



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

C. Maynard Guest, M.D.
Executive Secretary

December 17, 1991

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

John C. Weaver, Jr., M.D.
1620 South 4th Street
Alhambra, California 91803

Effective Date: 12/23/91

RE: NYS License No. 121276

Dear Dr. Weaver:

Enclosed please find Order #BPMC 91-19 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0614

Sincerely,

C. Maynard Guest

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

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IN THE MATTER :
OF : ORDER
JOHN C. WEAVER, JR., M.D. : #BPMC 91-19

-----X

Upon the application of JOHN C. WEAVER, JR., M.D., which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or seven days after mailing by certified mail.

SO ORDERED,

DATED:

11 December 1991

Charles J. Vacanti
Charles J. Vacanti, M.D.
Chairperson
State Board for
Professional Medical
Conduct

EXHIBIT 1

JOHN C. WEAVER, JR., M.D.

I hereby agree to the penalty that my license to practice as a physician in the State of New York be suspended until November 15, 2000, a date that is concurrent with the expiration of Respondent's probation in the State of California, that execution of the suspension be stayed and that I be placed on probation in accordance with the terms set forth in the exhibit annexed hereto and marked as Exhibit "B".

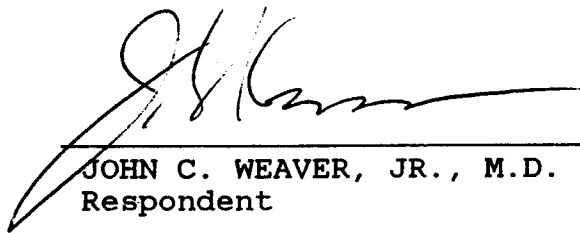
I hereby make this application to the Department of Health, Board for Professional Medical Conduct ("the Board") and request that it be granted.

I understand that, in the event that the application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my application, as set forth herein, an order of the Board may be issued in accordance with same.

JOHN C. WEAVER, JR., M.D.

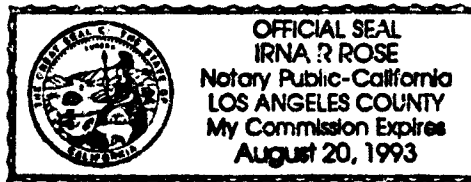
No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



JOHN C. WEAVER, JR., M.D.
Respondent

Sworn to before me this
25TH day of November, 1991


NOTARY PUBLIC

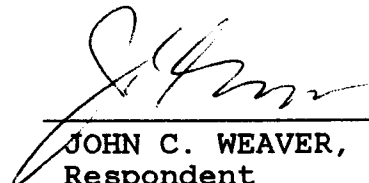


STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER : APPLICATION
OF : FOR
JOHN C. WEAVER, JR., M.D. : CONSENT
: ORDER

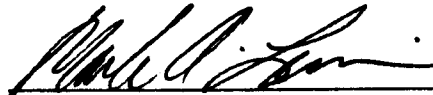
The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

Date: November 25, 1991




JOHN C. WEAVER, JR., M.D.
Respondent

Date: November 26, 1991




MARK A. LEVIN, Esq.
Counsel for Respondent

Date: December 3, 1991



MICHAEL A. HISER
Assistant Counsel
Office of Professional
Medical Conduct

Date: Dec. 16, 1991



KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

JOHN C. WEAVER, JR., M.D.

The undersigned has reviewed and agrees to the attached application for consent order.

Date: 11 December 1991

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
CHAIRMAN
State Board for
Professional Medical Conduct

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

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IN THE MATTER : STATEMENT
OF : OF
JOHN C. WEAVER, JR., M.D. : CHARGES

-----X

JOHN C. WEAVER, JR., M.D., the Respondent, was authorized to practice medicine in New York State on September 11, 1974 by the issuance of license number 121270 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine. Respondent was last registered for the period January 1, 1981 through December 31, 1984.

FACTUAL ALLEGATIONS

A. On July 24, 1985, in the Superior Court of California, County of Los Angeles, Respondent pleaded guilty to a one count violation of California Health and Safety Code §11154. Section 11154(a) provides in pertinent part:

1. Except in the regular practice of his or her profession, no person shall knowingly prescribe, administer, dispense, or furnish a controlled substance to or for any person or animal which is not under his or her treatment for a pathology or condition other than addiction to a controlled substance, except as provided in this Division.

