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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

PROTHONOTARY
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Department of State

Commonwealth of Pennsylvania :
Bureau of Professional and :
Occupational Affairs :
vs. : Docket No. 1128 -49-13
Heidi R. Vidal, M.D., : File No. 13-49-06738
Respondent :

CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania (Commonwealth), by and through the Department of State, Bureau of Professional and Occupational Affairs, and Respondent (Heidi R. Vidal) stipulate as follows in settlement of the above-captioned case.

1. This matter is before the State Board of Medicine (Board) pursuant to the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, as amended (Act), 63 P.S. §422.1 et seq.

2. At all relevant and material times, Heidi R. Vidal (Respondent) held a license to practice medicine and surgery in the Commonwealth of Pennsylvania, license number MD-061470-L, which expires as of December 31, 2014.

3. Respondent admits that the following facts are true:

a. Respondent's last known address on file with the Board is 534 Benner Street, Philadelphia, PA 19111.

b. On or about June 11, 2013, a Police Criminal Complaint was filed by BNI Officer Vincent Jackson of the Police Athletic League in Philadelphia County Municipal Court in the matter of Commonwealth of Pennsylvania v. Heidi R. Vidal.

c. A true and correct copy of the Police Criminal Complaint referenced in paragraph 3b is attached and incorporated as **Exhibit A**.

d. Respondent has been charged with one (1) felony count of Obtaining a Controlled Substance by Fraud; one (1) felony count of Criminal Conspiracy; one (1) felony count of Identity Theft; and one (1) misdemeanor count of Possession of a Controlled Substance.

4. The Department of State alleges that, by virtue of the foregoing, Respondent violated the Act at 63 P.S. §422.41(5) in that Respondent is unable to practice the profession with reasonable skill and safety to patients by reason of illness or addiction to drugs.

5. The Respondent, in consideration of this Consent Agreement, has chosen not to contest the above allegations of wrongdoing during the pendency of the criminal proceedings, but **while admitting no guilt or wrongdoing, agrees that for the sole purpose of this proceeding before the State Board of Medicine**, this Consent Agreement shall have the same effect as if proven and ordered after a full hearing, and in so doing and intending to be legally bound, the participants consent to issuance of the following Order in settlement of this matter:

a. Respondent agrees that if the allegations contained in the above-referenced Police Criminal Complaint are proven in the criminal proceedings, those allegations would be a violation of 63 P.S. §422.41(3). Respondent, for the purpose of this Consent Agreement, stipulates to the jurisdiction of the Board to enter this Order.

b. The Respondent shall **voluntarily surrender** her license no. MD-061470-L while her criminal case(s) related to the above-referenced Police Criminal Complaint is pending in the Philadelphia County Municipal Court. Upon adoption of this Order the Respondent shall cease and desist from practicing medicine and surgery in this Commonwealth and shall not represent herself as a licensee of the Pennsylvania State Board of Medicine in any manner whatsoever. The Respondent shall not apply to renew or reinstate her license while her

criminal case is pending. Within ten days of the adoption of this Order the Respondent shall surrender her wall certificate, registration certificate and wallet card by mailing them to Keith E. Bashore, Prosecuting Attorney, Pennsylvania Department of State, 2601 North Third Street, Harrisburg, PA 17110.

c. Should the Respondent be acquitted of all of the charges listed in the above-referenced Police Criminal Complaint, Respondent's medical license shall be automatically and immediately reinstated upon written notice to the Board of that fact.

d. Additionally, if there is an acquittal, the Department of State reserves the right to proceed with an Order to Show Cause in a formal hearing if it deems that there is evidence of a Medical Practice Act violation.

e. If Respondent enters a plea of guilty or nolo contendere to, and/or is adjudicated guilty of, any felony or misdemeanor charges related to the underlying criminal matter, the suspension of her medical license shall continue indefinitely until either a further Order is issued by the Board, or until 180 days after the date that a sentence is imposed for the criminal convictions in the underlying criminal matter, whichever occurs first.

