

**These charges are only allegations  
which may be contested by the licensee  
in an administrative hearing.**

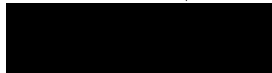
NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

**IN THE MATTER  
OF  
MARK SCHEIER, M.D.**

**NOTICE OF  
REFERRAL  
PROCEEDING**

**TO:**

**Mark Scheier, M.D.**



5451 La Palma Avenue, Suite 22  
La Palma, CA 90623

**PLEASE TAKE NOTICE THAT:**

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p) and N.Y. State Admin. Proc. Act §§301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on December 16, 2020, at 10:30 a.m., at the offices of the New York State Department of Health, 90 Church Street, 4<sup>th</sup> Floor, New York, NY 10007, or by video conference as directed by the Administrative Law Judge, and at such other adjourned dates, times and places as the committee may direct.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding, or by video conference if directed by the Administrative Law Judge, and may be represented by counsel who shall be an attorney admitted to practice in New York state. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The

Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Riverview Center, 150 Broadway - Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES HORAN, DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than twenty days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges at least ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. You may also file a written brief and affidavits with the Committee. All such documents shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below, at least ten days prior to the date of the hearing. Should the parties have objection(s) to proposed witnesses or documentary evidence, the party raising the objection(s) shall contact the Bureau of Adjudication at least three days prior to the hearing date to arrange for a pre-hearing conference with the Administrative Law Judge, prior to the hearing date.

Not later than ten days prior to the date of the hearing, you are required to file one copy of your proposed exhibits (if any) with the Bureau of Adjudication at the address indicated above, and a copy of all such documents/exhibits must be served on the same date on the Department of Health attorney indicated below. On the day of the hearing, you are also required to provide the original of such exhibits and three copies, for use by the Committee.

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. Pursuant to the terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of

witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

YOU ARE HEREBY ADVISED THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE BUSINESS DAYS AFTER THEY ARE SERVED.

Department attorney: Initial here 

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. 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 OUT IN NEW  
YORK PUBLIC HEALTH LAW §§230-a. YOU ARE URGED  
TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN  
THIS MATTER.

DATED: New York, New York  
November 4, 2020

  
Henry Weintraub  
Chief Counsel  
Bureau of Professional Medical Conduct

Inquiries should be addressed to:

Deborah Beth Medows  
Senior Attorney  
Bureau of Professional Medical Conduct  
90 Church Street  
New York, NY 10007  
(212) 417-4389

**EXHIBIT "A"**

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

**IN THE MATTER  
OF  
MARK SCHEIER, M.D.**

**STATEMENT  
OF  
CHARGES**

MARK SCHEIER, M.D., the Respondent, was authorized to practice medicine in New York State on or about October 20, 1978, by the issuance of license number 136318 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about March 20, 2020, the Medical Board of California effectuated a Decision that adopted a Stipulated Settlement and Disciplinary Order dated on or about September 9, 2019, to which Respondent voluntarily consented. The Stipulated Settlement and Disciplinary Order incorporated by reference an Accusation regarding Respondent dated on or about December 31, 2018.
- B. In the Accusation, the Board alleged that Respondent's actions created causes for discipline in the case of three patients. In listing the causes of action, the Accusation alleged that, among other things, Respondent acted with gross negligence by: prescribing without a proper evaluation; failing to properly monitor treatment; and failing to properly monitor the prescribing of a medication to a patient with opioid use disorder. The Accusation additionally alleged that

Respondent committed repeated acts of negligence by failing to maintain adequate and accurate records and failing to properly evaluate prior to prescribing. The Accusation also alleged that Respondent prescribed, dispensed, or furnished a dangerous drug without an appropriate prior examination and a medical indication; committed repeated acts of clearly excessive prescribing; failed to maintain adequate and accurate records; and violated the Medical Practices Act.

- C. The Stipulated Settlement and Disciplinary Order revoked Respondent's license, with revocation stayed and imposed five-years' probation, on several terms and conditions. Among other conditions, the Order imposed on Respondent a partial restriction from ordering, prescribing, dispensing, administering, furnishing, or possessing certain controlled substances; required Respondent to: maintain records regarding controlled substances, complete an education course to correct any areas of deficient practice, enroll in a prescribing practices course, enroll in a medical recordkeeping course, enroll in a clinical competence assessment program, and obtain a practice monitor; and prohibited Respondent from supervising physician assistants and advanced practice nurses.

1. The conduct described in the Medical Board of California's Decision would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State Law:

- a. N.Y. Education Law § 6530 (4) (Practicing the profession with gross negligence on a particular occasion.)

- b. N.Y. Education Law § 6530 (3) (Practicing the profession with negligence on more than one occasion.)
- c. N.Y. Education Law § 6530 (32) (Failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient.)

**SPECIFICATION OF CHARGE**

**HAVING A DISCIPLINARY ACTION TAKEN**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state, namely N.Y. Educ. Law § 6530 (4), (3), and (32), as alleged in the facts of the following:

1. The facts in Paragraph A, B, and C.

DATE: November 4, 2020  
New York, New York

  
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Henry Weintraub  
Chief Counsel  
Bureau of Professional Medical Conduct