

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

2019 DEC 18 AM 11:07

**Commonwealth of Pennsylvania,
Bureau of Professional and
Occupational Affairs**

v.

Case No. 19-49-011465

**Stephen Charles Padnes, M.D.
Respondent**

CONSENT AGREEMENT AND ORDER

PARTIES

The Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs ("Commonwealth") and **Stephen Charles Padnes, M.D.** ("Respondent") stipulate as follows in settlement of the above-captioned case.

APPLICABLE LAW

1. This matter is before the State Board of Medicine ("Board") pursuant to the Medical Practice Act of 1985, act of December 20, 1985, P.L. 457, No. 112, ("Act"), *as amended*, 63 P.S. §§ 422.1-422.53; the Medical Care Availability and Reduction of Error ("MCARE") Act, Act of March 20, 2002, P.L. 154, No. 13, *as amended*, 40 P.S. §§ 1303.101-1303.910; and/or the Act of July 2, 1993, P.L. 345, No. 48 ("Act 48"), *as amended*, 63 P.S. §§ 2201-2207.

LICENSURE STATUS

2. At all relevant and material times, Respondent held a license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania, license no. MD010322E, which expired on December 31, 2016.

STIPULATED FACTS

3. The Respondent, while admitting no guilt or wrongdoing, agrees that if this case were to proceed to a hearing the Commonwealth would be able to prove the following:

a. Absent further Board action, Respondent's license may be continually reactivated, renewed, or reinstated upon the filing of the required documentation and payment of the applicable fees.

b. Respondent's address is 504 Edann Road, Glenside, PA 19038.

c. On or about August 14, 2019, an Indictment was brought against Respondent in the United States District Court for the Eastern District of Pennsylvania at docket no. 2:19-cr-00464 (*hereinafter* "Indictment").

d. The Indictment charged Respondent with, *inter alia*, seven (7) counts of Distribution of Controlled Substances, 21 U.S.C. 841 (a)(1) and (b)(1)(C) (Class C felony).

AUTHORITY OF THE BOARD

4. The Board is authorized to suspend, revoke, or otherwise restrict Respondent's license pursuant to Sections 41 and 42 of the Act, 63 P.S. §§ 422.41 and 422.42 and/or impose a civil penalty and the costs of investigation pursuant to Sections 39 through 42 of the Act, 63 P.S. §§ 422.39-422.42, and Section 5(b)(4) and 5(b)(5) of Act 48, 63 P.S. §§ 2205(b)(4) and 2205(b)(5), because Respondent engaged in unprofessional conduct in violation of Section 41(8) of the Act, 63 P.S. §422.41(8).

PROPOSED ORDER

5. The Respondent, in consideration of this Consent Agreement only, has chosen not to contest the above stipulated facts and agrees that, for the purposes of this proceeding before the Board, this Consent Agreement shall have the same effect as if proven and ordered after a full hearing; however, for the purposes of any and all criminal proceedings, the Respondent maintains his innocence and admits no guilt or wrongdoing, and this Consent Agreement shall not be construed as an admission against interest. The parties, intending to be legally bound, consent to the issuance of the following Order in settlement of this matter:

a. **INDEFINITE SUSPENSION:** Respondent's license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania, along with any other licenses, registrations, certificates, approvals, authorizations, or permits (hereinafter referred to collectively as "authorizations to practice the profession") issued by the Board to Respondent at the time this Consent Agreement is adopted by the Board are hereby **INDEFINITELY AND ACTIVELY SUSPENDED** until such time as Board grants the reinstatement of his authorizations to practice the profession consistent with the terms set forth below.

b. Respondent shall, within ten (10) days of the beginning of the period of active suspension, surrender his wall certificate, biennial renewal certificate and wallet card (or notarized affidavit of their loss or destruction) by mailing them to:

Mark R. Zogby Prosecuting Attorney Bureau of Professional and Occupational Affairs P.O. Box 2649 Harrisburg, PA 17105-2649
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or by delivering them in person at:

Bureau of Professional and Occupational Affairs
One Penn Center
2601 North 3rd St.
Harrisburg, Pennsylvania

c. During the period of active suspension, Respondent shall cease and desist from practicing as a medical physician and surgeon and representing himself as a Board licensee in any manner.

d. The Respondent shall not apply to reinstate his authorizations to practice the profession while any criminal charges are pending against him.

e. Should Respondent be convicted of a crime, as defined by Section 40(b) and Section 41(3) of the Act, 63 P.S. §422.40(b) and 63 P.S. §422.41(3), Respondent's authorizations to practice the profession shall remain suspended until another Consent Agreement is reached or a Final Order is issued by the Board concerning the conviction of the Respondent.

