

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

Charles A. Buscema, Physician
69 South Allen Street
Albany, New York 12208

January 23, 1990

392 Loudon Road
Loudonville, New York 12211

Re: License No. 130769

Dear Dr. Buscema:

Enclosed please find Commissioner's Order No. 12708. This Order goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order in your case is a revocation or a surrender of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. Your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department. In the event you are also served with this Order by personal service, the effective date of the Order is the date of personal service.

If the penalty imposed by the Order in your case is a revocation or a surrender of your license, you may, pursuant to Rule 24.7 (b) of the Rules of the Board of Regents, a copy of which is attached, apply for restoration of your license after one year has elapsed from the effective date of the Order and the penalty; but said application is not granted automatically.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations

By:

GUSTAVE MARTINE
Supervisor

DHJ/GM/er

CERTIFIED MAIL - RRR

cc: Dennis R. Schlenker, Esq.
174 Washington Avenue
Albany, New York 12210



The University of the State of New York

IN THE MATTER

OF

CHARLES A. BUSCEMA
(Physician)

**DUPLICATE
ORIGINAL
VOTE AND ORDER
NO. 12708**

Upon the application of CHARLES A. BUSCEMA, under Calendar No. 12708, which application is made a part hereof, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (January 22, 1992): That the application of CHARLES A. BUSCEMA, respondent, for a consent order be granted; and that the Deputy Commissioner for the Professions be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the provisions of this vote;

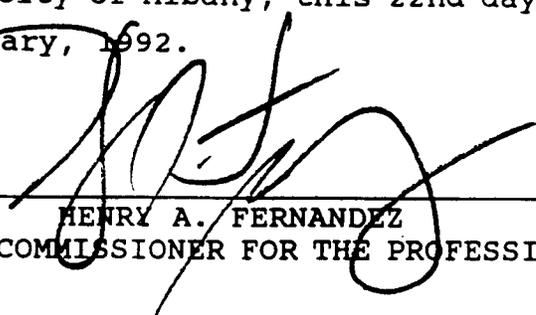
and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof as well as the application and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

CHARLES A. BUSCEMA (12708)

IN WITNESS WHEREOF, I, Henry A. Fernandez, Deputy Commissioner for the Professions of the State of New York, for and on behalf of the State Education Department and the Board of Regents, do hereunto set my hand, at the City of Albany, this 22nd day of January, 1992.


HENRY A. FERNANDEZ
DEPUTY COMMISSIONER FOR THE PROFESSIONS

**ORDER OF THE DEPUTY COMMISSIONER FOR
THE PROFESSIONS OF THE STATE OF NEW YORK**

CHARLES A. BUSCEMA

CALENDAR NO. 12708

I hereby agree to the penalty that my license be suspended for six years, that execution of the last five years of said suspension be stayed at which time Respondent be placed on probation for said last five years under the terms of probation annexed hereto, made part hereof, and marked as Exhibit "B".

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

I understand that, in the event that this application is not granted by the Board of Regents, 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 in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board of Regents shall be made without prejudice to the continuance of any 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 of the Commissioner of Education may be issued in accordance with 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.

Charles A. Buscema, M.D.

CHARLES A. BUSCEMA, M.D.
Respondent

Sworn to before me this
29th day of May, 1990.



NOTARY PUBLIC

1993-92

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

IN THE MATTER : APPLICATION
OF : FOR
CHARLES A. BUSCEMA, M.D. : CONSENT
: ORDER

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

Date: 5/29/91 Charles A. Busce - M.D.
CHARLES A. BUSCEMA, M.D.
Respondent

Date: 5/29/91 [Signature]
DENNIS B. SCHLENKER, ESQ.
Attorney for Respondent

Date: June 26 1991 [Signature]
MEMBER, State Board for
Professional Medical Conduct

Date: June 17, 1991 [Signature]
KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

CHARLES A. BUSCEMA, M.D.

The undersigned has reviewed and agrees to the attached application for consent order.

Date: 6-20-91

Harvey R. Bernard M.D.
HARVEY BERNARD, M.D.
Commissioner's Designee

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

Date: 12/19/91

[Signature]
MEMBER OF THE BOARD OF REGENTS

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

-----X
IN THE MATTER : STATEMENT
OF : OF
CHARLES A. BUSCEMA, MD. : CHARGES
-----X

The State Board for Professional Medical Conduct, upon information and belief, charges and alleges as follows:

1. CHARLES A. BUSCEMA, MD., the Respondent, was authorized to practice medicine in New York State on June 6, 1977 by the issuance of License Number 130769 by the New York State Education Department.
2. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1989 thru December 31, 1991 at 317 South Manning Boulevard, Albany, New York 12208.
3. Respondent is charged with professional misconduct within the purview of New York Education Law §6509 (McKinney 1985) as set forth in the attached Specifications.

