

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

\* \* \* \* \*

IN THE MATTER OF THE :  
COMPLAINT AND STATEMENT :  
OF CHARGES AGAINST : AMENDED ORDER  
TIMOTHY L. WEISSINGER, M.D. : 02-81-226  
RESPONDENT :

\* \* \* \* \*

NOW on this 4th day of February, 1988, the  
above entitled matter having been filed with the Director of  
Public Health of the State of Iowa, and the said Director of  
Public Health, having reviewed the file, and being otherwise  
fully advised in the premises FINDS:

1. On the 3rd day of February, 1988, the  
undersigned Director of Public Health of the State of Iowa issued  
an Order authorizing the issuance of a license to practice  
medicine and surgery to the Respondent, Timothy L. Weissinger,  
M.D., under certain terms and conditions.

2. The Respondent applied to the Iowa State Board of Medical  
Examiners for deletion or amendment of certain provisions of the  
Order issued by the undersigned Director of Public Health on the  
3rd day of February, 1988, and The Board authorized  
certain deletions or amendments to the said Order.

THEREFORE IT IS HEREBY ORDERED that the Order signed by the  
undersigned Director of Public Health of the State of Iowa in the  
above entitled cause on the 3rd day of February,

1988, is hereby amended as follows:

1. Paragraph a on page 2 of the Order is deleted in its entirety.

2. Paragraph d on page 3 of the Order is amended to read:  
Respondent shall not prescribe, administer or dispense any controlled drug. Respondent may prescribe, administer or dispense non-controlled prescription drugs. The Respondent shall prescribe, administer or dispense only the following drugs in the treatment of psychiatric illnesses:

ANTIDEPRESSANTS

Doxepin hydrochloride  
Amoxapine  
Trazodone hydrochloride  
Amitriptyline hydrochloride  
Isocarboxazid  
Phenelzine sulfate  
Desipramine hydrochloride  
Nortriptyline hydrochloride  
Tranylcypromine sulfate  
Trimipramine maleate  
Imipramine hydrochloride  
Maprotiline hydrochloride

ANTIMANIC AGENTS

Lithium citrate  
Lithium carbonate

BUTYROPHENONES

Haloperidol  
Haloperidol decanoate

DIBENZOXAZEPINES

Loxapine succinate  
Loxapine hydrochloride

DIHYDROINDOLONES

Molindone hydrochloride

PHENOTHIAZINES

Prochlorperazine  
Thioridazine hydrochloride  
Thioridazine  
Fluphenazine hydrochloride  
Fluphenazine decanoate  
Fluphenazine enanthate  
Mesoridazine besylate  
Promazine hydrochloride  
Trifluoperazine hydrochloride  
Chlorpromazine hydrochloride  
Acetophenazine maleate  
Perphenazine  
Triflupromazine hydrochloride

THIOXANTHENES

Thiothixene  
Chlorprothixene

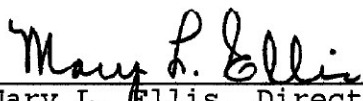
OTHER ANTIPSYCHOTIC AGENTS

Pimozide

3. Paragraph f on page 3 of the Order is amended to read:  
Respondent shall submit to witnessed blood or urine samples upon demand by a designee of the Board. The blood or urine samples shall be used for drug and alcohol testing. All costs associated with the blood or urine samples and testing shall be borne by the Respondent.

IT IS FURTHER ORDERED that all other terms and provisions of the Order signed by the undersigned Director of Public Health of the State of Iowa in the above entitled cause on the 3rd day of February, 1988, remain unchanged and in full force as originally ordered.

A copy of the original Order is attached hereto and made a part hereof.

  
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Mary L. Ellis, Director  
Iowa Department of Public Health  
Lucas Building  
Des Moines, Iowa 50319

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

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IN THE MATTER OF THE :  
COMPLAINT AND STATEMENT : ORDER  
OF CHARGES AGAINST : 02-81-226  
TIMOTHY L. WEISSINGER, M.D., :  
RESPONDENT :

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NOW on this 3rd day of February, 1988, the  
above entitled matter having been filed with the Director of  
Public Health of the State of Iowa, and the said Director of  
Public Health, having reviewed the file, and being otherwise  
fully advised in the premises FINDS:

1. The Iowa Board of Medical Examiners filed a Complaint and Statement of Charges against the Respondent, Timothy L. Weissinger, M.D., on March 11, 1982.
2. The Respondent voluntarily surrendered his license to practice medicine and surgery on May 24, 1982.
3. The Respondent petitioned on April 14, 1987, for reinstatement of his license to practice medicine and surgery.
4. The Iowa Board of Medical Examiners denied reinstatement of a license to practice medicine and surgery to the Respondent in a Decision and Order issued on June 8, 1987.
5. The Respondent filed a second petition for reinstatement of his license to practice medicine and surgery on September 11, 1987.
6. The Iowa Board of Medical Examiners has jurisdiction of the



parties and the subject matter.

7. The Director of Public Health is authorized to enter an Order herein under the provisions of Section 148.6(1) and 148.7(7)(c), of the 1987 Code of Iowa and 470 I.A.C. 135.301(31).

8. That pursuant to the provisions of Sections 17A.10 and 258A.3(4) of the 1987 Code of Iowa, the Respondent and the Iowa State Board of Medical Examiners have entered into an Informal Settlement (Consent Agreement) providing that the undersigned should enter an Order to reinstate a license to practice medicine and surgery to the Respondent, and placing the Respondent's license to practice medicine and surgery in a probationary status for an indefinite period under certain terms and conditions.

THEREFORE, IT IS HEREBY ORDERED that the Respondent be issued a license to practice medicine and surgery and that the Respondent's license to practice medicine and surgery is placed on probation for an indefinite period under the following terms and conditions:

a. Respondent shall not engage in any direct patient contact.

b. Respondent shall abstain from the personal use of alcohol.

c. Respondent shall abstain from the personal use of all controlled or prescription drugs in any form unless prescribed for him by a duly licensed, treating physician. Respondent shall inform any treating physician of his chemical dependency problem prior to accepting any medication.

d. Respondent shall not prescribe, administer or dispense any prescription or controlled drug.

e. Respondent shall attend regular meetings of Alcoholics Anonymous on a once weekly basis at a minimum.

f. Respondent shall submit to witnessed blood or urine samples upon demand by a designee of the Board.

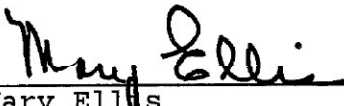
G. Respondent shall obtain psychiatric treatment or counseling by a psychiatrist or counselor approved by the Board. Respondent shall submit three (3) names for approval within ten (10) days of the execution of the Informal Settlement (Consent Agreement) by the Board. As a condition of approval, each psychiatrist or counselor shall agree to submit a report to the Board on a quarterly basis. In addition, with any application to amend the restrictions imposed in paragraphs 8(a) - 8(h), each psychiatrist or counselor shall agree to submit a report.

h. Respondent shall submit quarterly reports attesting to compliance with paragraphs 8(a) - 8(h).

9. On or after January 7, 1988, the Respondent, Timothy L. Weissinger, M.D. may apply to the Iowa State Board of Medical Examiners to remove or amend the restrictions imposed in paragraphs 8(a) - 8(h). Any application for removal or amendment must be accompanied by documentary evidence of compliance with all restrictions imposed in paragraphs 8(a) - 8(h). If, upon review of the documentary evidence and any other investigative information, the Board determines that the Respondent has complied with the restrictions in paragraphs 8(a) - 8(h), the Board may delete paragraph 8(a) and amend paragraph 8(d) as the Board deems appropriate. The terms and conditions of probation

as amended shall continue for a period of five (5) years from January 22, 1988.

That upon full compliance with the terms and conditions set forth herein and upon expiration of the terms and conditions of the probation herein fixed, and upon further order, Respondent's said license shall be free and clear of all terms of probation herein imposed provided, however, that in the event Respondent violates or fails to comply with any of the terms and conditions of the Informal Settlement (Consent Agreement) and this Order of the Director of Public Health, the Iowa State Board of Medical Examiners, after providing notice and the opportunity to be heard, may forthwith terminate said probation, revoke the Respondent's license or impose other licensee discipline authorized in Section 258.A3(2) of the 1987 Code of Iowa and 470 I.A.C. 135.202.