f. Should the Respondent be acquitted of all criminal charges, the Respondent's authorizations to practice the profession shall remain suspended until the Respondent requests, in writing, reinstatement of his authorizations to practice the profession and is granted reinstatement by the Board.

g. Reinstatement of the Respondent's authorizations to practice the profession shall be subject to the following terms and conditions:

(1) Respondent shall show, to the Board's satisfaction, that there are no criminal charges pending against him;

(2) Respondent shall show, to the Board's satisfaction, that he has not been convicted of any crime, as defined by Section 40(b) and Section 41(3) of the Act, 63 P.S. §422.40(b) and 63 P.S. §422.41(3); and

(3) Respondent shall comply with any other requirements of reinstatement imposed by the Board and/or set forth in the Act.

h. This Consent Agreement and Order shall not be construed in any way to limit the Commonwealth's ability to proceed with further disciplinary action regardless of the outcome of the pending criminal charges.

i. This Order constitutes disciplinary action by the Board and shall be reported to other licensing authorities and any applicable national licensing databank as a disciplinary action.

j. This case shall be deemed settled and discontinued upon the Board issuing an Order adopting this Consent Agreement.

ADMISSIBILITY OF CONSENT AGREEMENT IN FUTURE PROCEEDINGS

6. Respondent agrees that this Consent Agreement and Order shall be admitted into evidence, without objection, in any proceeding before the Department of State.

ACKNOWLEDGMENT OF NOTICE AND WAIVER OF HEARING

7. Respondent waives the filing of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter and the following rights related to that hearing: to be represented by counsel; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-

examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any adverse final decision.

ACKNOWLEDGMENT OF RIGHT TO ATTORNEY

8. Respondent acknowledges the right to consult with and 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 CLAIMS

9. Should the Board vote not to adopt the Order proposed in this Consent Agreement, the presentation and consideration of this Consent Agreement shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. Respondent expressly waives the right to raise any claims or issues, including any and all constitutional claims or issues, which may arise or have arisen during the review, presentation and deliberation of this Consent Agreement. These claims or issues include, but are not limited to, bias, the commingling of prosecutorial and adjudicative functions by the Board or its counsel, and the Board, in its discretion, recommending a different sanction based upon the facts set forth in the Consent Agreement. 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 a hearing unless otherwise separately stipulated.

LIMITS ON MODIFICATION OF ORDER

10. Respondent agrees not to seek modification of the Order adopting and implementing this Consent Agreement without first obtaining the express written permission from the prosecution division. Any modification is at the sole discretion of the Board.

AGREEMENT NOT BINDING UNTIL APPROVED

11. This Consent Agreement is between the Commonwealth and Respondent. The Office of General Counsel has approved this Consent Agreement as to form and legality. The disciplinary provisions of this Consent Agreement do not take effect unless and until the Board issues an order adopting this Consent Agreement.

ENTIRE AGREEMENT

12. This Consent Agreement contains the entire agreement between the parties. There are no other terms, obligations, covenants, representations, statements, or conditions, oral or otherwise, of any kind whatsoever concerning this agreement.


AGREEMENT DOES NOT PREVENT FUTURE DISCIPLINE

13. Nothing in this Order shall preclude the prosecution division of the Department of State from filing charges, or the Board from imposing disciplinary or corrective measures, for violations or facts not contained in this Consent Agreement.

VERIFICATION OF FACTS AND STATEMENTS


14. 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.



Mark R. Zogby
Prosecuting Attorney

DATED:



Stephen Charles Padnes, M.D.
Respondent

DATED: Dec 6, 2019

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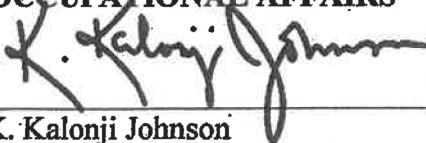
**Stephen Charles Padnes, M.D.
Respondent**

ORDER

AND NOW, this *17th* day of *December* 2019, the **STATE BOARD OF MEDICINE** ("Board") 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.

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**



K. Kalonji Johnson
Acting Commissioner

For the Commonwealth:

Respondent:

Date of mailing:

**BY ORDER:
STATE BOARD OF MEDICINE**



Keith E. Loiselle
Chair

Mark R. Zogby, Esquire
2601 North Third Street
P. O. Box 69521
Harrisburg, PA 17106-9521

Stephen Charles Padnes, M.D.
504 Edann Road
Glenside, PA 19038
December 18, 2019