FIRST SPECIFICATION

5. The Respondent is charged with professional misconduct within the meaning of New York Education Law §6509(5)(a)(i) (McKinney 1985) by reason of having been convicted of committing an act constituting a crime under New York State law, in that:

On or about September 5, 1989 in the County Court for the County of Albany, State of New York Respondent was convicted of one count of Falsifying Business Records in the First Degree in violation of §175.10 of the Penal Law of the State of New York, a Class E Felony, in that on numerous occasions between July 1984 and November 1986 Respondent, with intent to defraud the State of New York and to conceal the commission of the crime of criminal possession of a controlled substance and to conceal violations of the Public Health Law of the State of New York, made false entries in the business records of his medical professional corporation consisting of statements reflecting the dispensation of controlled substances.

SECOND SPECIFICATION

6. The Respondent is charged with professional misconduct within the meaning of New York Education Law §6509 (5)(b)(McKinney 1985) by reason of having been found by the Commissioner of Health to be in violation of Article Thirty-Three of the Public Health Law, in that;

On or about June , 1991, by Stipulation and Order CS-91-10, Respondent admitted and the Commissioner of Health found that Respondent violated New York Public Health Law §3331(6) by dispensing a total of 9850 dosage units of Schedule II controlled substances between February 24, 1983 and December 3, 1987 and failed to prepare and execute official New York State prescriptions, violated New York Public Health Law §3343(2) by failing to maintain records of his dispensing of 5060 dosage units of various controlled substances on four separate occasions and violated New York Public Health Law §3397(1)(b) by willfully making thirty-two false notations and entries in nine patient care records during a period of January 1, 1984 through February 3, 1985. Respondent was fined fifteen thousand dollars and his privilege to use official New York State prescription forms was revoked for a period of two years.

DATED: Albany, New York
June 24, 1991

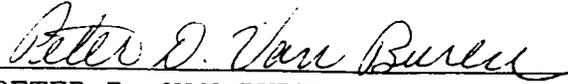

PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical
Conduct

EXHIBIT B

TERMS OF PROBATION

CHARLES A. BUSCEMA, M.D.

1. That Respondent, during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall comply fully with all Federal, State and local laws, rules and/or regulations regarding the practice of medicine;
2. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Empire State Plaza, Room 438, Tower Building, Albany New York 12237 of any change in his employment, practice, residence, and/or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that he has paid all registration fees due and owing to the NYSED and he shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by him to the NYSDOH, addressed as aforesaid, no later than the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed as aforesaid that, 1) he is currently registered with the NYSED, unless he submits written proof that he has advised DPLS, NYSED, that he is not engaging in the practice of his profession in the State of New York and does not desire to register, and that 2) he has paid any fines which may have previously been imposed upon him by the Board of Regents; said proof of the above to be submitted no later than the first three months of the period of probation;
5. Respondent shall submit to random supervised urine and/or blood screenings for drugs and/or alcohol at the request and discretion of a monitor selected by Respondent and previously approved in writing by NYSDOH;

6. Respondent shall authorize in writing and cause the monitor to submit in writing to the NYSDOH, addressed as aforesaid, the results of said screenings and to notify NYSDOH immediately of any refusal to take a test or of any positive result;
7. Respondent shall cooperate with the regular monitoring and supervision of his practice by a physician licensed to practice in the State of New York chosen by Respondent and previously approved in writing by the NYSDOH. Such supervision and monitoring shall include quarterly review of a random sample of Respondent's patient records. The monitoring of Respondent's practice may also include unannounced review of Respondent's ordering, administering, dispensing and inventory of all controlled substances, unannounced actual observation of Respondent's treatment of patients, interviews of Respondent, and any other reasonable means of monitoring or supervising which the monitor deems warranted;
8. Respondent shall authorize in writing and cause the physician supervising and monitoring his practice of medicine to submit to NYSDOH, addressed as aforesaid, quarterly written reports regarding Respondent's practice of medicine, and to report immediately any adverse change in his physical and mental condition or ability to practice medicine;
9. Respondent shall continue psychiatric treatment with a physician selected by him and previously approved in writing by the NYSDOH for as long as the treating physician deems it necessary. If the treating physician determines that treatment is no longer necessary, he or she shall notify the NYSDOH in writing;
10. Respondent shall authorize in writing and cause the treating physician to submit to NYSDOH, addressed as aforesaid, quarterly written reports regarding his physical and mental condition and progress in therapy and to report any adverse change in his physical or mental condition or failure to continue treatment to NYSDOH immediately;
11. During the period of probation, Respondent shall abstain from the use of any and all drugs, except as prescribed by a physician for a legitimate medical purpose and shall abstain from the use of alcohol;
12. Respondent shall make quarterly visits upon reasonable notice to an employee of NYSDOH and cooperate in an

interview regarding Respondent's compliance with the terms of probation;

13. The authorizations required by these terms of probation shall be submitted by Respondent to NYSDOH, addressed as aforesaid, within the first thirty days of the period of probation;
14. In the event Respondent fails to comply with any term or condition of probation, Respondent shall be subject to disciplinary action and/or a violation of probation proceeding. If the Board of Regents determines that Respondent has violated any term or condition of probation, they may impose any penalty authorized pursuant to N.Y. Education Law § 6511.