



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

433 River Street, Suite 303 Troy, New York 12180-2299

Richard F. Daines, M.D.  
Commissioner

September 17, 2008

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Seife M. Wolde-Tsadik, M.D.

Redacted Address

Robert Bogan, Esq.  
NYS Department of Health  
Office of Professional Medical Conduct  
433 River Street, Suite 303  
Troy, New York 12180-2299

**RE: In the Matter of Seife M. Wolde-Tsadik, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 08-174) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct  
New York State Department of Health  
Hedley Park Place  
433 River Street - Fourth Floor  
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2007) and §230-c subdivisions 1 through 5, (McKinney Supp. 2007), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

Redacted Signature

James F. Horan, Acting Director  
Bureau of Adjudication

JFH:djh

Enclosure

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

COPY

DETERMINATION

AND

ORDER

BPMC NO. 08-174

IN THE MATTER  
OF  
SEIFE M. WOLDE-TSADIK, M.D.

A hearing was held on August 21, 2008, at the offices of the New York State Department of Health ("the Petitioner"). A Notice of Referral Proceeding and a Statement of Charges, both dated May 21, 2008, were served upon the Respondent, **SEIFE M. WOLDE-TSADIK, M.D.**

Pursuant to Section 230(10)(e) of the Public Health Law, **Roger Oskvig, M.D., Chair, Mohammad-Reza Ghazi-Moghadam, M.D., and, Frances E. Tarlton**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **David A. Lenihan, Esq.**, Administrative Law Judge, served as the Administrative Officer. The Petitioner appeared by **Thomas Conway, Esq.**, General Counsel, by **Robert Bogan, Esq.**, of Counsel. The Respondent, **SEIFE M. WOLDE-TSADIK, M.D.**, did not appear, although duly served. Evidence was received and transcripts of these proceedings were made. After consideration of the entire record, the Hearing Committee issues this Determination and Order.

**STATEMENT OF CASE**

This case was brought pursuant to Public Health Law Section 230(10) (p). The statute provides for an expedited hearing when a licensee is charged solely with a

violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law §6530(9) (b) and Education Law §6530(9) (d). Copies of the Notice of Referral Proceeding and the Statement of Charges are attached to this Determination and Order as Appendix 1.

#### **WITNESSES**

For the Petitioner:	None
For the Respondent:	None

#### **FINDINGS OF FACT**

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex." These citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous.

1. **SEIFE M. WOLDE-TSADIK, M.D.**, the Respondent, did not appear at the hearing although duly served with process on July 17, 2008. (Petitioner's Exhibit 2.)

2. **SEIFE M. WOLDE-TSADIK, M.D.**, the Respondent, was authorized to practice medicine in New York State on March 27, 1997, by the issuance of license number 206226 by the New York State Education Department (Petitioner's Ex. 4).
3. On January 28, 2008, an Order was issued by the Board of Medicine of the Commonwealth of Virginia, under License No. 0101-233152, which Order caused the Respondent's license to practice medicine to be revoked due to crimes related substance abuse. (Petitioner's Ex. 5).
4. The Virginia Board found the Respondent was charged with drug related offenses including the possession of cocaine and oxycodone prescribed by him in the name of other individuals and diverted by him for his own use. The Virginia Board also determined that the Respondent suffers from mental illness and substance abuse, by his own admission, and therefore revoked his license to practice medicine. (Petitioner's Ex. 5).

### VOTE OF THE HEARING COMMITTEE

#### FIRST SPECIFICATION

Respondent violated New York Education Law Section 6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized disciplinary agency of another state where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State in that Respondent's license to practice medicine was revoked for substance abuse, fraudulent practice, and mental illness.

VOTE: Sustained (3-0)

## **SECOND SPECIFICATION**

Respondent violated New York Education Law Section 6530(9)(d) by having disciplinary action taken against him by a duly authorized disciplinary agency of another state where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State. Respondent's license to practice of medicine in Virginia was revoked for fraudulent practice, substance abuse and mental illness, i.e., having a psychiatric condition, which impairs his ability to practice.

VOTE: Sustained (3-0)

## **HEARING COMMITTEE DETERMINATION**

The Respondent did not appear at the hearing, either in person or by counsel. The Administrative Law Judge, after considering the documentary evidence, which included an Affidavit of Non-Service of the Notice of Referral Proceeding and the Statement of Charges (Petitioner's Exhibit 2), ruled that the Petitioner had met the requirements of law for due diligence in the service of process, that jurisdiction had been established over the Respondent, and that the hearing could proceed on the merits notwithstanding the Respondent's absence. It is noted that the Affidavit of non-service, Petitioner's Exhibit 2 A, indicated four attempts at service, with the process server being called by the respondent and arrangements made to effect service, to no avail. Clearly, the Respondent had actual knowledge of the proceeding and chose to ignore this proceeding. Clearly due diligence was exercised in the several attempts at personal service. Petitioner's Exhibit 7

is a copy of a letter sent to the Respondent, advising him of the adjourned date of this proceeding. It is also noted that the Attorney for the Department, Mr. Bogan, had spoken, by phone, with the Respondent who indicated that a Consent Order, settling this matter, would be returned. This was not done and so the matter was put back on the calendar and thus the present hearing proceeded.

