

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF MEDICINE

RECEIVED  
2002 FEB 17 03:51:02  
Department of State

Commonwealth of Pennsylvania :  
Bureau of Professional and :  
Occupational Affairs :  
vs. :  
Maryann Theresa Weisman, M.D., :  
Respondent :

Docket No. 0184-49-2002  
File No. 2001-49-01494

---

ADJUDICATION AND ORDER

---

Joyce McKeever  
Hearing Examiner

124 Pine Street, Suite 200  
Harrisburg, PA 17105

## HISTORY

On February 13, 2002, the Commonwealth, by Benjamin A. Cero, prosecuting attorney, filed an Order to Show Cause against Maryann Theresa Weisman, M.D. (Respondent), alleging that Respondent violated Section 41(2) of the Medical Practice Act of 1985 (MPA), Act of December 20, 1985, P.L. 457, *as amended*, 63 P.S. §422.41(2), by having made fraudulent representations in the practice of the profession.

Respondent filed an answer on July 10, 2002<sup>1</sup>, in which she admitted that her license to practice as a physician in the Commonwealth was subject to disciplinary action by having made a fraudulent representation.

Pursuant to a notice of hearing, a formal administrative hearing was held before a hearing examiner on September 19, 2002 at the time and place scheduled. Respondent appeared in her own behalf and testified. Mr. Cero appeared for the Commonwealth.

---

<sup>1</sup> Respondent filed an answer after settlement efforts were unsuccessful.

## FINDINGS OF FACT

1. Respondent holds a license to practice as a physician in the Commonwealth at No. MD-043771-E; the license was originally issued on June 21, 1999, and is current through December 31, 2002. (Board Records)
2. In 1987, Respondent graduated from the University of Medicine and Dentistry, New Jersey Medical School in Newark, New Jersey. (OSC, Answer ¶ 6)
3. On or about July 1, 1987, Respondent began her four-year residency at the University of Pennsylvania Department of Psychiatry. (OSC, Answer ¶ 7)
4. Between July 1, 1987 and December 31, 1989, Respondent completed and received credit for post graduate years 1 and 2 of the residency program at the University of Pennsylvania. (OSC, Answer ¶ 8)
5. Between approximately October 31, 1989 and December 31, 1989, Respondent was on medical leave from the residency program. (OSC, Answer ¶ 9)
6. On December 31, 1989, Respondent resigned from the residency program. (N.T. 19-20)
7. Respondent took a residency position in another program in January 1990, but had to leave due to illness; she attempted a third program, but was unable to complete it owing to illness as well. (*Id.*)
8. From 1991 to 2000, Respondent attempted to find a residency position so that she could complete her training, but was unsuccessful in finding placement. (N.T. 9)
9. From June 1998 through March 2001, Respondent worked as a psychiatrist at the State Correctional Institution at Mahoney in Frackville, Pennsylvania. (N.T. *Id.* )

10. Respondent's employer was a subcontractor who provided psychiatric services to a medical service contractor; when she was hired for the position in 1998, she disclosed to her employer that she had completed only two years of the four-year psychiatric training program.

(N.T. 11)

11. In January 2001 a new medical services contractor took over the provision of medical services to the institution and required that its professionals provide documentation of professional degrees and training. (N.T. 9)

12. Respondent obtained a letter from Michelle Cepparulo, Education Administrator, of the University of Pennsylvania Health System Department of Psychiatry, Office of Education, February 23, 2001 which stated: "The Department of Psychiatry...can verify MaryAnn Wittke's<sup>2</sup> residency training from July 1, 1987 to December 31, 1989." (Exhibit C-3)

13. Respondent provided the letter to her employer that contained an alteration of the date her residency was completed to December 31, 1991. (Exhibit C-4)

14. Respondent altered the date in the letter so that it would seem to indicate that she had completed her psychiatry residency in the hope that she would not lose her job. (N.T. 10)

15. At the time Respondent was the sole support of her family, which included her husband, who was disabled, and their son who was two years old. (N.T. 12)

16. Respondent was fired from her job at the institution in March 2001. (N.T. 9)

17. In May 2001, Respondent became employed as a psychiatrist at Cartwright Center, a psychiatric inpatient hospital in Philadelphia where she continues to work. (N.T. 18)

18. Respondent commutes to Philadelphia; she and her family have plans to move the

---

<sup>2</sup>Dr. Weisman's maiden name.

family residence to the Philadelphia area. (N.T. 12-13, 18)

19. Respondent received a notice and order to show cause issued against her in this matter at her address of record with the Board at 34 Lia Road, Frackville, Pennsylvania 17931.