* * *

B. Based on this plea of guilty, the Superior Court sentenced the Respondent to 270 days confinement in the Los Angeles County Jail, required him to pay \$250.00, and placed him on probation for three years, in accordance with California Health and Safety Code §11371 and Penal Code Section 1203.04.

C. The acts to which Respondent pleaded guilty to committing under the provisions of California Health and Safety Code §11154 would, if committed within New York State, have constituted a violation and/or a crime under N.Y. Public Health Law §§3304(1), 3304(a), 3332(1), 3396, 3397(b), (d), and 12-b (McKinney's 1985).

D. By decision dated June 12, 1985, the California Board of Medical Quality Assurance ("Board") ordered the revocation of Respondent's California Physician's and Surgeon's , certificate. The California Board of Medical Quality Assurance is a duly authorized professional disciplinary agency of the State of California.

E. The decision determined that cause for disciplinary action had been established, and that Respondent had engaged in unprofessional conduct pursuant to California Business and Professions Code §§2234(a), (d), 2242 and 2238 as said sections interacted with California Health and Safety Code §§11154, 11157, and 11173(b).

F. The conduct upon which Respondent was found guilty of professional misconduct in California would, if committed in New York State, constitute professional misconduct under the laws of New York State, specifically, N.Y. Education Law §6530(2), L 1991, ch 606, and/or §6530(16), L. 1991, ch 606.

G. Respondent's California Physician's and Surgeon's Certificate is Respondent's license to practice medicine in the State of California. The revocation of Respondent's Physician's and Surgeon's Certificate by the California Board Decision of June 12, 1985, was effected by a duly authorized professional disciplinary agency of the State of California.

H. The conduct resulting in the revocation of Respondent's Physician's and Surgeon's Certificate would, if committed in New York State, constitute professional misconduct under the laws of New York State, specifically, N.Y. Education Law §6530(2), L 1991, ch 606 and/or §6530(16), L 1991, ch 606.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

BEING CONVICTED OF COMMITTING AN ACT CONSTITUTING
A CRIME UNDER THE LAW OF ANOTHER JURISDICTION

Respondent is charged with being convicted of committing an act constituting a crime under the law of another jurisdiction, to wit, California, which, if committed within New York State, would have constituted a crime under New York State law, within the meaning of N.Y. Education Law §6530(9)(a)(iii), L 1991, ch 606, in that Petitioner alleges that Respondent has committed the following:

1. The facts in paragraphs A, B and C.

SECOND SPECIFICATION

HAVING BEEN FOUND GUILTY OF PROFESSIONAL
MISCONDUCT BY A DULY AUTHORIZED PROFESSIONAL DISCIPLINARY
AGENCY OF ANOTHER STATE

Respondent is charged with committing professional misconduct within the meaning of N.Y. Education Law §6530(9)(b), L 1991, ch 606, by having been found guilty of professional misconduct by a duly authorized professional disciplinary agency of another state, to wit, California, since the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner alleges:

2. The facts alleged in Paragraphs D, E, F, G and H.


THIRD SPECIFICATION

HAVING HIS LICENSE TO PRACTICE MEDICINE
REVOKED BY A DULY AUTHORIZED PROFESSIONAL
DISCIPLINARY AGENCY OF ANOTHER STATE

Respondent is charged with committing professional misconduct within the meaning of N.Y. Education Law §6530(9)(d), L 1991, ch 606, by reason of having his license to practice medicine revoked by a duly authorized professional disciplinary agency of another state, to wit, California, since the conduct resulting in the revocation would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner alleges:

3. The facts in Paragraphs D, E, F, G and H.

DATED: Albany, New York
November 8, 1991



PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical
Conduct

EXHIBIT B

TERMS OF PROBATION

JOHN C. WEAVER, JR., M.D.

1. John C. Weaver, Jr., Respondent, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession.
2. Respondent shall comply with all federal, state and local laws, rules and regulations governing the practice of medicine in New York State.
3. Respondent shall remain drug free except for prescription drugs or controlled substances prescribed or administered by his treating physician for bona fide medical reasons. Respondent shall not self-prescribe, self-administer or purchase any prescription drugs or controlled substances, except those prescription drugs or controlled substances legitimately prescribed for him by his treating physician.
4. Respondent shall submit prompt written notification to the Director, Office of Professional Medical Conduct, Empire State Plaza, Corning Tower Building, Room 438, Albany, New York 12237 of his current employment, practice, residence and telephone number, and of any change in his employment, practice, residence or telephone number within or without New York State.
5. Respondent presently resides and works in Los Angeles, California. In the event that Dr. Weaver leaves California to reside or practice in New York, Dr. Weaver shall notify the Director of the Office of Professional Medical Conduct in writing at the address indicated above, by registered or certified mail, return receipt requested, of the dates of his departure from California and return to New York. Notice will be given at least thirty days prior to the date that Dr. Weaver re-establishes an address for purposes of working or residing in New York.
6. The following terms shall apply should Respondent return to practice medicine in New York. Should Respondent return to practice in New York with less than two (2) years remaining in the probationary term, the Board shall have the discretion to issue an order extending the probationary term so that Respondent complies with these terms for a full two (2) year period.
 - a. Respondent shall have quarterly meetings with an employee of the Office of Professional Medical Conduct or a member of the State Board for Professional Medical Conduct during the period of probation. During these quarterly meetings

Respondent's professional performance may be reviewed by having a random selection of patient records and hospital charts produced and examined. In addition, Respondent could be required to submit a urine or blood specimen for drug screening during a quarterly meeting.

- b. Respondent shall cooperate with the regular monitoring and supervision of his practice by a monitor subject to the approval of the Director of the Office of Professional Medical Conduct [hereafter, "the monitor"]. Selection of a monitor, the approval of the monitor by the Director of the Office of Professional Medical Conduct, and the monitor's agreement to perform the functions of a monitor in accordance with these terms of probation shall be conditions precedent to Respondent's practice of medicine in New York.
 - c. Supervision by the monitor may include unannounced actual observation of Respondent's treatment of patients, interviews with Respondent and any other reasonable means of monitoring or supervising which the monitor deems warranted. The monitor shall report to the Office of Professional Medical Conduct within twenty-four hours any adverse change in Respondent's condition relative to his patient care which may be the result of a problem with drugs or alcohol.
 - d. Respondent shall submit to random supervised urine and/or blood screenings at the request and direction of the monitor, or in the monitor's absence, by the monitor's designee, at least twice a month. Such random screens should occasionally take place on weekends and during evening hours. Respondent shall authorize the monitor, or in the monitor's absence his designee, to submit the actual lab results of these screenings to the Director of the Office of Professional Medical Conduct on a quarterly basis. In addition, if any such test is refused by Respondent or the results are positive, the monitor or his designee, within twenty-four hours, shall report this information to the Office of Professional Medical Conduct.
 - e. In the event the monitor is no longer willing or able to monitor and supervise Respondent, then Respondent shall identify another physician with whom he is in regular contact as a replacement for the monitor. Respondent's selection of a subsequent monitoring and supervising physician shall be subject to approval of the Director of the Office of Professional Medical Conduct.
7. Dr. Weaver will comply with all aftercare recommendations made by his drug treatment program, therapist, the Impaired Physicians Program of the New York State Medical Society; and/or the California Impaired Physician's Diversion Program.

8. For as long as Respondent is on probation in the State of California, he shall file with the Director of OPMC, on a quarterly basis, copies of all reports or other submissions made by Respondent with the Medical Board of California ("MBC") (formerly the Board of Medical Quality Assurance of the State of California) and copies of all reports, decisions, orders or evaluations concerning Respondent issued by MBC during such probation. Respondent shall execute all necessary authorizations to allow MBC to release the above information to OPMC.
9. If probation in California is terminated before November 15, 2000, Respondent shall continue, until said date, to submit quarterly reports to the Director of OPMC, under penalty of perjury, stating whether there has been compliance with the terms of probation and if not, the specifics of the non-compliance.
10. If Respondent continues to elect not to practice in New York State, then he shall submit written proof that he has notified the New York State Education Department of that fact. If Respondent elects to practice in New York, he shall submit written proof to the Director of the Office of Professional Medical Conduct that he has paid all registration fees due and is currently registered to practice medicine with the New York State Education Department.
11. If there is full compliance with every term set forth herein, Respondent may practice as a physician in New York in accordance with the terms of probation; provided, however, that upon receipt of evidence of non-compliance or any other violation of the terms of probation, a violation of probation proceeding and/or such other proceedings as may be warranted, may be initiated against Dr. Weaver pursuant to N.Y. Public Health Law §230(19) (as amended by ch. 606, Laws of 1991) or any other applicable laws.