  
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Mary Ellis  
Director of Public Health  
Lucas State Office Building  
Des Moines, Iowa 50319

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

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|                              |   |                   |
|------------------------------|---|-------------------|
| IN THE MATTER OF THE         | ) |                   |
| PETITION FOR REINSTATEMENT   | ) |                   |
| OF LICENSE TO PRACTICE       | ) | CONSENT AGREEMENT |
| MEDICINE AND SURGERY BY      | ) |                   |
| TIMOTHY L. WEISSINGER, M.D., | ) |                   |
|                              | ) |                   |
| Petitioner.                  | ) |                   |

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The Iowa Board of Medical Examiners and Timothy L. Weissinger, M.D., pursuant to Iowa Code § 17A.10(1) and § 258A.3(4), agree to issuance of a license to practice medicine and surgery under the following terms and conditions:

1. The Iowa Board of Medical Examiners filed a Complaint and Statement of Charges against Timothy L. Weissinger, M.D., on March 11, 1982.
2. Timothy L. Weissinger, M.D., voluntarily surrendered his license to practice medicine and surgery on May 24, 1982.
3. Timothy L. Weissinger, M.D., petitioned on April 14, 1987, for reinstatement of his license to practice medicine and surgery.
4. The Iowa Board of Medical Examiners denied reinstatement of a license to practice medicine and surgery in a Decision and Order issued on June 8, 1987.
5. Timothy L. Weissinger filed a second petition for reinstatement of his license to practice medicine and surgery on September 11, 1987, which is pending.

6. The Iowa Board of Medical Examiners has jurisdiction of the parties and the subject matter.

7. The Director of Public Health shall issue an order to reinstate a license for Timothy L. Weissinger to practice medicine and surgery under an indefinite probationary period subject to the following restrictions:

- A. Petitioner shall not engage in any direct patient contact.
- B. Petitioner shall abstain from the personal use of alcohol.
- C. Petitioner shall abstain from the personal use of all controlled or prescription drugs in any form unless prescribed for him by a duly licensed, treating physician. The Respondent shall inform any treating physician of his chemical dependency problem prior to accepting any medication.
- D. Petitioner shall not prescribe, administer or dispense any prescription or controlled drug.
- E. Petitioner shall attend regular meetings of Alcoholics Anonymous on a weekly basis at a minimum.
- F. Petitioner shall submit to witnessed blood or urine samples upon demand by a designee of the Board.
- G. Petitioner shall obtain psychiatric treatment or counseling by a psychiatrist or counselor approved by the Board. Petitioner shall submit three (3) names for approval within ten (10) days of the execution of this

Consent Agreement by the Board. As a condition of approval, each psychiatrist or counselor shall agree to submit a report to the Board on a quarterly basis. In addition, with any application to amend the restrictions imposed in paragraphs 7(A) - 7(H), each psychiatrist or counselor shall agree to submit a report.

H. Petitioner shall submit quarterly reports attesting to compliance with paragraphs 7(A) - 7(H).

8. On or after January 7, 1988, Timothy L. Weissinger, M.D., may apply to the Iowa Board of Medical Examiners to remove or amend the restrictions imposed in paragraphs 7(A) - 7(H). Any application for removal or amendment must be accompanied by documentary evidence of compliance with all restrictions imposed in paragraphs 7(A) - 7(H). If, upon review of the documentary evidence and any other investigative information, the Board determines that Timothy L. Weissinger has complied with the restrictions in paragraphs 7(A) - 7(H), the Board may delete paragraph 7(A) and amend paragraph 7(D) as the Board deems appropriate. The terms and conditions of probation as amended shall continue for a period of five (5) years from January 22, 1988.

9. The Petitioner acknowledges that he has voluntarily, with full knowledge and consent, entered into this Consent Agreement with the Iowa Board of Medical Examiners.

10. This Consent Agreement is subject to the approval of the Iowa Board of Medical Examiners. If the Board fails to

approve this agreement, it shall be of no force or effect for either party.

This Consent Agreement is entered into by the Petitioner, Timothy L. Weissinger, M.D., and the Iowa Board of Medical Examiners on this 1st day of October, 1987.



Timothy L. Weissinger  
TIMOTHY L. WEISSINGER, M.D.

Subscribed and sworn to before me this 28 day of September, 1987.

Mary M. Woods  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

IOWA BOARD OF MEDICAL EXAMINERS

BY Hormoz Rassekh  
HORMOZ RASSEKH, M.D., CHAIRMAN

Subscribed and sworn to before me this 1st day of October, 1987.

Jennis Carr  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

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IN THE MATTER OF THE COMPLAINT : FINDINGS OF FACT,  
AND STATEMENT OF CHARGES AGAINST : CONCLUSIONS OF LAW,  
TIMOTHY WEISSINGER, M.D. : DECISION AND ORDER  
RESPONDENT :

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TO: TIMOTHY WEISSINGER, M.D. :

A Complaint and Statement of Charges was filed by Ronald V. Saf, former Executive Director of the Iowa State Board of Medical Examiners on March 11, 1982, alleging that Timothy Weissinger, M.D., the Respondent (hereinafter Respondent), altered a prescription and entered the Mayo Clinic for treatment of drug dependency and left against medical advice. The complaint further alleged violations of Iowa Code sections 148.6(h), 147.55(4), and 470 Iowa Administrative Code 135.204(4).

On May 24, 1982, the Respondent voluntarily surrendered his license to practice medicine and surgery.

On April 14, 1987, Dwight W. James, Attorney for the Respondent, wrote a letter to the Iowa Board of Medical Examiners requesting reinstatement of Respondent's license to practice medicine and surgery. On May 13, 1987, the Respondent filed his Petition for Reinstatement of License to Practice Medicine and Surgery.

A hearing on the above Petition for Reinstatement was held on May 21, 1987 at 10:00 A.M. in the lower level conference room of the Iowa Medical Society Building at 1001 Grand Avenue, West



Des Moines, Iowa. Present were the members of the Iowa Board of Medical Examiners (hereinafter Board), and staff members of the Board. Also present were the Respondent and his Attorney, Dwight James, and Julie Pottorff, Assistant Attorney General, who represented the State of Iowa. A court reporter was present and recorded the proceedings. The undersigned Administrative Hearing Officer for the State of Iowa presided. The hearing was closed to the public at the request of Dr. Weissinger pursuant to Iowa Code section 258A.6(1)(1987) and 470 I.A.C. 135.301(23)(d). All of the hearing, including the deliberations by the Board, was tape recorded.

After hearing the testimony and receiving and examining the Exhibit, the Board convened in closed executive session pursuant to Iowa Code section 21.5(1)(f) and 470 I.A.C. 135.7(1)(e) to deliberate.

The Board went back into open session to take its final action. The undersigned Administrative Hearing Officer was instructed to prepare the Board's Findings of Fact, Conclusions of Law, Decision and Order.

#### THE RECORD

The evidentiary record in this case includes the Complaint and Statement of Charges filed by Ronald V. Saf, former Executive Director of the Iowa Board of Medical Examiners on March 11, 1982; the Voluntary Surrender of license number 18682 by Timothy Lin Weissinger, M.D., on May 24, 1982; a letter dated April 14, 1987 from Dwight James to William Vanderpool; the Petition for Reinstatement of License to Practice Medicine and Surgery filed

on May 13, 1987; the recorded testimony of the witnesses, and the following exhibit:

Joint Exhibit 1 \_ a packet of documents containing the following: a letter dated May 18, 1987 from Julie F. Pottorff to Dwight W. James; a letter dated April 22, 1987 from Larry W. Goetz, M.D. to William S. Vanderpool; a letter dated February 25, 1987 from David R. Metcalf, M.D. to Mr. Kruson; a letter dated February 25, 1987 from Robert Kellner, M.D., Ph.D. to James H. Kruson; a letter dated February 18, 1987 from Stanley M. Haugland, M.D. to the Iowa Board of Medical Examiners; a letter dated February 17, 1987 from Walter E. Thompson, M.D., Ph.D. to James H. Kruson; a letter dated February 16, 1987 from Timothy L. Weissinger, M.D. to the Iowa State Board of Medical Examiners; a letter dated February 4, 1987 from Robert Kellner, M.D. to James H. Kruson with attachments; a medical report dated January 30, 1987 from Iowa Lutheran Hospital; a letter dated December 23, 1986 from Terry K. Sanderlin to James H. Kruson; a letter dated November 21, 1986 from R. Richard Rice to Bill Vanderpool; a letter dated September 30, 1986 from L. M. McEwen to the Iowa Board of Medical Examiners; a letter dated November 2, 1982 from Teresa Kean to Michael Archibald; a City of Clive Police Department Preliminary Report dated October 28, 1982; a Preliminary Complaint dated October 28, 1982; an arrest bulletin dated October 28, 1982; an Investigation Report dated October 28, 1982; a Certificate of Probable Cause dated October 28, 1982; a Preliminary Complaint dated October 28, 1982; a prescription form from Dahls; a Stipulation before the New Mexico Board of Medical Examiners with attachments; a letter dated June 1, 1982 from

Norman Pawiewski to Timothy Lin Weissinger, M.D.; a copy of Dr. Weissinger's Voluntary Surrender of his license; a letter dated March 25, 1982 from Michael Archibald to Timothy L. Weissinger, M.D.; a copy of the Complaint and Statement of Charges against Timothy Weissinger, M.D. dated March 11, 1982 with attached Original Notice; an Order for Hearing dated March 11, 1982; an Order dated March 11, 1982; a letter dated February 2, 1982 from Robert Kellner, M.D., Ph.D., to Michael C. Archibald; a letter dated December 21, 1981 from Teri S. Kean to Michael C. Archibald; a Complaint dated December 7, 1981; a memorandum dated December 1, 1981 from Norman C. Johnson to Ron Saf; a copy of a prescription form dated November 16, 1981; a copy of a prescription form dated May 31, 1981; a copy of a prescription form dated November 6, 1981; a copy of a prescription form dated November 8, 1981; a copy of a prescription form dated November 11, 1981; a copy of a prescription form dated November 12, 1981; a copy of a prescription form dated November 13, 1981; a copy of a prescription form dated November 14, 1981.

#### FINDINGS OF FACT

1. Timothy Lin Weissinger, the Respondent, graduated from the University of Iowa medical school in 1971. He did his internship, and his residency in psychiatry at the University of New Mexico Medical School, which he completed in 1975. He served two years in the Armed Forces and was discharged in 1977. (testimony of Dr. Weissinger).

2. Dr. Weissinger was issued Iowa license to practice medicine and surgery number 18682 on July 12, 1972. (Joint

Exhibit 1).

3. Dr. Weissinger practiced medicine in Denver, Colorado, and then in South Dakota from 1978 through the spring of 1980. He used cocaine in Colorado. He began having marital problems. In the spring of 1980 he moved back to New Mexico and took a staff position at the University Medical School. (testimony of Dr. Weissinger).

4. In October, 1980, Dr. Weissinger was involved in a serious automobile accident. He suffered a severe head injury, amnesia, and multiple fractures. He was prescribed Tylenol with Codeine and Percodan. (testimony of Dr. Weissinger; Joint Exhibit 1).

5. Dr. Weissinger began prescribing opiates for himself. He sought treatment with Robert Kellner, M.D., Ph.D., a Professor at the University of New Mexico Medical School in July, 1981. Dr. Kellner treated him until December, 1982. (testimony of Dr. Weissinger; Joint Exhibit 1).

6. Dr. Weissinger returned to Iowa in 1981. He prescribed Percodan for himself during 1981. He had increasing marital problems. (testimony of Dr. Weissinger; Joint Exhibit 1).

7. On November 16, 1981, Dr. Weissinger altered a prescription for himself from Penicillin VK tablets to Percodan. (Joint Exhibit 1).

8. In November, 1981, Dr. Weissinger was examined by his family doctor, Dr. Overton. He was addicted to opiates at that time. On December 3, 1981, Dr. Weissinger entered the Mayo Clinic for treatment of drug dependency. He left on December 7, 1981, against medical advice. (testimony of Dr. Weissinger;

Joint Exhibit 1).

9. Dr. Weissinger then returned to New Mexico. On March 11, 1982, the Iowa Board of Medical Examiners filed a Complaint and Statement of Charges against Dr. Weissinger. On May 12, 1982, Dr. Weissinger executed a statement in which he voluntarily surrendered his Iowa license to practice medicine and surgery. At that time Dr. Weissinger was addicted to and abusing alcohol and drugs. (testimony of Dr. Weissinger; Joint Exhibit 1; Petition for Reinstatement).

10. On October 20, 1982, Dr. Weissinger was arrested and charged with attempting to wrongfully obtain a prescription drug, i.e. Percodan. (Joint Exhibit 1). He was also charged with falsely procuring a controlled substance (Percodan) by fraud, misrepresentation, and forgery. (Joint Exhibit 1).

11. Dr. Weissinger was put on probation for one year as a result. (testimony of Dr. Weissinger; Joint Exhibit 1).

12. Dr. Weissinger returned to Albuquerque, and his probation was transferred to New Mexico. Probation was complete in February, 1984. (testimony of Dr. Weissinger; Joint Exhibit 1).

13. Dr. Weissinger began individual psychotherapy with Dr. Metcalf in 1983. He attended therapy two to three times per week for two and one-half years until mid-1985. During this therapy, Dr. Metcalf prescribed small amounts of Codeine for Dr. Weissinger. (testimony of Dr. Weissinger; Joint Exhibit 1).

14. During 1985 or 1986, Dr. Kellner prescribed Librium and Valium for Dr. Weissinger. (testimony of Dr. Weissinger).

15. In September, 1986, Dr. Weissinger began seeing Dr. Gallagher, a psychiatrist in Des Moines. Dr. Gallagher did not obtain Dr. Weissinger's previous psychiatric records nor did he consider them in his current diagnosis and treatment. Dr. Gallagher's treatment is entirely supportive, and he is treating Dr. Weissinger for anxiety. Dr. Gallagher has seen Dr. Weissinger for approximately ten one-half hour visits since September, 1986. Dr. Gallagher prescribed Librium for Dr. Weissinger, and Dr. Weissinger is currently taking this Librium. (testimony of Dr. Gallagher).

16. In the summer of 1985, Dr. Weissinger came to Dr. Stanley Haugland, the Medical Director of the Powell III Clinic at IMMC. Dr. Haugland agreed to sponsor and counsel Dr. Weissinger to promote his ongoing recovery from chemical dependency. The two met at approximately one month intervals. Dr. Haugland did random urine checks for drug screening. Dr. Haugland got Dr. Weissinger into Alcoholics Anonymous/Narcotics Anonymous and into a doctor's recovery group, which Dr. Weissinger continues to attend regularly. (testimony of Dr. Haugland; Dr. Weissinger).

17. Dr. Weissinger has never gone through a traditional treatment program for chemical dependency. (testimony of Dr. Weissinger; Dr. Haugland).

18. In order to assure his continuing recovery, Dr. Weissinger needs external controls such as random urine testing. (testimony of Dr. Haugland; Dr. Weissinger; Joint Exhibit 1).

19. The last random urine check Dr. Haugland did on Dr. Weissinger was in December of 1986. That urine check was

positive for Librium. There have been no random urine checks since then. (testimony of Dr. Haugland).

20. Dr. Weissinger's presentation of the facts was somewhat deceptive. Dr. Weissinger testified that he had not used drugs since 1982. However, evidence from his treating physicians shows that he has been prescribed Codeine, Librium and Valium from 1983 through 1987. (testimony of Dr. Weissinger; Dr. Gallagher; Joint Exhibit 1).