(Answer, Board Records)

20. Respondent filed an answer to the show cause order. (Record)

## CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter. (Finding of Fact No. 1)
2. Respondent was given notice of the charge against her and an opportunity to be heard in accordance with the Administrative Agency Law, 2 Pa. C.S. §504. (Findings of Fact No. 19, 20)
3. The Board has authority to impose disciplinary or corrective measures against the Respondent's license to practice as a physician in the Commonwealth in that Respondent made a fraudulent representation in the practice of the profession. (Findings of Fact Nos. 4, 5)

## DISCUSSION

Section 41(2) of the Medical Practice Act, 63 P.S. §422.41(2), provides that:

The board shall have authority to impose disciplinary or corrective measures on a board-regulated practitioner for any and all of the following reasons:

....

(2) Making misleading, deceptive, untrue or fraudulent representations in the practice of the profession or practicing fraud or deceit, either alone or as a conspirator, in obtaining a license...or in obtaining admission to a medical college.

In answering the show cause order, Respondent did not contest the charge. At the hearing Respondent testified in her own behalf. Her testimony was in all respects credible; salient factors have been adopted in the findings.

The sole issue in this case is what sanction, if any, is appropriate in this case.

At the conclusion of the hearing, the prosecuting attorney on the issue stated:

This violation didn't impact on patient care. It came about through a panicky situation and personal circumstances at that time. Hard to imagine that it would ever be repeated, after her experiences here....[T]he Commonwealth has no desire to put her job in jeopardy. It would be counterproductive. She said that she felt ...a month would not jeopardize her job, so I would ...recommend s two-week to a month suspension, preferably at the lower end, and a \$1,000 civil penalty. (N.T. 21)

Following the prosecuting attorney's recommendation the hearing examiner announced that, based upon the Commonwealth's evidence and the Respondent's testimony, that neither a suspension nor a fine would be imposed and further, that the decision would be issued in a written adjudication.

By a host of decisions,<sup>3</sup> courts have held that the disciplinary provisions of licensing laws are intended to be remedial, and not punitive in nature. The overarching purpose of the Medical Practice Act is to protect the health, safety and welfare of the citizens of the Commonwealth. To this end, the Legislature has given the Board to discretion to impose whatever discipline it deems appropriate. It follows from this grant of authority that the Board has the discretion to impose no sanction, if applying the law to the facts of the case, it is apparent that a sanction is neither warranted nor appropriate.

The record shows that the harm which occurred as a result of Respondent's misconduct was visited solely upon Respondent. Although Respondent testified that she hoped that by changing the date she could continue working in her position, her testimony also revealed the futility of her actions: "I didn't think I could tell the truth and keep my job and I didn't think I could leave my job and find another one." (N.T. 10) Rather than an intent to deceive that is inherent in fraudulent conduct the testimony suggests conduct borne of the moment, not a deliberative act. This conclusion is supported by testimony that Respondent obtained the position in the first instance by truthfully representing her training. For these reasons, the Respondent's act does not contain the indicia of fraud embodied in subsection (2) of Section 41 of the Act.<sup>4</sup> These factors militate against the imposition of a severe sanction.

Furthermore, the record shows that the misconduct did not involve any aspect of the practice of medicine related to patient care, health or safety. The hearing examiner is not as sanguine as the Commonwealth that a suspension would have no adverse impact on

---

<sup>3</sup> See e.g. *In Re License Renewal Application of Quippan Club*, 806 A.2d 491 (Pa. Cmwlth. 2002); *Boulis v. State Board of Chiropractic*, 729 A.2d 645 (Pa. Cmwlth. 1999); *Sweeny v. State Board of Funeral Directors*, 666A.2d 1137 (Pa. Cmwlth. 1995); *Tandon v. State Board of Medicine*, 705 A.2d 1338 (Pa. Cmwlth. 1997).

<sup>4</sup> 63 P.S. § 422.41(2).



Respondent's employment. Imposing no suspension will obviate any concern in this regard.

