

BEFORE THE DELAWARE BOARD OF MEDICAL LICENSURE AND DISCIPLINE

IN RE: ALAN SELTZER, M.D.)
)
LICENSE NUMBER: C1-0003084)

Case No.: 10-203-10

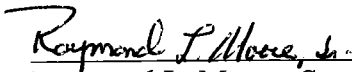
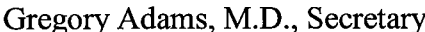
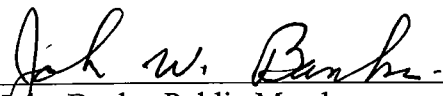
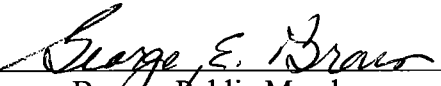
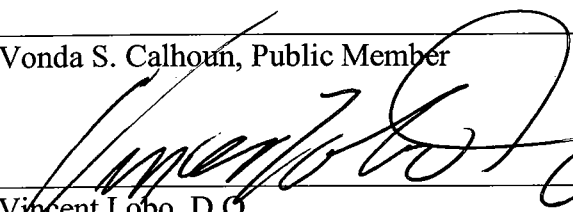

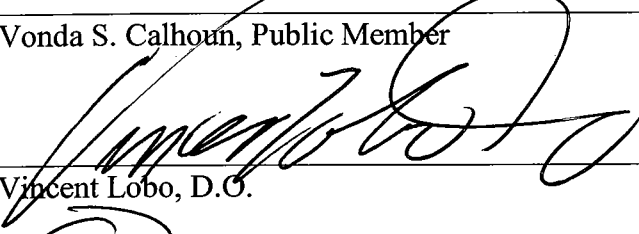

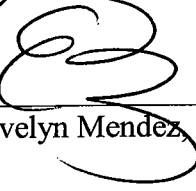
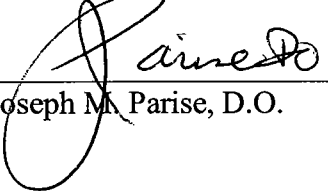
PUBLIC ORDER

WHEREAS, the Board of Medical Licensure and Discipline (“Board”) has reviewed and approved the attached Consent Agreement on the Certificate to Practice Medicine (C1-0003084) issued to Alan Seltzer, M.D. as an Order of the Board.

Pursuant to 24 Del.C. § 1735 a copy of this Order shall be served by certified mail, return receipt requested, upon Alan Seltzer, M.D.

SO ORDERED this 1st day of March, 2011.

BOARD OF MEDICAL LICENSURE AND DISCIPLINE

 _____ Raymond L. Moore, Sr., Public Member, President	 _____ Gregory Adams, M.D., Secretary
 _____ John Banks, Public Member	 _____ George Brown, Public Member
 _____ Vonda S. Calhoun, Public Member	 _____ Thomas Desperito, M.D.
 _____ Vincent Lobo, D.O.	 _____ Karl McIntosh, M.D.
 _____ Evelyn Mendez, Public Member	 _____ Joseph M. Parise, D.O.

Anthony M. Policastro

Anthony M. Policastro, M.D.

Karyl Rattay, M.D.

Mary Kay Ryan

Mary Kay Ryan, Public Member

Daryl Sharman

Daryl Sharman, M.D.

Oluseyi N. Senu-Oke

Oluseyi N. Senu-Oke, M.D.

