for patient "C.B."

31. Based on the foregoing allegations, Respondent is in violation of Sections 458.331(1)(1) and (t), Florida Statutes (1983), in that he is guilty of making deceptive, untrue, or fraudulent representations in the practice of medicine or employing a trick or scheme in the practice of medicine when such scheme or trick fails to conform to the generally prevailing standards of treatment in the medical community; and therefore is guilty of gross or repeated malpractice or the failure to practice medicine with that level of care, skill and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

WHEREFORE, Petitioner respectfully requests the Board of Medical Examiners to enter an Order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 6 day of September, 1985.

  
FRED ROCHE, Secretary

COUNSEL FOR DEPARTMENT:  
William M. Furlow  
Senior Attorney  
Department of Professional Regulation  
130 North Monroe Street  
Tallahassee, Florida 32301  
(904) 488-0062

PCP: 8/29/85; RJF & LCB

WMF/km  
6/24/85

FILED  
DEPARTMENT OF PROFESSIONAL REGULATION

  
CLERK

DATE September 9, 1985