



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

November 7, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Charles Scharf, M.D.
FMRS Mental Health Council
101 South Eisenhower Drive
Beckley, West Virginia 25801

RE: License No. 137301

Dear Dr. Scharf:

Enclosed please find Order #BPMC 97-268 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: John Mardula, Esq.
Mardula & Daughtry, PC
7929 West Park Drive
McLean, Virginia 22102-4224

Daniel Guenzburger, Esq.

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
CHARLES SCHARF, M.D.

SURRENDER
OF
LICENSE

BPMC #97-268

STATE OF VIRGINIA)
COUNTY OF) ss.:

CHARLES SCHARF, M.D., being duly sworn, deposes and says:

On or about February 27, 1979, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 137301 by the New York State Education Department.

My current address is FMRS Mental Health Council, 101 South Eisenhower Drive, Beckley, West Virginia 25801.

I understand that I have been charged with two specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I agree not to contest the two specifications of the Statement of Charges.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
CHARLES SCHARF, M.D.

SURRENDER
ORDER

Upon the proposed agreement of CHARLES SCHARF, M.D. (Respondent) to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is agreed to and


ORDERED, that the application and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order via certified mail, whichever is earliest.

SO ORDERED.

DATED: 11/4/97


PATRICK F. CARONE, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

**IN THE MATTER
OF
CHARLES SCHARF, M.D.**

**STATEMENT
OF
CHARGES**

CHARLES SCHARF, M.D., the Respondent, was authorized to practice medicine in New York State on or about February 27, 1979, by the issuance of license number 137301 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about September 27, 1996, the Virginia Board of Medicine found that Respondent violated various Virginia statutes governing the practice of medicine, including but not limited to Va. Code Ann. §54.1-2915A(2)("Substance abuse rendering him unfit for the performance of his professional obligations"), §54.1-2915A(4)("Gross ignorance or carelessness in his practice, or gross malpractice"); §54.1-2915A(5)("Mental or physical incompetence to practice his profession with safety to his patients and to the public"); §54.1-2914A(3)("Prescribes or dispenses any controlled substance with intent or knowledge that it will be used otherwise than medically..."). The Virginia Medical Board found that Respondent had had inappropriate sexual relations with a patient during the course of a psychotherapeutic relationship, that he inappropriately prescribed benzodiazepines to a patient who he knew or should have known was drug dependent, that he inappropriately asked a patient with whom he had a psychotherapeutic relationship to purchase marijuana for him and he inappropriately used marijuana with the same patient on numerous occasions, that Respondent violated appropriate

patient/physician boundaries with several other patients, that Respondent inappropriately prescribed controlled substances to several patients that Respondent knew had a history of substance abuse and that he was diagnosed as suffering from a major affective disorder and major depression.

SPECIFICATION OF CHARGES

SPECIFICATION

HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(b)(McKinney Supp. 1997) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §6530(8) "Having a psychiatric condition which impairs the licensee's ability to practice"); §6530(4)("Gross Negligence"); and §6530(6)("Gross Incompetence") as alleged in the facts of the following:

1. Paragraph A.

DATED: August , 1997
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct