

# Office of the Special Narcotics Prosecutor for the City of New York

Bridget G. Brennan, Special Narcotics Prosecutor

80 Centre Street, Sixth Floor  
New York, NY 10013  
212-815-0400, Gen  
212-815-0440, Fax

**For Immediate Release**  
**August 17, 2016**

## **Contacts:**

Kati Cornell  
Special Narcotics Prosecutor's Office  
(212) 815-0525

Erin Mulvey  
DEA, New York Division  
(212) 337-2906

James Plastiras  
New York State Department of Health  
(518) 474-7354

Stephen Davis  
New York City Police Department  
(646) 610-6700

## **Former Physician Indicted for Selling Amphetamine Diet Pills to Patients After Losing Medical License**

*Death of patient under former doctor's care leads to Reckless Endangerment charge*

Bridget G. Brennan, New York City's Special Narcotics Prosecutor, New York State Health Commissioner Dr. Howard A. Zucker, and James J. Hunt, Special Agent in Charge of the Drug Enforcement Administration's (DEA) New York Division, announced today the indictment and arrest of STEVEN BERNHARD, a former practitioner of osteopathic medicine, for selling amphetamine diet pills to patients long after his medical license was revoked for dangerous prescribing practices. The indictment includes charges related to a 65-year old female patient with a history of heart disease who died while taking amphetamine pills obtained from the former doctor.

BERNHARD, 66, was arrested at his home in Bayside, Queens this morning following a long-term investigation by the Special Narcotics Prosecutor's Prescription Drug Investigation Unit, the New York State Health Department's Bureau of Narcotic Enforcement (BNE) and the DEA's New York Drug Enforcement Strike Force, Group Z-23. An arraignment is scheduled today before Manhattan Supreme Court Justice Michael R. Sonberg.

The investigation revealed that BERNHARD sold amphetamine pills to patients at his office at 39-21 Bell Blvd. in Bayside for more than two years after his medical license was revoked by the State Board for Professional Medical Conduct on February 4, 2013. At the time of the revocation, a hearing committee found the physician guilty the following disciplinary charges: negligence on more than one occasion; incompetence on more than one occasion; gross negligence; gross incompetence, inappropriate prescribing of controlled substances; fraudulent practice; filing a false report and failing to maintain accurate patient records. BERNHARD had been licensed to practice medicine in New York State since 1977.

In direct violation of the OPMC order, BERNHARD retained a hard copy of his medical license and used it to order controlled substances from a wholesale pharmaceutical distributor, including phentermine and phendimetrazine, two types of amphetamine diet pills. The medical license on file with the wholesale pharmaceutical distributor bore an expiration date of March 31, 2015 and the company was unaware it had been revoked. BNE records show BERNHARD obtained approximately 1.5 million amphetamine pills by these means between January 2013 and March 2015.

Meanwhile, BERNHARD continued to see patients at 39-21 Bell Blvd. in Bayside, despite not having a medical license. The investigation revealed he saw dozens of patients per day, the majority of whom received diet pills.

Additionally, the former doctor allegedly wrote more than 20 illegal prescriptions to family members for narcotics, including the opioid painkillers hydrocodone (commonly known by the brand name Vicodin), hydromorphone (commonly known by the brand name Dilaudid) and Percocet, after he had lost his medical license.

One long-time patient, a 65-year-old woman with a history of heart-related health problems, routinely received phendimetrazine pills from BERNHARD. The investigation revealed she was typically charged \$170 cash per visit. The price went up when more pills were dispensed. On March 10, 2015, the patient visited the former doctor and received a larger supply of pills than usual. She was charged \$250. Within weeks she suffered a heart attack while visiting family members in Florida.

Pill bottles bearing the doctor's name were found in the patient's luggage. She was hospitalized and died on April 18, 2015. Stimulant-like diet pills are contraindicated for patients with a history of heart disease.

On July 16, 2015, members of the Special Narcotics Investigators Unit, DEA agents and BNE investigators conducted a court authorized search of BERNHARD's office at 39-21 Bell Blvd. and recovered approximately 60,000 amphetamine pills and thousands of patient files. Investigators also seized a copy of the OPMC Determination and Order that revoked the doctor's medical license.

A review of BERNHARD's file on the deceased patient led investigators to conclude he had failed to conduct appropriate medical examinations and tests to ensure she could safely use phendimetrazine. BERNHARD faces a charge of Reckless Endangerment in the Second Degree in connection with this patient, as well as two counts of Criminal Sale of a Controlled Substance in the Fifth Degree. A third count of Criminal Sale of a Controlled Substance in the Fifth Degree is charged in connection with phentermine pills provided to another patient.

The indictment also contains charges of Unauthorized Practice of Medicine, two counts of Fraud and Deceit Related to Controlled Substances for misrepresenting the status of his medical license to the pill supplier and two counts of Criminal Possession of a Controlled Substance in the Fifth Degree for the pills recovered in the search.

Special Narcotics Prosecutor Bridget G. Brennan thanked her office's Prescription Drug Investigation Unit, Queens District Attorney Richard A. Brown, the New York State Health Department's Bureau of Narcotic Enforcement and the DEA's New York Drug Enforcement Strike Force.

The New York Drug Enforcement Strike Force, Group Z-23, is comprised of agents and detectives with the DEA, the New York City Police Department (NYPD) and Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) agents, with assistance from partners in the DEA New York Organized Crime Drug Enforcement Strike Force, which includes agents and officers of the DEA, the NYPD, Immigration and Customs Enforcement – Homeland Security Investigations (HSI), the New York State Police, the U. S. Internal Revenue Service Criminal Investigation Division, the Federal Bureau of Investigation, U.S. Secret Service, the U.S. Marshal Service, New York National Guard, the New York Department of Taxation and Finance, the Rockland County Sheriff's Office, the Clarkstown

Police Department, Port Washington Police Department and the New York State Department of Corrections and Community Supervision.

Bridget G. Brennan said, "Steven Bernhard's indictment demonstrates that the process we rely upon to regulate bad doctors is not infallible. His medical license was revoked, but he was still able to obtain millions of pills and prescribe dangerous narcotics, allegedly endangering the health and well-being of his patients. Even social media sites discussed the ease of obtaining widely abused pills from Bernhard after he lost his license. I thank our law enforcement partners and the Health Department for collaborating on this indictment, and look forward to working together to strengthen our ability to protect patients from drug dealers who masquerade as doctors."

New York State Health Commissioner Howard A. Zucker, M.D., J.D., said, "If the allegations are true, Mr. Bernhard has flagrantly violated the oath of his former profession. I am very saddened by the death of the 65-year old woman, whose demise was hastened by Mr. Bernhard's reckless and immoral behavior. I wish to extend my heartfelt condolences to her family."

DEA Special Agent in Charge James J. Hunt stated, "If it is illegal and dangerous to drive a car without a license; practicing medicine without a medical license is deadly. This case is a glowing example of how collectively, law enforcement pooled resources to identify the illegal and dangerous criminality allegedly committed by Steven Bernhard. His flagrant violation of the law was also a violation of his patient's trust, putting their health and lives in unqualified hands."

Police Commissioner William J. Bratton said, "As alleged, the defendant exhibited reckless disregard for human life. Despite having his license to practice medicine revoked for a litany of charges-including gross incompetence-the defendant illegally dispensed amphetamine diet pills to a 65-year-old woman with heart problems, placing his personal gain before the safety of a patient that he shouldn't have been treating in the first place. I want to thank the City's Special Narcotics Prosecutor, the New York State Health Commissioner and the DEA Strike Force for their work on this investigation."

DEFENDANT	CHARGES
Steven Bernhard 33-12 213 <sup>th</sup> St. Bayside, Queens	Unauthorized Practice of Medicine – 1 ct CSCS 5 <sup>th</sup> – 3 cts Reckless Endangerment 2 <sup>nd</sup> – 1 ct CPCS 5 <sup>th</sup> – 2 cts Fraud and Deceit Related to Controlled Substances – 2 cts

The charges and allegations are merely accusations and the defendant is presumed innocent until proven guilty.