21. Testimony as to whether Dr. Weissinger is currently taking Librium was conflicting. Dr. Gallagher, Dr. Weissinger's own psychiatrist, testified that he was. Dr. Haugland and Dr. Weissinger testified that he wasn't. However, the last urine check Dr. Haugland performed was in December, 1986, that test was positive, and Dr. Haugland has not done any checks since that date. This evidence was damaging to Dr. Weissinger's and Dr. Haugland's credibility. Therefore, the evidence at the hearing does not support the conclusion that Dr. Weissinger no longer continues to take Librium. (testimony of Dr. Gallagher; Dr. Haugland; Dr. Weissinger).

22. If an addict continues to use mood altering chemicals, he is not well. (testimony of Dr. Haugland).

23. Librium is a mood altering chemical. (testimony of Dr. Haugland).

24. Dr. Weissinger has not fully recovered from his drug dependency. (testimony of Dr. Gallagher; Dr. Haugland; Dr. Weissinger; Joint Exhibit 1).

25. Dr. Weissinger has not established facts sufficient to

enable the Board to determine that the basis for the revocation (by voluntary surrender) no longer exists.

26. If Dr. Weissinger were granted a license to practice medicine by the Board, the Executive Director of the Crossroads Mental Health Center has a part-time position as a psychiatrist available for Dr. Weissinger. (testimony of Dr. Richard Rice; Dr. Weissinger).

27. Dr. Weissinger has not shown that it would be in the public interest to reinstate his license. It is not clear that he has resolved his drug problem. He thinks he is drug free, but the Board does not. The evidence he presented was conflicting. His judgement appears to be somewhat impaired. If he cannot see his own problem, then he cannot evaluate others' problems. It would not be in either his best interest or the best interest of the public to reinstate his license at this time.

#### CONCLUSIONS OF LAW

A license to practice medicine and surgery shall be revoked or suspended when the licensee is guilty of "habitual intoxication or addiction to the use of drugs". Iowa Code sections 147.55(4), 148.6(1)(h) and 258A.10(4)(1987); 470 Iowa Administrative Code section 135.204(4).

A voluntary surrender of a medical license, when accepted, has the same force and effect as an order of revocation. Iowa Code section 148.8(1987).

A person whose license to practice medicine and surgery has been revoked may apply to the Board for reinstatement. Iowa Code section 148.9(1987); Iowa Administrative Code 135.301(36).

"An application for reinstatement shall allege facts which,



if established, will be sufficient to enable the Board to determine that the basis for the revocation or suspension of the Respondent's license no longer exists and that it will be in the public interest for the license to be reinstated. The burden of proof to establish such facts shall be on the Respondent". 470 Iowa Administrative Code 135.301(36)c.

#### DECISION AND ORDER

Dr. Weissinger has not shown the Board that he is drug free or that he has recovered from his drug dependency. He has not met his burden to prove that the basis for his revocation no longer exists. Dr. Weissinger has not shown the Board that it would be in the public interest to reinstate his license. When he surrendered his license, Dr. Weissinger had a very serious drug dependency problem. He never went through a traditional drug treatment program. He did undergo two and one half years of individual therapy. However, the therapist occasionally prescribed Codeine for him. He is not currently under the serious care of any one given doctor. His psychiatrist has seen him for approximately ten one-half hour visits since September, 1986, is supportive only, is treating him for anxiety and not for his underlying basis problem, has not considered past psychiatric history, and is currently prescribing Librium for him. The doctor who is doing urine checks on him stopped doing them when the last test was positive in December, 1986. Dr. Weissinger thinks he is drug free, but the Board does not. He has not been able to show that his drug problem is resolved or that he possesses an intact cognitive function or intact cognitive judgement. He cannot see that he continues to have a problem with drug dependency. If his


judgement is impaired such that he cannot see his own problem, he will not be able to evaluate others' problems.

Therefore, it is the ORDER of the Iowa Board of Medical Examiners that the Petition to reinstate license to practice medicine and surgery by Timothy Weissinger, M.D., is hereby denied.

Dated this 8<sup>th</sup> day of June, 1987.

IOWA BOARD OF MEDICAL EXAMINERS:

  
Hormoz Rassekh, M.D., Board Chairman

  
Amy Christensen Couch  
Administrative Hearing Officer  
for the State of Iowa

BEFORE THE BOARD OF MEDICAL EXAMINERS

OF THE STATE OF IOWA

\* \* \* \* \*

IN THE MATTER OF THE COMPLAINT :

AND STATEMENT OF CHARGES AGAINST : ORDER

TIMOTHY L. WEISSINGER, M.D. : 02-90-050

RESPONDENT :

\* \* \* \* \*

BE IT REMEMBERED:


1. That on March 10, 1992, an Order was issued by the Director of Public Health of the state of Iowa, placing the license to practice medicine and surgery, number 26296, issued to the Respondent on October 10, 1987, on probation indefinitely under certain terms and conditions, and;

2. That the Respondent has successfully completed probation as directed, and;

3. That the Board having directed that the probation placed upon the Respondent's license to practice medicine and surgery, number 26296, issued on October 10, 1987, should be terminated and that the said license be restored to full privileges free and clear of any restrictions, IT IS HEREBY ORDERED:

That the probation placed upon the Respondent's license to practice medicine and surgery, number 26296, is terminated and the said

license is hereby returned to its full privileges free and clear of all restrictions.

 01 -28-93  
C. L. Peterson, D.O., Chairperson  
IOWA STATE BOARD OF MEDICAL EXAMINERS  
1209 East Court Avenue  
Des Moines, IA 50319-0180

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

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IN THE MATTER OF THE COMPLAINT :  
AND STATEMENT OF CHARGES AGAINST : ORDER  
TIMOTHY L. WEISSINGER, M. D. : 02-90-050  
RESPONDENT :

\*\*\*\*\*

NOW on March 10, 1992, the above entitled matter having been filed with the Director of Public Health of the State of Iowa, (hereafter the Director), for an amendment to an Order issued by the Director on May 14, 1990, (hereafter the Order), and the Director being fully advised in the premises  
FINDS:

I. That on December 18, 1991, Timothy L. Weissinger, M.D., (hereafter the Respondent), filed an application with the Iowa State Board of Medical Examiners (hereafter the Board), seeking certain amendments to the Order.

II. On January 23, 1991, the Board considered the Respondent's application and voted to amend the Order to read as follows:

(A) The Respondent shall abstain from the use of alcohol.

(B) The Respondent shall not use any controlled or prescription drug in any form unless prescribed for him by a duly licensed, treating physician. The Respondent shall inform any treating physician of the terms of the Informal Settlement and this Order prior to accepting any medication.

(C) The Respondent may prescribe only Benzodiazepine type controlled drugs. The Respondent shall not prescribe any other controlled drug.

(D) The Respondent may prescribe, administer or dispense only the following non-controlled drugs in the treatment of psychiatric illness:

**ANTIDEPRESSANTS**

Doxepin Hydrochloride  
Amoxapine  
Trazodone Hydrochloride  
Amitriptyline Hydrochloride  
Isocarboxazid  
Phenelzine Sulfate  
Desipramine Hydrochloride  
Nortriptyline Hydrochloride  
Tranlycypromine Sulfate  
Trimipramine Maleate  
Imipramine Hydrochloride  
Maprotiline Hydrochloride  
Wellbutrin  
Prozac

**ANTIMANIC AGENTS**

Lithium Citrate  
Lithium Carbonate

**BUTYROPHENONES**

Haloperidol  
Haloperidol Decanoate

**DIBENZAZEPINES**

Loxapine Succinate  
Loxapine Hydrochloride  
Anafranil

**DIHYDROINDOLONES**

Molindone Hydrochloride

**PHENOTHIAZINES**

Prochlorperazine  
Thioridazine Hydrochloride  
Thioridazine

Fluphenazine Hydrochloride  
Fluphenazine Decanoate  
Fluphenazine Enanthate  
Mesoridazine Besylate  
Promazine Hydrochloride  
Trifluoperazine Hydrochloride  
Chlorpromazine Hydrochloride  
Acetophenazine Maleate  
Perphenazine  
Triflupromazine

**THIOXANTHENES**

Thiothixene  
Chlorprothixene

**OTHER ANTIPSYCHOTIC AGENTS**

Pimozide  
Clozaril

(E) The Respondent shall submit to witnessed blood and/or urine samples on demand by a designee of the Board. The samples shall be used for alcohol and drug screening all costs of which shall be paid by the Respondent.

(F) The Respondent shall attend at least one (1) meeting of Alcoholics Anonymous or a similar organization weekly. Quarterly reports submitted under paragraph G shall include a statement by the Respondent attesting to attendance and listing the date and place of each meeting attended. In addition, the Respondent shall append to each report a signed or initialed statement by another member of the organization which confirms the Respondent's attendance.

(G) The Respondent shall submit quarterly reports under penalty of perjury stating that there has been compliance with all the conditions of the Informal Settlement and this Order.

(H) The Respondent shall make appearances annually

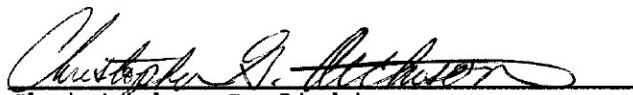
and/or upon request before the Board or a committee of the Board. The Respondent shall be given reasonable notice of the date, time and place for the appearance.

(I) The Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

(J) In the event the Respondent leaves Iowa to reside or to practice outside the state, the Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside Iowa will not apply to the duration of the Informal Settlement or this Order.

(K) In the event the Respondent violates or fails to comply with any of the terms or provisions of the Informal Settlement or this Order, the Board may initiate appropriate action to revoke or suspend the Respondent's license or to impose other licensee discipline as authorized in Iowa Code section 258A.3(2) and rule 653-12.2 of the Iowa Administrative Code.

(L) Upon full compliance with the terms and conditions set forth in the Informal Settlement and this Order and upon expiration of the period of probation, Respondent's license shall be restored to its full privileges free and clear of the terms of the probation.



Christopher G. Atchison  
Iowa Department of Public Health  
Lucas State Office Building  
Des Moines, Iowa 50319



BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

\* \* \* \* \*

IN THE MATTER OF THE COMPLAINT :  
AND STATEMENT OF CHARGES AGAINST : AMENDED ORDER  
TIMOTHY L. WEISSINGER, M.D. : 02-90-050  
RESPONDENT :

\* \* \* \* \*

NOW on June 27, 1990, the above entitled  
matter having been filed with the Acting Director of Public Health of  
the State of Iowa, for an amendment to the Amended Order issued by the  
Director of Public Health on February 3, 1988, and the said Acting  
Director of Public Health being fully advised in the premises FINDS:

1. That on June 21, 1990 an application was filed by the Re-  
spondent, with the Iowa State Board of Medical Examiners requesting  
that the following named drugs be added to the list of drugs that the  
Respondent is permitted to prescribe pursuant to the provisions of the  
Amended Order issued February 3, 1988:

Clozaril  
Anafranil  
Buspar  
Wellbutrin  
Prozac

2. That the Iowa Board of Medical Examiners finding that the said application was proper, voted to authorize the said amendment to the Amended Order issued February 3, 1988 as requested.

THEREFORE IT IS HEREBY ORDERED that the following drugs be added to the list of drugs that the Respondent is permitted to prescribe pursuant to the provisions of the Amended Order issued by the Director of Public Health of the State of Iowa on February 3, 1988:

Clozaril

Anafranil

Buspar

Wellbutrin

Prozac

IT IS FURTHER ORDERED that all other terms and provisions of the Order signed by the Director of Public Health of the state of Iowa in the above entitled cause on May 14, 1990 remain unchanged and in full force as originally ordered.

Ronald D. Eckhoff MD  
Ronald D. Eckhoff, M.D., M.P.H.  
Acting Director  
Iowa Department of Public Health  
Robert Lucas State Office Building

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

\*\*\*\*\*

IN THE MATTER OF THE COMPLAINT :  
AND STATEMENT OF CHARGES AGAINST : ORDER  
TIMOTHY L. WEISSINGER, M.D. : 02-90-050  
RESPONDENT :

\*\*\*\*\*

NOW on May 14, 1990, the above entitled matter having been filed with the Director of Public Health of the State of Iowa, and the said Director of Public Health being fully advised in the premises FINDS;

I. That the Respondent was issued a license to practice osteopathic medicine and surgery, on October 10, 1987, as evidenced by certificate number 26296, which is recorded in the permanent records in the office of the Iowa State Board of Medical Examiners.

II. That a Complaint and Statement of Charges was filed against the Respondent, Timothy L. Weissinger, M.D., on February 15, 1990, and was to be heard before the Iowa State Board of Medical Examiners.

III. That the Iowa State Board of Medical Examiners has jurisdiction of the parties and the subject matter herein.

IV. That the Director of Public Health is authorized to enter an order herein under the provisions of sections 148.6(1) and 148.7(7)(a) and (c), of the 1989 Code of Iowa and rule 653-12.50(31), of the Iowa Administrative Code.

V. That pursuant to the provisions of sections 17A.10 and

258A.3(4) of the 1989 Code of Iowa, the Respondent and the Iowa State Board of Medical Examiners have entered into an Informal Settlement providing that the undersigned should enter an Order imposing discipline against the Respondent's license to practice medicine and surgery in the State of Iowa.

THEREFORE IT IS HEREBY ORDERED:

A. That license number 26296 issued to the Respondent Timothy L. Weissinger, M.D., on October 10, 1987, to practice medicine and surgery in the State of Iowa, is hereby suspended for a period of thirty (30) days commencing July 4, 1990.

B. That upon expiration of the thirty (30) day suspension imposed herein, and upon payment of the reinstatement fee of \$150.00, the Respondent's license to practice medicine and surgery in the state of Iowa shall be reinstated and shall be on probation until January 22, 1993 under the following terms and conditions:

1. Within thirty (30) days after the date of the this Director's Order, the Respondent shall pay a civil penalty of \$1000.00 by delivering a check made payable to the Treasurer of Iowa to the Executive Director of the Board. The check shall be deposited into the general fund.

2. The Respondent shall abstain from the use of alcohol.

3. The Respondent shall not use any controlled or prescription drug in any form unless prescribed for him by a duly licensed, treating physician. The Respondent shall inform any treating physician of the terms of the Informal Settlement and this Order prior to accepting any medication.

4. The Respondent shall not prescribe, administer, or dispense any controlled or prescription drug except as authorized in the Amended Director's Order issued on February 3, 1988.

5. The Respondent shall submit to witnessed blood and/or urine samples on demand by a designee of the Board. The samples shall be used for alcohol and drug screening all costs of which shall be paid by the Respondent.

6. The Respondent shall attend at least one meeting of Alcoholics Anonymous or a similar organization weekly. Quarterly reports submitted under paragraph B 7 shall include a statement by the Respondent attesting to attendance and listing the date and place of each meeting attended. In addition, the Respondent shall append to each report a signed or initialed statement by another member of the organization which confirms the Respondent's attendance.

7. The Respondent shall submit quarterly reports under penalty of perjury stating that there has been compliance with all the conditions of the Informal Settlement and this Order.

8. The Respondent shall make appearances annually and/or upon request before the Board or a committee of the Board. The Respondent shall be given reasonable notice of the date, time and place for the appearance.

9. The Respondent shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Iowa.

VI. In the event the Respondent leaves Iowa to reside or to practice outside the state, the Respondent shall notify the Board in writing of the dates of departure and return. Periods of

residence or practice outside Iowa will not apply to the duration of the Informal Settlement or this Order.

VII. In the event the Respondent violates or fails to comply with any of the terms or provisions of the Informal Settlement or this Order, the Board may initiate appropriate action to revoke or suspend the Respondent's license or to impose other licensee discipline as authorized in Iowa Code section 259A.3(2) and rule 653-12.2 of the Iowa Administrative Code.