The de minimus nature of Respondent's action coupled with significant mitigating factors regarding Respondent's personal circumstances also militates against the imposition of a fine. The Commonwealth has indicated a preference for a sanction which does not hinder Respondent in her efforts to overcome this brief, but regrettable event. The appropriate way to accomplish this objective is to recognize that Respondent has violated the act and to impose a reprimand.

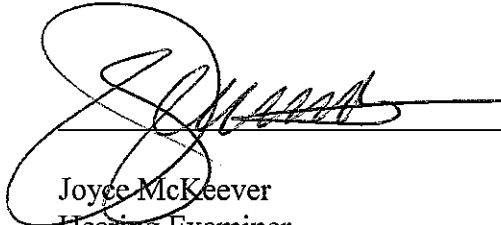
Accordingly, the following Order shall issue.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania :  
Bureau of Professional and :  
Occupational Affairs : Docket No. 0184-49-2002  
 : File No. 2001-49-01494  
vs. :  
 :  
Maryann Theresa Weisman, M.D., :  
Respondent :

**ORDER**

And now, this 17<sup>th</sup> day of December, 2002, upon the foregoing findings, conclusions and discussion, the hearing examiner for the State Board of Medicine, hereby orders that the license of Maryann Theresa Weisman, M.D., at No. MD-043771-E, be, and the same hereby is, **subject to REMPRIMAND.**

  
Joyce McKeever  
Hearing Examiner

Prosecuting Attorney:

Benjamin A. Cero, Esquire  
P.O. Box 2649  
Harrisburg, PA 17105-2649

Respondent's Address:

Maryann Theresa Weisman, M.D.  
34 Lia Road  
Frackville, PA 17931

Date of Mailing: 12-18-02

## NOTICE

(Medicine)

### REHEARING AND/OR RECONSIDERATION BY HEARING EXAMINER

An application to the hearing examiner for rehearing or reconsideration may be filed by a party within 15 days after the mailing date of this adjudication and order. The application must be captioned "Application for Rehearing," "Application for Reconsideration," or "Application for Rehearing or Reconsideration." It must state specifically and concisely, in numbered paragraphs, the grounds relied upon in seeking rehearing or reconsideration, including any alleged error in the adjudication. If the adjudication is sought to be vacated, reversed or modified by reason of matters that have arisen since the hearing and decision, the matters relied upon by the petitioner must be set forth in the application.

### APPEAL TO BOARD

An application to the State Board of Medicine for review of the hearing examiner's adjudication and order must be filed by a party within 20 days after the mailing date of this adjudication and order. The application should be captioned "Application for Review." It must state specifically and concisely, in numbered paragraphs, the grounds relied upon in seeking the Board's review of the hearing examiner's decision, including any alleged error in the adjudication. Within an application for review a party may request that the Board hear additional argument and take additional evidence.

An application to the Board to review the hearing examiner's decision may be filed irrespective of whether an application to the hearing examiner for rehearing or reconsideration is filed.

### STAY OF HEARING EXAMINER'S ORDER

Neither the filing of an application for rehearing and/or reconsideration nor the filing of an application for review operates as a stay of the hearing examiner's order. To seek a stay of a hearing's examiner's order, the party must file an application for stay directed to the hearing examiner. If the hearing examiner denies the stay, an application for stay directed to the Board may then be filed.

### FILING AND SERVICE

An original and three copies of all applications shall be filed with **Deanna S. Walton, Prothonotary, 124 Pine Street, Suite 200, Harrisburg, Pennsylvania 17101**. A copy of applications must also be served on all parties.

Applications must be received for filing by the Prothonotary within the time limits specified. The date of receipt at the office of Prothonotary, and not the date of deposit in the mail, is determinative. The filing of an application for rehearing and/or reconsideration does not extend, or in any other manner affect, the time period in which an application for review may be filed.

### STATUTES AND REGULATIONS

Statutes and regulations relevant to post-hearing procedures are the Medical Practice Act of 1985 at 63 P.S. §§422.1-422.45; Section 905 of the Health Care Services Malpractice Act, 40 P.S. §1301.905; and the General Rules of Administrative Practice and Procedure at 1 Pa. Code Part II, to the extent the rules are consistent with regulations promulgated by the Board or provisions of the Medical Practice Act of 1985 or the Health Care Services Malpractice Act.