The record in this case indicates that Respondent's license to practice medicine was revoked in the Commonwealth of Virginia for drug abuse and mental illness in that he had been convicted in Federal Court of possession of controlled substances in violation of 21 U.S.C. § 843 (a)(3), a felony. The Virginia Board found not only substance abuse but also mental illness as evidenced by statements made by the Respondent about voices and visions as well as letters to President Bush and the Board about these visions and voices. (See Exhibit 5). The Virginia Board also indicated that the Respondent had admitted that he prescribed Schedule II medications to family members and that they were intended for his own use.

It is clear from the documentary record that the basis of the Virginia action was certain conduct that eventually resulted in the Virginia Board of Medicine taking disciplinary action against Respondent and that the Respondent's criminality would also constitute misconduct under the laws of New York State. Respondent did not appear at the hearing, and the record does not contain any evidence of mitigating circumstances, or remorse. The panel noted that that the Respondent was aware of this proceeding and chose to ignore it. As to the penalty, the Hearing Committee determined that the people of New York State would be protected by a revocation of the Respondent's license.

ORDER

**IT IS HEREBY ORDERED THAT:**

1. The license of the Respondent to practice medicine in New York State is revoked.
2. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

**DATED: Pittsford, New York**  
**September 17<sup>th</sup>, 2008**

Redacted Signature

~~Roger Oskvig, M.D.,~~  
**Chairperson**

**Mohammad-Reza Ghazi-Moghadam, M.D.**  
**Frances E. Tarlton**

To:

Seife M. Wolde-Tsadik, M.D.,  
Respondent  
1121 Arlington Blvd.  
Arlington VA 22209

Robert Bogan, Esq.  
Attorney for Petitioner  
Associate Counsel  
NYS Department of Health  
Bureau of Professional Medical Conduct  
433 River Street, Suite 303  
Troy, New York 12180-2299



## APPENDIX 1

EXHIBIT

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

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IN THE MATTER  
OF  
**SEIFE M. WOLDE-TSADIK, M.D.**  
CO-08-01-0392-A

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COMMISSIONER'S  
ORDER  
AND  
NOTICE OF  
REFERRAL  
PROCEEDING

TO: SEIFE M. WOLDE-TSADIK, M.D.  
Redacted Address

The undersigned, Richard F. Daines, M.D., Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that **SEIFE M. WOLDE-TSADIK, M.D.**, Respondent, licensed to practice medicine in the State of New York on March 27, 1997, by license number 206226 has been disciplined by a duly authorized professional disciplinary agency of another jurisdiction for acts which if committed in New York State would have constituted a basis for a summary action as is more fully set forth in the Statement of Charges attached, hereto, and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), effective immediately **SEIFE M. WOLDE-TSADIK, M.D.**, Respondent, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to New York Public Health Law §230(12).

**ANY PRACTICE OF MEDICINE IN THE STATE OF NEW YORK IN  
DEFIANCE OF THIS COMMISSIONER'S ORDER SHALL  
CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE  
MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY  
CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY,  
DEFINED BY NEW YORK EDUCATION LAW §6512.**

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of New York Public Health Law §230 and New York State Administrative Procedure Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 17<sup>th</sup> day of July 2008, at 10:00 a.m., at Hedley Park Place, 433 River Street, 5<sup>th</sup> Floor, Troy, New York 12180, at the offices of the New York State Health Department and at such other adjourned dates, times, and places as the committee may direct. Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. Respondent shall appear in person at the hearing and may be represented by counsel. Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents, and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge, a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The hearing will proceed whether or not Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and adjournment requests are not, therefore, routinely granted. Requests for adjournments must be made in writing to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. JAMES F. HORAN, ACTING DIRECTOR, BUREAU OF ADJUDICATION, and by telephone (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.


At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

**THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.**

DATED: Albany, New York

5/21/2008

Redacted Signature

  
RICHARD F. DAINES, M.D.  
Commissioner of Health

Inquires should be addressed to:

Robert Bogan  
Associate Counsel  
Office of Professional Medical Conduct  
433 River Street – Suite 303  
Troy, New York 12180  
(518) 402-0828

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

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<b>IN THE MATTER</b>	<b>STATEMENT</b>
<b>OF</b>	<b>OF</b>
<b>SEIFE M. WOLDE-TSADIK, M.D.</b>	<b>CHARGES</b>
<b>CO-08-01-0392-A</b>	

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**SEIFE M. WOLDE-TSADIK, M.D.**, Respondent, was authorized to practice medicine in New York state on March 27, 1997, by the issuance of license number 206226 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about January 28, 2008, the State of Virginia, Board of Medicine (hereinafter "Virginia Board"), by an Order, (hereinafter "Virginia Order"), REVOKED Respondent's license to practice medicine, based on Respondent being impaired or unfit to practice medicine with reasonable skill and safety because of illness or substance abuse in that he suffers from substance abuse and writing fraudulent prescriptions in order to obtain controlled substances for his personal and unauthorized use and mental illness.

B. The conduct resulting in the Virginia Board disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following section of New York state Law:

1. New York Education Law §6530(2) (practicing the profession fraudulently);
2. New York Education Law §6530(8) (being a habitual abuser of alcohol, or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects or having a psychiatric condition which impairs the licensee's ability to practice);
3. New York Education Law §6530(20) (moral unfitness); and/or
4. New York Education Law §6530(32) (failure to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

**SPECIFICATIONS**  
**FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(b) 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, in that Petitioner charges:

1. The facts in Paragraphs A and/or B.

**SECOND SPECIFICATION**

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine revoked and/or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the license revocation and/or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *May 21*, 2008  
Albany, New York

Redacted Signature

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PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical Conduct