VIII. Upon full compliance with the terms and conditions set forth in the Informal Settlement and this Order and upon expiration of the period of probation, Respondent's license shall be restored to its full privileges free and clear of the terms of the probation.

Ronald D. Eckhoff MD  
Ronald D. Eckhoff, M.D., M.P.H.  
Acting Director  
Iowa Department of Public Health  
Robert Lucas State Office Building  
Des Moines, Iowa 50319

**FILE**

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

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|                              |   |                     |
|------------------------------|---|---------------------|
| IN THE MATTER OF THE         | ) |                     |
| COMPLAINT AND STATEMENT      | ) |                     |
| OF CHARGES AGAINST           | ) | NO. 02-90-050       |
| TIMOTHY L. WEISSINGER, M.D., | ) |                     |
| RESPONDENT.                  | ) | INFORMAL SETTLEMENT |

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COME NOW the Iowa Board of Medical Examiners [the Board] and Timothy L. Weissinger, M.D., [the Respondent] and, pursuant to Iowa Code §§ 17A.10 and 258A.3(4), enter into the following Informal Settlement of the contested case currently on file:

1. The Respondent was issued license no. 26296 to practice medicine and surgery in Iowa on October 10, 1987.

2. A Complaint and Statement of Charges was filed against the Respondent on February 15, 1990.

3. The Board has jurisdiction of the parties and the subject matter.

4. The Director of Public Health shall take appropriate action to suspend Respondent's license to practice medicine and surgery for a period of thirty (30) days commencing on the 4~~th~~ day of July, 1990. At the conclusion of thirty (30) days, and upon payment of a reinstatement fee, the Respondent's license to practice medicine and surgery shall be reinstated and placed on probation until January 22, 1993, under the following terms and conditions:

- A. Within thirty (30) days after the date of the Director's Order in this case, the Respondent shall pay a civil penalty of \$1,000.00 by delivering a check made payable to the Treasurer of Iowa to the Executive Director of the Board. The check shall be deposited into the general fund.
- B. The Respondent shall abstain from the use of alcohol.
- C. The Respondent shall not use any controlled or prescription drug in any form unless prescribed for him by a duly licensed, treating physician. The Respondent shall inform any treating physician of the terms of this Informal Settlement prior to accepting any medication.
- D. The Respondent shall not prescribe, administer, or dispense, any controlled or prescription drug except as authorized in the Amended Director's Order issued on February 3, 1988.
- E. The Respondent shall submit to witnessed blood and/or urine samples on demand by



a designee of the Board. The samples shall be used for alcohol and drug screening all costs of which shall be paid by the Respondent.

- F. The Respondent shall attend at least one meeting of Alcoholics Anonymous or a similar organization weekly. Quarterly reports submitted under ¶ 4G shall include a statement by the Respondent attesting to attendance and listing the date and place of each meetings attended. In addition, the Respondent shall append to each report a signed or initialed statement by another member of the organization which confirms the Respondent's attendance.
- G. The Respondent shall submit quarterly reports under penalty of perjury stating that there has been compliance with all the conditions of this Informal Settlement.
- H. The Respondent shall make appearances annually and/or upon request before the Board or a committee of the Board. The Respondent shall be given reasonable

notice of the date, time and place for the appearances.

- I. The Respondent shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Iowa.

5. In the event the Respondent leaves Iowa to reside or to practice outside the state, the Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside Iowa will not apply to the duration of the Informal Settlement.

6. In the event the Respondent violates or fails to comply with any of the terms or provisions of this Informal Settlement, the Board may initiate appropriate action to revoke or suspend the Respondent's license or to impose other licensee discipline as authorized in Iowa Code § 258A.3(2) and 653 Iowa Admin. Code § 12.2.


7. Upon full compliance with the terms and conditions set forth in this Informal Settlement and upon expiration of the period of probation, Respondent's license shall be restored to its full privileges free and clear of the terms of the probation.

8. This Informal Settlement is subject to approval of the Board. If the Board fails to approve this Informal Settlement, it shall be of no force or effect to either party.

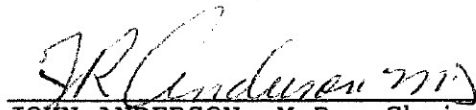
9. This Informal Settlement is voluntarily submitted by the Respondent to the Board for consideration.

  
TIMOTHY L. WEISSINGER, M.D.

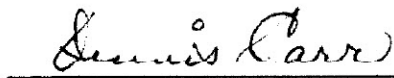
Subscribed and sworn to before me on this 12 day of April, 1990.

  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

This Informal Settlement is accepted by the Iowa Board of Medical Examiners on the 10 day of May, 1990.

  
JOHN ANDERSON, M.D., Chairman  
Iowa Board of Medical Examiners

Subscribed and sworn to before me on this 10 day of May, 1990.

  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

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IN THE MATTER OF THE COMPLAINT :  
AND STATEMENT OF CHARGES AGAINST : COMPLAINT AND STATEMENT  
TIMOTHY L. WEISSINGER, M.D. : OF CHARGES  
RESPONDENT : 02-90-050

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COMES NOW William S. Vanderpool, Executive Director of the Iowa State Board of Medical Examiners, on Feb. 15, 1990, and at the direction of the Board files this Complaint and Statement of Charges against Timothy L. Weissinger, M.D., a physician licensed pursuant to Chapter 147 of the Code of Iowa and alleges:

1. That Mary L. Ellis is the duly appointed and qualified Director of Public Health of the state of Iowa.

2. That John R. Anderson, M.D., Chairman; C.L. Peterson, D.O.; Vice Chairman; Edra Broich, Secretary; Charlotte Cleavenger, D.O.; Donna Drees, M.D.; John W. Olds, M.D.; Ann O'Neill; George G. Spellman, Sr., M.D.; and Robert B. Stickler, M.D.; are the duly appointed and qualified officers and members of the Iowa State Board of Medical Examiners.

3. That the Respondent is a resident of Polk County, Iowa, and was issued license number 26296 to practice medicine and surgery in the state of Iowa on October 10, 1987, as recorded in the permanent records in the office of the Iowa State Board of Medical Examiners.

4. That the Respondent's license is current until May 1, 1990.

5. That on or about March 11, 1982, the Board filed a Complaint and Statement of Charges against the Respondent, alleging that he was guilty of habitual intoxication or addiction to the use of drugs in violation of section 147.55(4) of the Code of Iowa, and that the Respondent was unable to practice medicine and surgery with reasonable skill and safety by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals or other type material or as a result of a mental or physical condition, in violation of section 148.6(h) of the Code of Iowa. The Board's Complaint and Statement of Charges also alleged violations of rule 470-135.204(4) of the Iowa Administrative Code.

6. That on or about May 24, 1982, as a disposition to the Complaint and Statement of Charges referred to in paragraph 5 above, the Respondent voluntarily surrendered his license to practice medicine and surgery in the state of Iowa.

7. That on or about May 13, 1987, the Respondent filed a petition with the Board seeking reinstatement of his license to practice medicine and surgery in the state of Iowa.

8. That on or about May 21, 1987, a hearing on the Respondent's reinstatement petition was held before the Board. Based upon the testimony and evidence presented at the said hearing, the Board, on June 8, 1987, issued its Findings of Fact, Conclusions of Law, and Decision and Order, denying the Respondent's petition for reinstatement of license.

9. That on or about September 11, 1987, the Respondent filed

a second petition seeking reinstatement of his license to practice medicine and surgery in the state of Iowa.

10. That on or about October 1, 1987, as a disposition to the petition referred to in paragraph 9 above, and pursuant to the provisions of sections 258A.3(4) and 17A.10(1), the Board and the Respondent entered into an Informal Settlement in the form of a Consent Agreement, authorizing that the Respondent be issued a license to practice medicine and surgery in the state of Iowa under the terms and conditions of an indefinite period of probation. One of the terms of the Informal Settlement provided that the Respondent could apply to the Board for removal or amendment of certain conditions of the indefinite probation on or after January 7, 1988, if, the Respondent provided the Board with certain specific documentation.

11. That the Respondent having made application to the Board for removal or amendment of certain conditions of the indefinite probation referred to in the informal Settlement entered into on or about October 1, 1987, and the said application having been made on or after January 7, 1988, the Board found that the Respondent's application should be granted and directed that an appropriate Order be issued by the Director of Public Health of the state of Iowa placing the Respondent's license to practice medicine and surgery in the state of Iowa on probation for a period of five (5) years beginning January 22, 1988, under certain terms and conditions.

12. That on or about February 3, 1988, an Order was issued by the Director of Public Health of the state of Iowa, placing the Respondent's license to practice medicine and surgery in the state of Iowa on probation for a period of five (5) years beginning January 22, 1988, under certain terms and conditions.

13. That on or about February 4, 1988, an Order was issued by the Director of Public Health of the state of Iowa amending the Order issued February 3, 1988, referred to in paragraph 12 above.

14. That two of the specific terms of probation as outlined in the Order issued by the Director of Public Health of the state of Iowa, on February 3, 1988, as amended by the Order issued February 4, 1988, are:

a. "The Respondent shall abstain from the personal use of alcohol."

b. "The Respondent shall provide witnessed blood or urine samples upon demand by any agent or representative of the Board".

15. That on or about January 13, 1990, an agent of the Iowa State Board of Medical Examiners obtained a urine specimen from the Respondent. Laboratory analysis revealed the presence of Ethanol(alcohol), in the said urine specimen.

16. That the Respondent has violated the terms of the probation placed upon his license to practice medicine and surgery in the State of Iowa.

17. That the Iowa State Board of Medical Examiners is authorized to take disciplinary action against the Respondent

pursuant to the provisions of sections 148.6(1) and 148.6(1)(i) of the Code of Iowa which state in whole or in part:

148.6(1) - "In addition to the provisions of section 147.58 to 147.71, the medical examiners after due notice and hearing may direct the director of public health to issue an order to revoke or suspend a license to practice medicine and surgery...or to discipline a person licensed to practice medicine and surgery...for any of the grounds set forth in section 147.55 or if after a hearing, the medical examiners determine that a physician licensed to practice medicine and surgery...is guilty of any of the following acts or offenses."

148.6(1)(i) - "Willful or repeated violations of lawful rule or regulation promulgated by the board or violating a lawful order of the board, previously entered by the board in a disciplinary hearing."

18. That the Iowa State Board of Medical Examiners is authorized to take disciplinary action against the Respondent pursuant to rules 653-12.4, 653-12.4(16) and 653-12.4(28) of the Iowa Administrative Code which state in whole or in part:

653-12.4 - "Grounds for discipline. The board may impose any of the disciplinary sanctions set forth in rule 12.2, including civil penalties in an amount not to exceed \$1000, when the board determines that the licensee is guilty of any of the following acts or offenses:"

653-12.4(16) - "Violating a lawful order of the board previously entered by the board in a disciplinary hearing."

653-12.4(28) - "Violating any of the grounds for the revocation

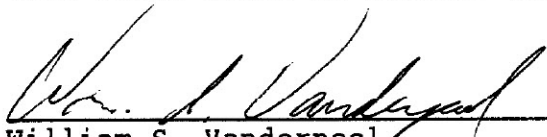


or suspension of license listed in Iowa Code sections...148.6."

19. That paragraphs 17 and 18 constitute grounds for the Iowa State Board of Medical Examiners to revoke, suspend or otherwise discipline the license to practice medicine and surgery issued to the Respondent, Timothy L. Weissinger, M.D. on October 1, 1987.

WHEREFORE the undersigned charges that the Respondent, Timothy L. Weissinger, M.D., is subject to disciplinary action pursuant to the provisions of sections 148.6(1) and 148.6(1)(i) of the Code of Iowa and rules 653-12.4, 653-12.4(16) and 653-12.4(28) of the Iowa Administrative Code and the undersigned prays that the Board enter an order fixing a time and place of hearing for the Complaint and Statement of Charges. The undersigned further prays that upon final hearing, the Board enter its findings of fact and decision to revoke, suspend or otherwise discipline the license to practice medicine and surgery issued to the Respondent, Timothy L. Weissinger, M.D., on October 1, 1987, and for such other relief as the Board deems just in the premises.

Iowa State Board of Medical Examiners

  
\_\_\_\_\_  
William S. Vanderpool  
Executive Director  
Executive Hills West  
1209 East Court  
Des Moines, Iowa 50319  
(515) 281-5171

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA

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|                             |                       |
|-----------------------------|-----------------------|
| IN THE MATTER OF THE        | ) DIA NO. 97DPHMB003  |
| COMPLAINT AND STATEMENT     | ) CASE NO. 02-96-290  |
| OF CHARGES AGAINST          | )                     |
|                             | )                     |
| TIMOTHY L. WEISSINGER, M.D. | ) FINDINGS OF FACT,   |
|                             | ) CONCLUSIONS OF LAW, |
| Respondent                  | ) DECISION AND ORDER  |

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TO: TIMOTHY L. WEISSINGER, M.D.

On December 12, 1996, the Iowa Board of Medical Examiners (Board) filed a Statement of Charges against Timothy L. Weissinger, M.D. (Respondent) charging him with violations of numerous statutes and rules of the Board. The Statement of Charges alleged that the Respondent had obtained controlled drugs through fraudulent representations and was unable to practice medicine safely and skillfully due to the excessive use of drugs.

An Original Notice and Order for Hearing were issued setting the hearing for January 22, 1997. The hearing was continued several times at the Respondent's request.

The hearing was held on November 16, 2000 at 1:30 p.m. in the conference room at the Board office, 400 SW 8th Street, Suite C, Des Moines, Iowa. The hearing was held before the following members of the Board: Dale Holdiman, M.D., Chairman; Bruce Hughes, M.D.; Teresa Mock, M.D.; Donna Norman, D.O.; Susan Johnson, M.D.; Allen Zagoren, D.O.; Michael Byrne, Janece Valentine, and Diane Nagle, Public Members. The Respondent did not personally appear for the hearing but was represented by his counsel, David L. Brown. The state was represented by Theresa O'Connell Weeg, Assistant Attorney General. The hearing was closed to the public, pursuant to Iowa Code section 272C.6(1) and 653 IAC 12.26(12). The hearing was recorded by a certified court reporter. Margaret LaMarche, Administrative Law Judge, assisted the Board in conducting the hearing and was instructed to prepare this decision of the Board, in accordance with their deliberations. A motion was taken in open session.

**THE RECORD**

The record includes the Statement of Charges, the Original Notice, the Order for Hearing, the Motions for Continuance, Orders for Continuance, Orders Rescheduling the Hearing, Notice re: No Factual Dispute Contested Case, and the following stipulated exhibits:

State Exhibit A: Board Complaint Report, 9/13/95

State Exhibit B: Board Complaint Report, 7/30/96

State Exhibit C: BME Investigative Report, 10/10/96,

State Exhibit D: Phoenix, AZ Police Department Report

State Exhibit E: Letter dated 5/24/00 (Brown to Weeg)

#### **FINDINGS OF FACT**

1. The Respondent was issued license number 26296 to practice medicine and surgery in the state of Iowa on July 1, 1996, as recorded in the permanent records in the office of the Board. A Statement of Charges was filed against the Respondent by the Board on December 12, 1996. (Statement of Charges)

2. The Respondent has stipulated to the admission of the state's exhibits and does not contest the allegations in the Statement of Charges. No witnesses were presented on behalf of the state or the Respondent. The attorneys were permitted the opportunity to make arguments to the Board regarding an appropriate sanction. (Professional Statements of David L. Brown and Theresa O'Connell Weeg)

3. The stipulated exhibits reveal the following chronology of events:

a. On September 1, 1996, the Respondent was arrested in Phoenix, Arizona for obtaining a narcotic drug by fraud.

b. During the police investigation, the Respondent admitted that he is addicted to Vicodin and Lortab. He further admitted writing prescriptions for narcotics in the names of various relatives and then taking these narcotics for his own use. Copies of the prescriptions are included in the state's exhibits.

c. The Respondent received a deferred judgment on the criminal charges of obtaining a narcotic drug by fraud. He completed the Maricopa County Attorney/TASC Adult Deferred Prosecution Program. He also attended six months of weekly group therapy and attended a drug education seminar. He submitted to random urinalysis testing for eighteen months with negative test results. He was successfully discharged from TASC on April 14, 1998.

(State Exhibits A-E)

4. The Respondent is currently residing in New Mexico, where he is employed as a records reviewer of federal social security claims. In order to maintain this employment position, the Respondent must have a medical license in at least one state. His only current medical license is in the state of Iowa. (Professional Statement of David L. Brown)

#### CONCLUSIONS OF LAW

The preponderance of the evidence in this stipulated record supports the conclusion that the Respondent did obtain controlled drugs through fraudulent representations and was unable to practice medicine safely and skillfully due to the excessive use of drugs. By his excessive use of drugs and admitted addiction to Vicodin and Lortab, the Respondent has violated Iowa Code sections 147.55(4), 148.6(2)(h) and 653 IAC 12.4(4) and (14). By obtaining controlled drugs through fraudulent representations, the Respondent has violated Iowa Code sections 147.55(8), 148.6(2)"a", and 653 IAC 12.4(3)"a" and 12.4(15).

The only issue before the Board was what sanction is appropriate for the Respondent's violations. The state requested that the Board impose all of the probationary terms and conditions normally required of any physician who has a substance abuse problem. The Respondent's attorney argued that the Respondent has addressed his substance abuse problems through treatment and has not suffered a relapse. He argued that the violations could be addressed by the imposition of a civil penalty and that ongoing monitoring of the Respondent is unnecessary at this time, particularly since he is only functioning as a records reviewer.

After careful consideration of the stipulated record and the parties' suggestions regarding sanction, the Board determined that it would not be in the public interest to allow the Respondent to provide any direct patient care, unless his ongoing recovery is actively monitored and verified.

#### ORDER

IT IS THEREFORE ORDERED, that Timothy L. Weissinger, M.D., license no. 26296, is hereby **indefinitely prohibited** from performing any direct patient care, supervising anyone who is providing direct patient care, and from administering, dispensing, or prescribing any medications. These practice restrictions will not be lifted except upon written application of the Respondent. Before the

practice restrictions are lifted, the Respondent will be required to verify his ongoing successful recovery and to submit a comprehensive substance abuse monitoring program to the Board for its approval.

IT IS FURTHER ORDERED, that the Respondent shall immediately inform his employer and all future employers of this action by providing his employer and all future employers with a copy of the Board's written decision in this case. The Respondent shall provide the Board with written verification from the employer that the decision was received and read and that the employer understands the Respondent's practice restrictions.

IT IS FURTHER ORDERED, that the Respondent shall pay a civil penalty of five thousand dollars. (\$5,000).

IT IS FURTHER ORDERED, in accordance with 653 IAC 12.43, that the Respondent shall pay a disciplinary hearing fee of \$75.00. In addition, the Respondent shall pay any costs certified by the executive director and reimbursable pursuant to subrule 12.43(3). All fees and costs shall be paid in the form of a check or money order payable to the state of Iowa and delivered to the department of public health, within thirty days of the issuance of a final decision.

Dated this 11<sup>th</sup> day of January, 2001.

*Dale R. Holdiman MD*

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Dale Holdiman, M.D.  
Chairperson  
Iowa Board of Medical Examiners

cc: Theresa O'Connell Weeg  
David L. Brown

Judicial review of the board's action may be sought in accordance with the terms of the Iowa administrative procedure Act, from and after the date of this order.

**BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA**

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**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**TIMOTHY L. WEISSINGER, MD, RESPONDENT**

**No. 02-96-290**

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**STATEMENT OF CHARGES**

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**COMES NOW** Ann M. Martino, PhD, Executive Director of the Iowa Board of Medical Examiners (the Board), on December 12, 1996, and at the direction of the Board, files this Statement of Charges against Timothy L. Weissinger, MD (the Respondent), a physician licensed pursuant to Chapters 147 and 148 of the Code of Iowa and alleges:

1. That James D. Collins, Jr., MD, Chairperson; Laura J. Stensrud, Vice Chairperson; Teresa A. Mock, MD, Secretary; James M. Caterine, MD; Eddie D. DeHaan, MD; Mary C. Hodges; Dale R. Holdiman, MD; Shirley A. Meisenheimer; Donna M. Norman, DO; and Allen J. Zagoren, DO, are the duly appointed, qualified and acting officers and members of the Board.

2. That on July 1, 1996, the Respondent was issued license number 26292 to practice medicine and surgery in Iowa. The license is valid and will next expire on May 1, 1998.

3. That over the past several months the Respondent has on numerous occasions obtained controlled drugs through fraudulent representations.

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4. That the Respondent is unable to practice medicine safely and skillfully due to excessive use of drugs.

5. The Board is authorized to impose discipline against the Respondent pursuant to provisions of Iowa Code sections 147.55, 147.55(4), 147.55(8), 148.6(1), 148.6(2), 148.6(2)a, 148.6(2)h, 148.6(2)i and 653 IAC 12.4, 12.4(3), 12.4(3)a, 12.4(4), 12.4(14), 12.4(15) and 12.4(28) which state in whole or in part:

**147.55 - Grounds. A license to practice a profession shall be revoked or suspended when the licensee is guilty of any of the following acts or offenses:**

**147.55(4) - Habitual intoxication or addiction to the use of drugs.**

**147.55(8) - Willful or repeated violations of the provisions of this Act.**

**148.6(1) - The medical examiners, after due notice and hearing in accordance with chapter 17A, may issue an order to discipline a licensee for any of the grounds set forth in section 147.55, chapter 272C, or this subsection.**

**148.6(2) - Pursuant to this section, the Board of medical examiners may discipline a licensee who is guilty of any of the following acts or offenses:**

**148.6(2)a - Knowingly making misleading, deceptive, untrue or fraudulent representation in the practice of the physician's profession.**

**148.6(2)h - Inability to practice medicine and surgery ... with reasonable skill and safety by reason of ... excessive use of drugs, narcotics, chemicals or other type material ...**

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**148.6(2)i - Willful or repeated violation of lawful rule or regulation adopted by the board...**

**653-12.4 - Grounds for discipline. The board may impose any of the disciplinary sanctions set forth in rule 12.2, including civil penalties in an amount not to exceed \$10,000, when the board determines that the licensee is guilty of any of the following acts or offenses:**

**653-12.4(3) - Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a profession ...**

**653-12.4(3)a - Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a profession includes, but is not limited to, an intentional perversion of the truth either orally or in writing, by a physician in the practice of medicine and surgery ...**

**653-12.4(4) - Habitual intoxication or addiction to the use of drugs. Habitual intoxication or addiction to the use of drugs includes, but is not limited to, the inability of a physician to practice medicine and surgery ... with reasonable skill and safety by reason of the excessive use of ... drugs, narcotics, chemicals, or other material on a continuing basis, or the excessive use of ... drugs, narcotics, chemicals or other type material which may impair a physician's ability to practice the profession with reasonable skill and safety.**

**653-12.4(14) - Inability to practice medicine and surgery ... with reasonable skill and safety by reason of ... chemical abuse.**

**653-12.4(15) - Willful or repeated violation of lawful rule or regulation adopted by the board.**

**653-12.4(28) - Violating any of the grounds for revocation or suspension of a license listed in the Iowa Code sections 147.55 and 148.6.**



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**WHEREFORE** the undersigned charges that the Respondent is subject to disciplinary action pursuant to the provisions of the statutes and Administrative Code rules outlined herein. The undersigned prays that the Board enter an order fixing a time and place of hearing for the Statement of Charges. The undersigned further prays that upon final hearing, the Board enter its findings of fact and decision to revoke, suspend or otherwise discipline the Respondent's license to practice medicine and surgery and for such other relief as the Board deems just in the premises.

**IOWA BOARD OF MEDICAL EXAMINERS**



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MCA/dc 12-04-96

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