Not having an attorney will not be accepted as an excuse for failing to comply with the requirements contained in these notice provisions or relevant statutes and regulations.



5. On August 13, 2009 Doctor Roger Cadieux completed the mental examination and opined that the Respondent is not safe and competent to practice as a physician due to mental illness and recommended that the Respondent be suspended. Doctor Cadieux also recommended that the Respondent pursue a focused treatment program and be removed from treating herself and family members.

6. In mitigation the Respondent states that she has treated with a psychologist on a regular basis and that the mental illness has its origin in Post-Traumatic Stress Disorder. Respondent has cooperated in all Board Ordered Examinations.

7. The participants consent to issuance of the following Order in settlement of this matter:

a. Respondent violated the Act at 63 P.S. §422.41(5) in that the Respondent is presently unfit to practice as a physician due to mental illness.

b. Respondent's License, MD-0043771E, is **INDEFINITELY SUSPENDED.**

c. Respondent may seek reinstatement of her license in Pennsylvania at the time of her choosing. Respondent shall submit to whatever drug and/or alcohol testing may be requested by either the Prosecution Division or the State Board of Medicine.

d. Upon her filing of any application for reinstatement of her license, Respondent shall submit to whatever physical and/or mental examination may be requested by either the Prosecution Division or the State Board of Medicine.

e. Upon her filing of any application for reinstatement of her license, Respondent shall execute whatever authorizations are tendered to her by either the Prosecution Division or the State Board of Medicine for release of her medical and/or psychological and/or psychiatric records to those entities.

f. Before reinstatement, Respondent shall prove to the satisfaction of the Board, that she is presently fit and competent to practice medicine and that she has undergone continuous psychiatric treatment during the time of her suspension.

8. This Agreement shall take effect immediately upon its approval and adoption by the Board.

9. Respondent acknowledges receipt of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and to the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

10. This Consent Agreement is between the Commonwealth and Respondent only. Except as otherwise noted, this Agreement is to have no legal effect unless and until the Office of General Counsel approves the contents as to form and legality and the Board issues the stipulated Order.

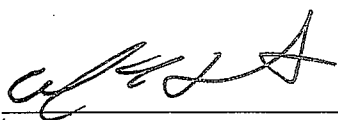
11. Should the Board not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this

matter. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

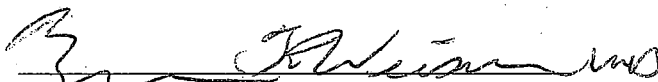
12. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.

13. This Agreement contains the whole agreement between the participants. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever, concerning this Agreement.

14. Respondent verifies that the facts and statements set forth in this Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Agreement are made subject to the criminal penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



Andrew E. Demarest  
Prosecuting Attorney  
Department of State



Maryann Theresa Weisman, M.D.,  
P.O. Box 783  
809 Jefferson Street  
Whitehall, PA 18052  
Respondent

DATED::

9/17/09

DATED:

9/12/09

**ORDER**

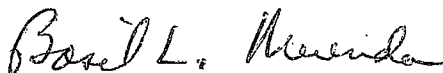
AND NOW, this 27<sup>th</sup> day of October, 2009 the State Board of Medicine adopts and approves the foregoing Consent Agreement and incorporates the terms of paragraph 7, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

**BY ORDER:**

**BUREAU OF PROFESSIONAL AND  
OCCUPATIONAL AFFAIRS**

**STATE BOARD OF MEDICINE**





Basil L. Merenda  
Commissioner

Ollice Bates, Jr., M.D.  
Chairman

Date of mailing:

October 28, 2009

For the Commonwealth:

Andrew E. Demarest, Esquire  
P. O. Box 2649  
Harrisburg, PA 17105-2649

For Respondent:

Maryann Theresa Weisman, M.D.,  
P.O. Box 783  
809 Jefferson Street  
Whitehall, PA 18052





d. On or about October 27, 2009 the State Board of Medicine issued a Consent Agreement and Order indefinitely suspending Respondent's Medical License.

e. This Order was based upon the Board's finding that the Respondent was not safe and competent to practice as a physician due to mental illness and furthermore that the Respondent pursue a focused treatment program and be removed from treating herself and family members. A true and correct copy of the Final Order Order is attached and incorporated as **EXHIBIT 1**.

f. Respondent has sought reinstatement and ,based upon this request, she was reevaluated by Doctor Roger Cadieux. Doctor Cadieux found that the Respondent has made a concerted effort to follow the Board's Order to seek focused treatment through her psychologist and psychiatrist.

g. Doctor Cadieux further found that the Respondent is to be considered safe and competent to resume practice provided she enter into a period of probation where she continues to be monitored by her psychiatrist and psychologist. Respondent should continue to see her psychiatrist once a month and her psychologist two times a week.

