

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

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

v.

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

Case No.: 19-49-011466

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 Act 53 of 2020, 63 Pa. C.S. §§ 3101-3118.

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 ("license"), which is currently suspended pursuant to a December 17, 2019 Consent Agreement and Order.

Prothonotary Filed On:
Dec 16 2021 10:31 AM
Department of State

STIPULATED FACTS

3. The Respondent admits that the following allegations are true:

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

b. Respondent's address on file with the Board 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 (“Indictment”), charging Respondent with, *inter alia*, seven (7) counts of Distribution of Controlled Substances, 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) (Class C Felony).

d. On or about September 28, 2021, Respondent plead guilty to the charges in the Indictment, including seven (7) counts of Distribution of Controlled Substances, 21 U.S.C. §§ 841(a)(1) and 841(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 & 422.42, or impose a civil penalty and/or costs of investigation upon Respondent pursuant to Section 908 of the MCARE Act, 40 P.S. § 1303.908 and/or Act 53 of 2020, 63 Pa. C.S. §§ 3108(b)(4) and 3108(b)(5), because Respondent was convicted of a felony in Federal Court, a violation of Section 41(3) of the Act, 63 P.S. § 422.41(3), and due to the nature of the criminal conviction, licensure of the Respondent would pose a substantial risk to the health and safety of the Respondent’s patients, clients and/or the public or a substantial risk of further convictions in accordance with 63 Pa. C.S. § 3113(b)(2).

PROPOSED ORDER

5. The parties, intending to be legally bound, consent to the issuance of the following Order in settlement of this matter:

PERMANENT VOLUNTARY SURRENDER

a. In consideration for not imposing other disciplinary sanctions (which could include the revocation of Respondent's license(s) and the imposition of civil penalties and/or the costs of investigation), the parties propose, and the Board hereby accepts, the **PERMANENT VOLUNTARY SURRENDER** of 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.

b. Respondent acknowledges that with the permanent voluntary surrender of his authorizations to practice the profession, Respondent is surrendering any and all property rights he may have in those authorizations to practice the profession and will no longer be eligible to renew those authorizations to practice the profession.

c. In accordance with the **PERMANENT VOLUNTARY SURRENDER**, as set forth above in paragraph 5(a) Respondent shall:

(1) cease practicing as a medical physician and surgeon in the Commonwealth on and after the effective date of this Consent Agreement, and shall not hold himself out as having the ability to practice the profession in the Commonwealth in any manner whatsoever in the future,

(2) not apply, at any time in the future, for the reactivation, reinstatement, reissuance, or the issuance of any authorizations to practice issued by the Board and the Board will not consider and will deny any such application, without hearing,

(3) not work as an unlicensed assistant to any person holding an authorization from the Board to practice the profession,

(4) not possess a controlling interest in any organization requiring an authorization from the Board to practice the profession,

(5) not possess a controlling interest in any organization whose employees require an authorization from the Board to practice the health care profession when conducting the business of the organization,

(6) For purposes of this paragraph, the term “controlling interest” shall include being an owner, officer, manager, director, partner, member, or associate, as well as owning any quantity of outstanding corporate stock sufficient to control or direct the actions of the firm.

d. Respondent shall, within ten (10) days of the the effective date of this Consent Agreement, 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 69521 Harrisburg, PA 17106-9521

or by delivering them in person at:

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

f. 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. Respondent is represented in the present matter by Clifford D. Swift, III, Esquire.

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.

NO 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

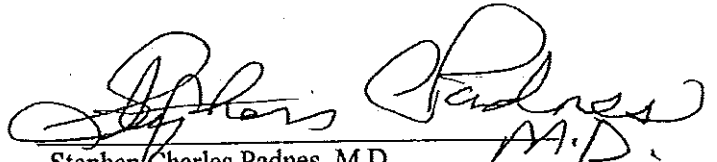
13. Nothing in this Order shall preclude the prosecution division of the Department of State from filing charges, or the Board from imposing disciplinary or corrective measures, for violations or facts not contained in this Consent Agreement.

VERIFICATION OF FACTS AND STATEMENTS

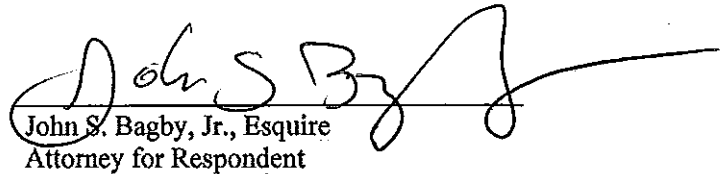
14. Respondent verifies that the facts and statements set forth in this Consent Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that the statements in this Consent Agreement are made subject to the criminal penalties of 18 Pa. C.S.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

/s/ Mark R. Zogby
Mark R. Zogby, Esquire
Prosecuting Attorney

DATED:


Stephen Charles Padnes, M.D.
Respondent

DATED: Nov 18, 2021


John S. Bagby, Jr., Esquire
Attorney for Respondent

DATED: 11/19/21

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ORDER

AND NOW, this th 16 day of *December* 2021, 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, which is now issued in resolution of this matter.

This Order shall take effect immediately.

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**



K. Kalonji Johnson
Commissioner

For the Commonwealth:

For the Respondent:

Date of mailing:

**BY ORDER:
STATE BOARD OF MEDICINE**


Mark B. Woodland, M.D.
Chair

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

John S. Bagby, Jr., Esquire
Bagby & Associates, LLC
43 Leopard Road, Suite 301
Paoli, PA 19301

12/16/21