

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

IN THE MATTER
OF
HOWARD S. WEISS, M.D.

SURRENDER
ORDER

BPMC #97-241

Upon the proposed agreement of HOWARD S. WEISS, 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: 9/27/97


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

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

IN THE MATTER
OF
HOWARD S. WEISS, M.D.

SURRENDER
OF
LICENSE

STATE OF VIRGINIA)

ss.:

COUNTY OF)

HOWARD S. WEISS, M.D., being duly sworn, deposes and says:

On or about April 16, 1982, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 149652 by the New York State Education Department.

My current address is 3500 Virginia Beach Blvd. Suite 219, Virginia Beach, Va. , and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

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 do not contest the charges contained in 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

Board for Professional Medical Conduct, 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice 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. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

Howard S. Weiss, M.D.
HOWARD S. WEISS, M.D.
RESPONDENT

Sworn to before me this


Friday of *Sept.*, 1997

Jennie T. Braithwaite
NOTARY PUBLIC
My Commission Expires December 31, 1997



The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 9/19/97



DIANNE ABELOFF
Associate Counsel
Bureau of Professional
Medical Conduct

Date: 9/23/97



ANNE F. SAILE
Director
Office of Professional Medical Conduct

IN THE MATTER
OF
HOWARD WEISS, M.D.

STATEMENT
OF
CHARGES

HOWARD WEISS, M.D., the Respondent, was authorized to practice medicine in New York State on or about April 16, 1982, by the issuance of license number 149652 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about April 11, 1995, Respondent was convicted in United States District Court, Eastern District of Virginia, of violating Title 18 USC Section 1341, mail fraud. Respondent was sentenced to probation for a term of three years. Respondent was placed on home detention for the first 180 days of his probation. During that period of probation, Respondent was ordered to perform 10 hours of community service each month for the period of his probation. Respondent was also fined \$10,000 and directed to pay restitution in the amount of \$35,576.05.
- B. On or about October 20, 1995, the Virginia Board of Medicine, after a hearing, suspended Respondent's license to practice medicine, based upon his Federal conviction for mail fraud. On or about October 20, 1995, the Board reinstated Respondent's medical license and placed him on indefinite probation.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

CRIMINAL CONVICTION (Federal)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(a)(ii)(McKinney Supp. 1997) by having been convicted of committing an act constituting a crime under federal law as alleged in the facts of the following:

1. Paragraph A.

SECOND 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(9)(a)(ii)(conviction of a federal crime) as alleged in the facts of the following:

2. Paragraph B.

DATED: August 1997
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct