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BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

BOARD OF MEDICAL EXAMINERS

STATE OF COLORADO

STATE OF COLORADO

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**STIPULATION AND FINAL AGENCY ORDER**

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IN THE MATTER OF THE APPLICATION FOR A LICENSE TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF HOWARD SETH WEISS, M.D.,

Applicant.

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IT IS HEREBY STIPULATED and agreed by and between Panel B acting as licensing subcommittee pursuant to § 12-36-104(3), C.R.S. ("Panel") of the Colorado State Board of Medical Examiners ("Board"), and Howard Seth Weiss, M.D. ("Applicant") as follows:

**JURISDICTION AND CASE HISTORY**

1. The Applicant applied for a license to practice medicine in the State of Colorado on January 21, 2003. After performing an investigation, on March 27, 2003 the Panel reviewed Applicant's application and additional materials and voted to grant him a license subject to the terms and conditions of this Stipulation and Final Agency Order ("Order").

2. The Panel and the Board have jurisdiction over Applicant, his application to practice medicine in the State of Colorado and the subject matter of this proceeding.

3. Respondent specifically admits and agrees:

In April of 1995, the Applicant's license to practice medicine in the State of Virginia was suspended following a federal felony conviction involving mail fraud and fraudulent billing practices. Such license was reinstated and placed on probation on or about October 20, 1995. The requirements of such probation included continued compliance with the terms of Applicant's federal probation and completion of a course on CPT coding.

In or about October 15, 1997, the Respondent surrendered his license to practice medicine in the State of New York based upon the action taken against his license to practice medicine in the State of Virginia.

4. The Board has jurisdiction over Applicant, his application to practice medicine in the State of Colorado and the subject matter of this Order.

5. The Applicant understands and agrees that:

a. he has the right to be represented by legal counsel in this matter and has opted not to obtain counsel ; and that

b. he has the right to a formal hearing on the merits of this matter pursuant to § § 12-36-116 and 24-4-104(9), C.R.S.; and that

c. by entering into this Order, the Applicant is knowingly and voluntarily giving up the right to a hearing, admits the facts contained in this Order, and relieves the Panel of any burden of proving such facts; and that

d. he is knowingly and voluntarily giving up the right to present a defense by oral and documentary evidence, and to cross-examine witnesses who would testify on behalf of the Panel.

#### ADMONISHMENT

6. Applicant admits that the facts described in Paragraph 3 above constitute a conviction of an offense of moral turpitude and a felony. See § 12-36-117(1)(f), C.R.S.

7. Applicant further admits that the facts described in paragraph 3 above constitute discipline of a license to practice medicine in another state. See § 12-36-117(2), C.R.S.

8. The Panel hereby grants a license to the Applicant, but through this Order admonishes him for the conduct described in paragraphs 3 above.

#### OTHER TERMS

9. The terms of this Order were mutually negotiated and determined.

10. Both parties acknowledge that they understand the legal consequences of this Order; both parties enter into this Order voluntarily; and both parties agree that no term or condition of this Order is unconscionable.

11. It is the intent of the parties and the purpose of this Order to provide for a settlement of all matters arising out of Applicant's application for licensure to practice medicine in the State of Colorado without the necessity of holding a formal hearing. This Order constitutes the entire agreement between the parties, and there are no other agreements or promises, written or oral, that modify, interpret, construe or affect this Order.

12. All costs and expenses incurred by Applicant to comply with this Order shall be the sole responsibility of Applicant, and shall in no way be the obligation of the Board or Panel.

13. So that the Board may notify hospitals of this agreement pursuant to § 12-36-118(13), C.R.S., Applicant presently holds privileges at the following hospitals:

None

14. This Order and all its terms shall have the same force and effect as an order entered after a formal hearing pursuant to § § 12-36-116 and 24-4-104(9), C.R.S. except that it may not be appealed. This Order and all its terms also constitute a valid board order for purposes of § 12-36-117(1)(u), C.R.S.

15. This Order shall be admissible as evidence at any future hearing before the Board.

16. During the pendency of any action arising out of this Order, the obligations of the parties shall be deemed to be in full force and effect and shall not be tolled.

17. This Order shall be effective upon approval by the Panel and signature by a Panel member. Applicant acknowledges that the Panel may choose not to accept the terms of this Order and that if the Order is not approved by the Panel and signed by a Panel member, it is

18. Once effective, this Order shall be open to public inspection and shall be reported to the National Practitioner Data Bank and as otherwise required by law.

Howard Seth Weiss, M.D.  
HOWARD SETH WEISS, M.D.

The foregoing was acknowledged before me this 4<sup>th</sup> day of April, 2003

by Howard Seth Weiss, M.D.

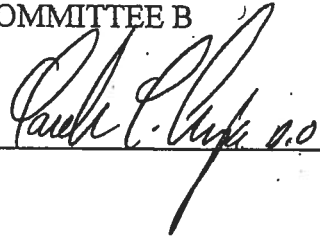
Anna Glider Gunn  
NOTARY PUBLIC

My commission expires: 7/5/2006

THE FOREGOING Stipulation and Final Agency Order is approved and effective this

17 day of April, 2003.

FOR THE COLORADO STATE BOARD OF  
MEDICAL EXAMINERS LICENSING  
SUBCOMMITTEE B



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FOR THE BOARD OF MEDICAL EXAMINERS

KEN SALAZAR  
Attorney General



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