Date Mailed: 3/04/11

BEFORE THE DELAWARE BOARD OF MEDICAL LICENSURE AND DISCIPLINE

ALAN M. SELTZER, M.D.)
) **Case No.: 10-203-10**
LICENSE NO.: C1-0003084)

CONSENT AGREEMENT

A written Complaint was filed with the Delaware Board of Medical Licensure and Discipline (“Board”) alleging that Alan M. Seltzer, M.D. (“Dr. Seltzer”), a licensed medical doctor, engaged in conduct that constituted grounds for discipline pursuant to Delaware’s *Medical Practice Act*. (24 *Del.C.* Ch. 17)

The State of Delaware and Dr. Seltzer submit this Consent Agreement for approval by the Board as a means of resolving the pending administrative prosecution against Dr. Seltzer pursuant to 24 *Del.C.* § 1731. The parties submit the following for the Board’s consideration:

1. Dr. Seltzer is a licensed medical doctor. His license, number C1-0003084, was first issued on May 10, 1988 and is on probation until November 10, 2011.
2. On June 16, 2010, the Delaware Board of Medical Practice (“Board”) suspended Dr. Seltzer’s medical license on a temporary, emergency basis.
3. On November 10, 2010, the Board lifted Dr. Seltzer’s suspension and placed him on probation for one year after Dr. Seltzer admitted violations of the provisions of 24 *Del.C.* § 1731(b) (1) and (11) prior to June 11, 2010. All of the violations arose from his pain management practice.
4. In the Consent Agreement executed by Dr. Seltzer that was entered as the Board’s Order on November 10, 2010, Dr. Seltzer agreed that he would limit his practice to psychiatry, would not treat any patient for pain, and would not prescribe controlled substances to any patient for pain.

5. On or about November 5, 2010, a female patient attempted to fill a prescription for Adderall, a schedule II controlled substance, signed by Dr. Seltzer and dated November 1, 2010.

6. Upon investigation, the patient admitted and Dr. Seltzer confirmed that he had written the prescription prior to the suspension of his medical license in June 2010 for the convenience of the patient.

7. Dr. Seltzer admits that he post dated the prescription for Adderall for his patient and in so doing violated the provisions of 24 *Del.C.* § 1764A(5) and 24 *Del.C.* § 1731(b)(11) and (21) and was guilty of unprofessional conduct.

8. Dr. Seltzer and the State agree that the appropriate disciplinary sanctions for this conduct shall be a letter of reprimand as it occurred prior to his suspension and probation.

9. In addition, Dr. Seltzer agrees to comply with the provisions of Title 24, Chapter 17.

10. Dr. Seltzer understands and agrees that any violation of this Consent Agreement if it is accepted by the Board and entered as an Order may lead to additional discipline including revocation.

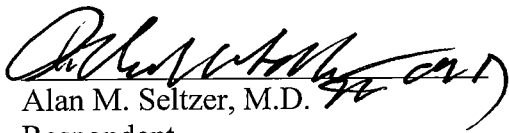
11. Dr. Seltzer acknowledges that he is waiving his rights under 24 *Del.C.* Ch. 17 and 29 *Del.C.* Ch. 101 to a hearing before the Board prior to the imposition of disciplinary sanctions.

12. Dr. Seltzer acknowledges that he has carefully read and understands this Consent Agreement, that he is entering into this Consent Agreement freely, knowingly, voluntarily, and after having received or having been afforded the opportunity to receive advice of counsel, and that if the Board accepts this Consent Agreement it will become a public document.


13. Dr. Seltzer further agrees that in the event the Board determines not to accept this Consent Agreement, neither he nor anyone on his behalf will in any way or in any forum challenge the ability of the Board or his designee to conduct an evidentiary hearing relating to

the allegations in the subject Complaint on the basis of the Board's prior consideration of this proposed Consent Agreement. If the Board does not accept the Consent Agreement, the Agreement and its provisions will not be referred to at the hearing, admitted into evidence, or constitute an admission as to any of the facts alleged in the Complaint.


14. This Consent Agreement shall be fully effective upon approval by the Board.


Alan M. Seltzer, M.D.
Respondent

Dated: 2/24/11


Barbara J. Gadbois (I.D. No. 2544)
Deputy Attorney General

Dated: 2/24/11


Gayle L. MacAfee, M.S.
Executive Director
Board of Medical Licensure and Discipline

Dated: 2/25/11