ADMISSIBILITY OF CONSENT AGREEMENT IN FUTURE PROCEEDINGS

6. Respondent agrees that if Respondent is charged with a violation of an Act enforced by this Board in the future, this Consent Agreement and Order shall be admitted into evidence without objection in that proceeding.

ACKNOWLEDGMENT OF RIGHT TO ATTORNEY

7. Respondent acknowledges that she is aware that she has the right to consult with, and/or be represented by, private legal counsel of Respondent's choosing and at Respondent's

expense when reviewing, considering and accepting the terms of this Consent Agreement. To the extent that Respondent is not represented by legal counsel, Respondent has knowingly elected to proceed without the assistance of legal counsel.

WAIVER OF CLAIM OF COMMINGLING AND OTHER CONSTITUTIONAL CLAIMS

8. Respondent expressly waives any constitutional rights and issues, such as commingling of prosecutorial and adjudicative functions by the Board or its counsel, which may arise or have arisen during the negotiation, preparation and/or presentation of this Consent Agreement. Respondent specifically agrees that if the Board rejects this agreement, it may assume that the facts and averments as alleged in this Consent Agreement are true and correct for the limited purpose of recommending a sanction, based on those assumed facts that would be acceptable to the Board before hearing the case. In the event that the Board does assume the facts and averments as alleged in this Consent Agreement are true for purposes of making a recommendation as to an acceptable sanction, such action shall not constitute commingling of prosecutorial and adjudicative functions by the Board or its counsel, and the Respondent expressly waives any constitutional rights and issues related to alleged commingling, bias, or violation of due process rights to have an unbiased and impartial adjudicator in any subsequent hearing. If a hearing is subsequently held, neither this Consent Agreement nor the proposed terms of settlement may be admitted into evidence and any facts, averments, and allegations contained in the Consent Agreement must be proven at hearing unless otherwise separately stipulated. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

NO MODIFICATION OF ORDER

9. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the Stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.

AGREEMENT NOT BINDING ON OTHER PARTIES

10. The Office of General Counsel has approved this Consent Agreement as to form and legality; however, this Consent Agreement shall have no legal effect unless and until the Board issues the stipulated Order.

EFFECT OF BOARD'S REJECTION OF CONSENT AGREEMENT


11. Should the Board not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

ENTIRE AGREEMENT

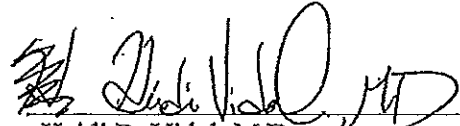
12. This agreement contains the whole agreement between the participants; provided however, that the captions printed in the various provisions of this agreement are for ease of reading only and are not to be interpreted as forming any part of this agreement. There is no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

VERIFICATION OF FACTS AND STATEMENTS


13. Respondent verifies that the facts and statements set forth in this Consent Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Consent Agreement are made subject to the criminal penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.


Keith E. Bashore, Esq.
Prosecuting Attorney
Department of State

DATED: 7/22/13


Heidi R. Vidal, M.D.
Respondent

DATED: 7/13/13


Samuel C. Stretton, Esq.
Attorney for Respondent

DATED: 7/18/13

COMMONWEALTH OF PENNSYLVANIA
PHILADELPHIA COUNTY

DC#: 12-12-082431

Dck/MC#: MC51-CR-0023120-201

Date: Jun 11 2013

Complaint: GOM0002917-2013

Criminal Complaint - Felony

Copy

COMMONWEALTH OF PENNSYLVANIA VS. HEIDI R VIDAL

I, the undersigned, do hereby state under oath or affirmation:

(1) My name is: VINCENT JACKSON POLICE Athletic League

(2) I accuse HEIDI R VIDAL

who lives at 534 BRENNER ST Philadelphia, PA 19111

with violating the Penal Laws of Pennsylvania on or about Tuesday, December 22, 2009

in the county of Philadelphia.

(3) The acts committed by the accused were:

See Supplemental Page For Complete Text



The Commonwealth hereby gives notice to the Defendant that the Defendant may be subject to the enhanced sentencing provisions of Title 35 of the Pa.C.S.A., relating to Knowing and Intentional Possession of a Controlled Substance.