4. The Commonwealth alleges that, by virtue of the foregoing, Respondent violated the Act at 63 P.S. Section 422.42 (5) in that Respondent was unfit to practice as a physician due to mental illness.

5. Intending to be legally bound, the participants consent to issuance of the following Order in settlement of this matter:

a. Respondent violated the Act at 63 P.S. §422.41(5) in that the Respondent was unfit to practice as a physician due to mental illness.

b. Respondents' license, No MD-0043771E is **REINSTATED** and placed on **PROBATION for a period of THREE YEARS**, and subject to the following terms and conditions:

**GENERAL**

(1) Respondent shall abide by and obey all laws of the United States, the Commonwealth of Pennsylvania and its political subdivisions and all rules and regulations and laws pertaining to the practice of the profession in this Commonwealth or any other state or jurisdiction in which Respondent holds a license to practice. Provided, however, summary traffic violations shall not constitute a violation of this Order.

(2) Respondent shall at all times cooperate with the Bureau of Professional and Occupational Affairs ("Bureau"), any of its agents or employees and the Bureau of Enforcement and Investigation ("BEI") and its agents and employees, in the monitoring, supervision and investigation of Respondent's compliance with the terms and conditions of this Order, including Respondent causing to be submitted at her own expense written reports, records and verifications of actions that may be required by the Bureau, BEI or any of its agents or employees.

(3) Respondent's failure to fully cooperate with and successfully comply with the terms and conditions of this probation shall be deemed a violation of this Consent Agreement and Order.

(4) Respondent shall not falsify, misrepresent or make material omission of any information submitted pursuant to this Order.

(5) Respondent shall notify BEI, in writing, within twenty (20) days of the filing of any criminal charges, the initiation of any other legal action pertaining to the practice of Respondent's profession, the initiation, action, restriction or limitation relating to Respondent by the professional licensing authority of any state or jurisdiction, or the Drug Enforcement Agency of the U.S. Department of Justice, or any investigation, action, restriction or limitation relating to Respondent's privilege to practice the profession.

(6) Respondent shall notify BEI by telephone within 72 hours and in writing within ten (10) days of the change of her home address, phone number, place(s) of employment and/or practice.

#### **SPECIAL TERMS**

(7) Respondent shall, at her own expense, cause copies of the reports of her treating psychiatrist and psychologist to be filed every sixty (60) days with BEI at the following address:

**LINDA TROSTLE  
MONITORING OFFICER  
BUREAU OF ENFORCEMENT AND  
INVESTIGATION  
2601 NORTH THIRD STREET  
P.O. BOX 2649  
HARRISBURG, PA 17105-2649**

6. Respondent waives the filing and service of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and to the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

7. This Consent Agreement is between the Commonwealth and Respondent only. Except as otherwise noted, this Agreement is to have no legal effect unless and until the Office of General Counsel approves the contents as to form and legality and the Board issues the stipulated Order.

8. Should the Board not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

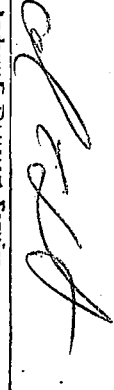
9. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.


FROM

10. This agreement contains the whole agreement between the participants. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever, concerning this Agreement.

11. Respondent verifies that the facts and statements set forth in this Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Agreement are made subject to the criminal penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

*to attn of:  
Andrew Demarest*

  
Andrew E. Demarest, Esquire  
Prosecuting Attorney

  
Maryann Theresa Westman, M.D.,  
P.O. Box 733  
309 Jefferson Street  
Wheatall, PA 18952  
Respondent

Department of State

DATED:

DATED: 12/4/09



5. On August 13, 2009 Doctor Roger Cadieux completed the mental examination and opined that the Respondent is not safe and competent to practice as a physician due to mental illness and recommended that the Respondent be suspended. Doctor Cadieux also recommended that the Respondent pursue a focused treatment program and be removed from treating herself and family members.

