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of the State of California
2 JANA L. TUTON, State Bar No. 78206
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7 **Attorneys for Complainant**

8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2321

12 CHARLES LARRY SEIDE
13 615 Derby Avenue
Woodmere, NY 11598

**STIPULATION IN SETTLEMENT
AND DECISION**

14 Pharmacist License No. RPH 32566

15 Respondent.

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17 It is hereby stipulated and agreed by and between respondent Charles L. Seide,
18 and Complainant, Patricia Harris, Executive Director of the Board of Pharmacy, through her
19 counsel Deputy Attorney General Jana L. Tuton that the following matters are true:

20 1. Accusation No. 2321, is currently pending against Charles Larry Seide
21 ("respondent"), before the Board of Pharmacy. The Accusation, together with all other
22 statutorily required documents, was duly served on the respondent on or about October 31, 2000,
23 and respondent has filed a Notice of Defense. A copy of the Accusation is attached as
24 Attachment "A" and incorporated by reference as if fully set forth.

25 2. At all times relevant herein, respondent has been licensed by the Board of
26 Pharmacy and presently holds Pharmacist License No. RPH 32566.

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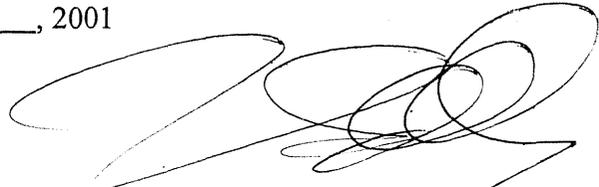
1 B. Respondent shall reimburse to the Board its costs of investigation and prosecution
2 in the amount of \$1000, to be paid within 30 days of the effective date of this decision. Failure
3 to pay these costs shall be grounds for disciplinary action.

4 I concur in the stipulation and order.

5 DATED: Feb. 8, 2001

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7 
8 JANA L. TUTON
Deputy Attorney General

9 DATED: Jan 25, 2001

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12 CHARLES LARRY SEIDE
13 Respondent

14 DATED: 1/24/01, 2001

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17 ARTHUR GOLDBERG
18 Attorney for Respondent

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**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2321

CHARLES LARRY SEIDE
615 Derby Avenue
Woodmere, NY 11598

Pharmacist License No. RPH 32566

Respondent.

**STIPULATED SETTLEMENT
AND ORDER**

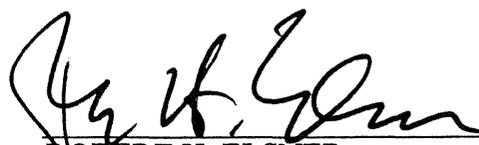
DECISION AND ORDER

The attached Stipulated Settlement and Order is hereby adopted by the Board of Pharmacy of the Department of Consumer Affairs, as its Decision in the above-entitled matter.

This Decision shall become effective on August 10, 2001.

It is so ORDERED on July 11, 2001.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By 
ROBERT H. ELSNER
Board President

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL DISCIPLINE
STATE BOARD OF PHARMACY

-----X

IN THE MATTER

of the

Disciplinary Proceeding

against

CHARLES SEIDE

**APPLICATION FOR
CONSENT ORDER**

CAL. NO. 16748

who is currently licensed to practice as
a(n) pharmacist in the State of New York.

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STATE OF NEW YORK)

ss:

COUNTY OF NASSAU)

CHARLES SEIDE, being duly sworn, deposes and says:

That on or about September 29, 1978 I was licensed to practice as a pharmacist in the State of New York, having been issued license No. 031976 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice as a pharmacist in the State of New York from an address at: 615 Derby Avenue, Woodmere, New York 11598-2714.

That I have been charged with one (1) specification of professional misconduct, a copy of which is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the aforesaid specification of professional misconduct, charging me with being convicted of committing an act constituting a crime under Federal law (Conspiracy to Defraud Medicare, False and Fraudulent Medicare Claims, Making False Statements to the Department of Health and Human Resources and Mail Fraud).

CHARLES SEIDE

I hereby agree to the penalty that my license to practice as a pharmacist in the State of New York be suspended for two and one-half (2½) years and that I be fined the sum of five thousand dollars (\$5,000.00), said fine to be paid by certified or bank cashier's check, made payable to the order of the New York State Education Department, to be delivered to the Executive Director, Office of Professional Discipline, New York State Education Department, One Park Avenue - Sixth Floor, New York, New York 10016-5802 within one (1) year of the effective date of service of the Order to be issued in this matter.

I further agree that during the period of suspension, I shall comply with provisions of the mandatory continuing education requirements prescribed in Section 6827 of the Education Law of the State of New York, and that at least seven (7) days prior to my return to the practice of pharmacy in the State of New York, I shall supply documentation of completion of acceptable formal continuing education to the Executive Director, Office of Professional Discipline, as aforesaid.