In violation of Pennsylvania Penal Laws, section(s) and title(s)

Lab User Fee Requested

CHARGES:

Code	Grade	Description	Counts
CS13A12	F	CSA-SUBST BY FRAUD	001
CC0903	F	CRIMINAL CONSPIRACY	001
CC4120	F3	IDENTITY THEFT	001
CS13A16	M	CSA-K/I POSSESSION	001

All of which is against the peace and dignity of the Commonwealth of Pennsylvania

(4) I ask that a warrant of arrest or a summons be issued and that the accused be required to answer the charges I have made. This complaint has been reviewed and approved by A.D.A. EMILY RODRIGUEZ

(5) I swear to or affirm the within complaint upon my knowledge, information and belief, and sign it on 06/11/2013 before Philadelphia Municipal Court Judge/Arraignment Court Magistrate.

[Signature]

Signature of Arraignment Court Magistrate.



[Signature]

Signature of Affiant

On 06/11/2013, the above named affiant swore or affirmed that the facts set forth in the complaint were true and correct to the best of his/her knowledge, information and belief, and signed it in my presence. I believe the within affiant to be a responsible person and that there is probable cause for the issuance of process.

[Signature]

Issuing Authority



Seal



COMMONWEALTH OF PENNSYLVANIA
PHILADELPHIA COUNTY

DC# : 12-12-082431

Dckt/MC#: MC51-CR-0023120-201

Date: Jun 14 2013

Complaint: COM-0002917-2013

Supplemental Page For Complete Text

AT 6433 RISING SUN AVENUE, THE DEFENDANT, IN CONCERT WITH ANOTHER, FRAUDULENTLY OBTAINED PRESCRIPTION PILLS, TO WIT: ADERALL, BY USING COMPLAINANT, TAMARA SHOULDERS, NAME AND PERSONAL INFORMATION WITHOUT HER KNOWLEDGE OR PERMISSION.

THE COMMONWEALTH HEREBY NOTIFIES THAT SHOULD THE DEFENDANT HAVE A PRIOR CONVICTION UNDER 35 P.S. 780-116 AND BE CONVICTED ON THE PRESENT CHARGE, WE WILL SEEK IMPOSITION OF A SENTENCE IN ACCORD WITH THE MAXIMUM PENALTY OF THREE (3) YEARS IMPRISONMENT PURSUANT TO 35 P.S. 780-113(B).



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Affiant: BNI Officer VINCENT JACKSON POLICE Athletic League

Warrant Control Number:
AFF-0002917-2013

PROBABLE CAUSE BELIEF IS BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES:

1. That after investigation I have probable cause to believe that a warrant of arrest should be issued for:

Defendant Name: HEIDI R VIDAL

Gender: F Race: White

DOB: 05/06/1967 Pid:

Address: 534 BRENNER ST Philadelphia, PA 19111

CHARGES:

DC Number	Code	Grade	Description	Count
1212082431	CS13A12	F	CSA-SUBST.BY FRAUD	1
	CC0903	F	CRIMINAL CONSPIRACY	1
	CC4120	F3	IDENTITY THEFT	1
	CS13A16	M	CSA-K/I POSSESSION	1

2. That the facts tending to establish the grounds for the issuance of the warrant of arrest and the probable cause for my belief are as follows: (Note: if extended text exists, see following page(s))

I, THE AFFIANT, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF AND THAT PROBABLE CAUSE TO ARREST EXISTS.

Affiant: BNI Officer VINCENT JACKSON POLICE Athletic League

Sworn to or affirmed and subscribed before me this 11 day of June, 2013

Vincent Jackson

Affiant Signature

JIA Lee

Issuing Authority Signature





Copy

Affiant:

BNI Officer VINCENT JACKSON POLICE Athletic League

Warrant Control Number:

AFF-0002917-2013

1212082431 In September 2012 agent Jackson received information from Donna Walker, a Drug Enforcement Investigator that the subject listed above, Doctor Heidi Vidal was engaging in the illegal acquisition of controlled substances by fraud. She was specifically doing this by creating fraudulent prescriptions using the name and information of one of her office workers Tamara Shoulders. Doctor Vidal was obtaining Adderall a schedule-II controlled substance, using the name Tamara Shoulders without Tamara's knowledge nor authorization to do so.