6. In mitigation the Respondent states that she has treated with a psychologist on a regular basis and that the mental illness has its origin in Post-Traumatic Stress Disorder. Respondent has cooperated in all Board Ordered Examinations.

7. The participants consent to issuance of the following Order in settlement of this matter:

a. Respondent violated the Act at 63 P.S. §422.41(5) in that the Respondent is presently unfit to practice as a physician due to mental illness.

b. Respondent's License, MD-0043771E, is **INDEFINITELY SUSPENDED.**

c. Respondent may seek reinstatement of her license in Pennsylvania at the time of her choosing. Respondent shall submit to whatever drug and/or alcohol testing may be requested by either the Prosecution Division or the State Board of Medicine.

d. Upon her filing of any application for reinstatement of her license, Respondent shall submit to whatever physical and/or mental examination may be requested by either the Prosecution Division or the State Board of Medicine.



e. Upon her filing of any application for reinstatement of her license, Respondent shall execute whatever authorizations are tendered to her by either the Prosecution Division or the State Board of Medicine for release of her medical and/or psychological and/or psychiatric records to those entities.

f. Before reinstatement, Respondent shall prove to the satisfaction of the Board, that she is presently fit and competent to practice medicine and that she has undergone continuous psychiatric treatment during the time of her suspension.

8. This Agreement shall take effect immediately upon its approval and adoption by the Board.

9. Respondent acknowledges receipt of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and to the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

10. This Consent Agreement is between the Commonwealth and Respondent only. Except as otherwise noted, this Agreement is to have no legal effect unless and until the Office of General Counsel approves the contents as to form and legality and the Board issues the stipulated Order.

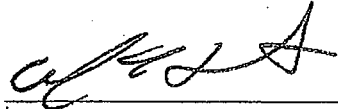
11. Should the Board not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this

matter. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

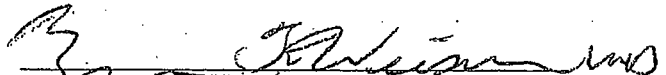
12. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.

13. This Agreement contains the whole agreement between the participants. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever, concerning this Agreement.

14. Respondent verifies that the facts and statements set forth in this Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Agreement are made subject to the criminal penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



Andrew E. Demarest  
Prosecuting Attorney  
Department of State



Maryann Theresa Weisman, M.D.,  
P.O. Box 783  
809 Jefferson Street  
Whitehall, PA 18052  
Respondent

DATED::

9/17/09

DATED:

9/12/09

**ORDER**

AND NOW, this 27<sup>th</sup> day of October, 2009 the State Board of Medicine adopts and approves the foregoing Consent Agreement and incorporates the terms of paragraph 7, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

**BY ORDER:**

**BUREAU OF PROFESSIONAL AND  
OCCUPATIONAL AFFAIRS**

**STATE BOARD OF MEDICINE**

*Basil L. Merenda*

Basil L. Merenda  
Commissioner

*Ollice Bates, Jr., M.D.*

Ollice Bates, Jr., M.D.  
Chairman

Date of mailing:

*October 29, 2009*

For the Commonwealth:

Andrew E. Demarest, Esquire  
P. O. Box 2649  
Harrisburg, PA 17105-2649

For Respondent:

Maryann Theresa Weisman, M.D.,  
P.O. Box 783  
809 Jefferson Street  
Whitehall, PA 18052

-----

**ORDER**

AND NOW, this *27<sup>th</sup>* day of *December*, 2009 the State Board of Medicine adopts and approves the foregoing Consent Agreement and incorporates the terms of paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

**BY ORDER:**

**BUREAU OF PROFESSIONAL AND  
OCCUPATIONAL AFFAIRS**

**STATE BOARD OF MEDICINE**



Basil L. Merenda  
Commissioner



Ollice Bates, Jr., M.D.  
Chairman

Date of mailing:

*December 23, 2009*

For the Commonwealth:

Andrew E. Demarest, Esquire  
P. O. Box 2649  
Harrisburg, PA 17105-2649

For Respondent:

**Maryann Theresa Weisman, M.D.,**  
P.O. Box 783  
809 Jefferson Street  
Whitehall, PA 18052

aed