I hereby make this application to the Board of Regents and request that it be granted.

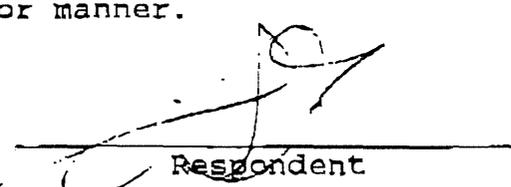
I understand that in the event that the Board of Regents denies the application, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me. Such application shall not be used against me

CHARLES SEIDE

in any way and shall be kept in strict confidence during the pendency of the disciplinary proceeding, and such denial by the Board of Regents shall be without prejudice to the continuance of the disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

I agree that in the event the Board of Regents grants my application, as set forth herein, an Order may be issued in accordance with the same.

No promises of any kind were made 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.


Respondent

Sworn to before me this

21st day of September 1997



NOTARY PUBLIC

MICHAEL J. TAUB
Notary Public, State of New York
No. 02TA4829080
Qualified in Nassau County
Commission Expires June 30, 1998

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL DISCIPLINE
STATE BOARD OF PHARMACY

-----X

IN THE MATTER

of the

Disciplinary Proceeding

against

CHARLES SEIDE

STATEMENT
OF
CHARGES

CAL. NO. 16748

who is currently licensed to practice as
a(n) pharmacist in the State of New York.

-----X

TO: THE REGENTS REVIEW COMMITTEE

THE NEW YORK STATE EDUCATION DEPARTMENT BY ITS DIVISION OF
PROSECUTION OF THE OFFICE OF PROFESSIONAL DISCIPLINE ALLEGES AS
FOLLOWS:

CHARLES SEIDE, hereinafter referred to as the Respondent, was
issued license No. 031976 on or about September 29, 1978 by the New
York State Education Department authorizing the Respondent to
practice as a pharmacist in the State of New York.

Respondent is currently registered with the New York State
Education Department to practice as a pharmacist in the State of
New York from an address at: 615 Derby Avenue, Woodmere, New York
11598-2714.

SPECIFICATION OF PROFESSIONAL MISCONDUCT

Respondent is charged with being convicted of committing an act
constituting a crime under Federal law, within the purview and
meaning of Section 6509(5)(a)(ii) of the Education Law of the State
of New York, in that:

EXHIBIT # A

On or about May 25, 1995 pursuant to an Information in Criminal Case No. 95-302 filed in the United States District Court for the Eastern District of Pennsylvania, entitled the United States of America v. Charles Seide, Respondent was charged with a violation of the following: 18 U.S.C. §371 and §287 (Conspiracy to Defraud Medicare, False and Fraudulent Medicare Claims), 18 U.S.C. §1001 (Making False Statements to the Department of Health and Human Resources), and 18 U.S.C. §1341 (Mail Fraud). Specifically, it was charged that Respondent, as president of a company in the business of marketing medical supplies to nursing homes and patients in nursing homes, and others acting at his direction, from in or about June, 1990 through March, 1993, caused false and fraudulent Medicare claims to be submitted to a Pennsylvania Medicare carrier for nursing home patients located in states other than Pennsylvania, and which contained a forged and/or unauthorized copy of a patient representative or doctor signature. It was further charged that in or about August, 1991, and March 1991, Respondent knowingly and wilfully made and caused to be made, a false writing and document knowing that it contained false, fictitious and fraudulent statements and entries as to material facts in that he submitted and caused to be submitted to Pennsylvania Blue Shield, a fraudulent Certificate of Medical Necessity, containing a forgery of the patient's authorization and the physician's signature, in connection with a monthly claim

on behalf of patient W.J., St. Louis, Missouri and a monthly claim on behalf of patient I.P, St. Louis, Missouri, respectively. It was further charged that in or about March, 1991, Respondent delivered by the United States Postal Services the aforesaid mail matter concerning patient I.P.

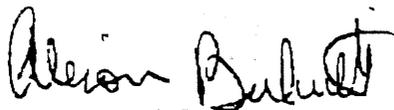
Thereafter, on or about June 15, 1995, upon his plea of guilty, Respondent was convicted of the aforesaid charges.*

WHEREFORE, it is requested that a disciplinary penalty be exacted upon the Respondent and upon the license and registration previously granted to the Respondent to practice as a pharmacist in New York State.

Dated: 18th day of April, 1997

CHARLES J. ADAMS
PROFESSIONAL CONDUCT OFFICER

NINA GOTTLIEB
DIRECTOR OF PROSECUTIONS

By: 
Alison Berkwitt
Prosecuting Attorney
Office of Professional Discipline
N.Y.S. Education Department
One Park Avenue -- 6th Floor
New York, New York 10016-5802
(212) 951-6401

AB:ab

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL DISCIPLINE
STATE BOARD OF PHARMACY

-----X

IN THE MATTER

of the

Disciplinary Proceeding

against

CHARLES SEIDE

APPLICATION FOR
CONSENT ORDER

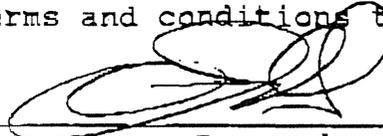
CAL. NO. 16748

who is currently licensed to practice as
a(n) pharmacist in the State of New York.

-----X

The undersigned agree to the above statement and to the
proposed penalty based on the terms and conditions thereof.

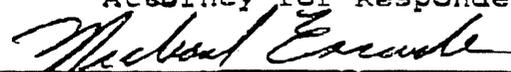
Dated: _____, 1997


Respondent

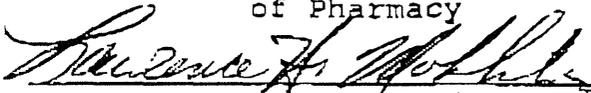
Dated: 9/23, 1997


Attorney for Respondent

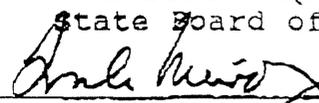
Dated: 9/29, 1997


Member of the State Board
of Pharmacy

Dated: 10/11, 1997

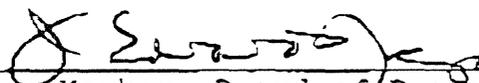

Executive Secretary
State Board of Pharmacy

Dated: 10/22, 1997


Acting Executive Director
Office of Professional Discipline

The undersigned, a member of the Board of Regents who has been
designated by the Chairman of the Regents Committee on Professional
Practice to review this Application for a Consent Order, has
reviewed said Application and recommends to the Board of Regents
that the Application be granted.

Dated: October 24, 1997


Member, Board of Regents

AB:ab

1 BILL LOCKYER, Attorney General
of the State of California
2 JANA L. TUTON, State Bar No. 78206
Deputy Attorney General
3 California Department of Justice
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Sacramento, California 94244-2550
5 Telephone: (916) 324-5342
Facsimile: (916) 324-5567
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7 **Attorneys for Complainant**

8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2321

12 CHARLES LARRY SEIDE
13 615 Derby Avenue
Woodmere, NY 11598

A C C U S A T I O N

14 Pharmacist License No. RPH 32566

15 Respondent.

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17 Complainant alleges:

18 PARTIES

19 1. Patricia F. Harris ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
21 Affairs.

22 2. On or about November 28, 1978, the Board of Pharmacy issued
23 Pharmacist License Number RPH 32566 to Charles Larry Seide ("Respondent"). The Pharmacist
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on April 30, 2001, unless renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board of Pharmacy ("Board"),
28 under the authority of the following sections of the Business and Professions Code ("Code").

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4. Section 4301 of the Code states, in pertinent part:

The Board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

(1) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under Chapter 9 (commencing with Section 4000) of the Business and Professions Code. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under Chapter 9 (commencing with Section 4000) of the Business and Professions Code. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

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1 (n) The revocation, suspension, or other discipline by another state of a license to
2 practice pharmacy, operate a pharmacy, or do any other act for which a license is required by
3 Chapter 9 (commencing with Section 4000) of the Business and Professions Code.

4 5. Section 125.3 of the Code states, in pertinent part, that a Board may
5 request the administrative law judge to direct a licentiate found to have committed a violation or
6 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
7 and enforcement of the case.

8 FIRST CAUSE FOR DISCIPLINE

9 (Conviction of Crime)

10 6. On or about December 14, 1995, respondent was convicted by his plea of
11 guilty to violation of 18 U.S.C. section 1371 (conspiracy to defraud the U.S. Dept. of Health and
12 Human Services); 18 U.S.C. section 1001 (making false statements to Health and Human
13 Services); and 18 U.S.C. section 1341 (mail fraud) in the U.S. District Court for the Eastern
14 District of Pennsylvania, Case No. 2:95CR00302-1.

15 SECOND CAUSE FOR DISCIPLINE

16 (Out of State Discipline)

17 7. Respondent is subject to disciplinary action under section 4301 (n) in that
18 on December 19, 1997, the New York State Board of Pharmacy issued an order in case number
19 16748 suspending respondent's pharmacy license for 30 months.

20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein
22 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

23 1. Revoking or suspending Pharmacist License Number RPH 32566, issued
24 to Charles Larry Seide;

25 2. Ordering Charles Larry Seide to pay the Board of Pharmacy the
26 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
27 Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 10/23/00

P. J. Harris
PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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2Accusation.wpt 8/8/00
tws 9-14-00