DETAILS:

On September 19, 2012 agent Jackson spoke with DEA Diversion Investigator Donna Walker who informed him that Tamara Shoulders was willing to provide any and all information needed to prosecute Doctor Vidal. Tamara was upset and adamant that Doctor Vidal be prosecuted for using her name and DOB to obtain Controlled Substances. On September 24, 2012 agent Jackson spoke with Eman Eltay, Pharmacist/Owner of EmmaCare Pharmacy, 6433 Raising Sun Avenue, Philadelphia, Pennsylvania on the phone. EmmaCare Pharmacy is the location where Doctor Vidal was filling the fraudulent prescriptions. Eman Eltay stated she positively remembered Doctor Heidi Vidal and her Husband Jonathan Vidal dropping off prescriptions for Adderall in Tamara Shoulders name and retrieving the filled prescriptions.

On September 25, 2012 agent Jackson visited EmmaCare Pharmacy. He interviewed Ms. Eltay, who confirmed that Doctor Vidal and her Husband Jonathan Vidal were dropping off Adderall prescriptions and picking up the pills. A patient profile was obtained in Tamara Shoulders name. The profile revealed that between December 22, 2009 and October 21, 2011 Doctor Vidal and her husband Jonthan submitted 13 fraudulent prescriptions in Tamara Shoulders name. Ms. Eltay said she did not ever see Ms. Shoulders dropping off any prescriptions, nor did she recall Tamara Shoulders picking up any of the medication. The only persons she ever remembered dropping off prescriptions in the name of Ms. Shoulders, and picking up the medication were Doctor Vidal and her husband Jonathan Vidal. Your Affiant then showed the Pharmacist Eman Eltay a photo lineup of several woman with the same features and characteristics as Doctor Vidal. Ms. Eltay picked out Doctor Vidal from the photo array and signed and dated it. Ms. Eltay did the same for Jonathan Vidal. She picked him out of a photo array. She confirmed that they were the only two people dropping off and picking up prescriptions under Tamara Shoulders identity information. Heidi Vidal and Jonathan Vidal each signed the signature log book indicating they picked up the narcotics. Based on the aforementioned facts, I respectfully request that an arrest warrant be issued for Doctor Heidi Vidal and for Jonathan Vidal for Violation of the Controlled Substance Act of 1972 sections 13(a)12 and 13(a)16, along with violating the Crimes Code section 4120 Identity Theft.

I, THE AFFIANT, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF AND THAT PROBABLE CAUSE TO ARREST EXISTS.

Affiant: BNI Officer VINCENT JACKSON POLICE Athletic League

Sworn to or affirmed and subscribed before me this 11 day of June, 2013

Vincent Jackson

Affiant Signature

[Signature]

Issuing Authority Signature



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

vs.

Heidi R. Vidal, M.D.,
Respondent

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: Docket No. -49-13
: File No. 13-49-06738
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ORDER

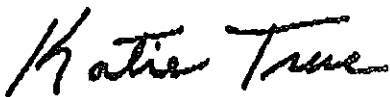
AND NOW, this 23rd day of July, 2013, the State Board of Medicine
adopts and approves the foregoing Consent Agreement and incorporates the terms of paragraph 5,
which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

BY ORDER:

BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS

STATE BOARD OF MEDICINE



Katie True
Commissioner



Andrew J. Behnke, M.D.
Chairman

Date of mailing: July 26, 2013

For the Commonwealth:

Keith E. Bashore, Prosecuting Attorney
P. O. Box 2649
Harrisburg, PA 17105-2649

For Respondent:

Samuel C. Stretton, Esquire
1325 Spruce Street
Philadelphia, PA 19107