



Board for Professional Medical Conduct

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

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

July 27, 1994

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Benjamin Weinberg, M.D.
79 Country Club Place
Southbridge, MA 01550

RE: License No. 156335
Effective Date: 8/2/94

Dear Dr. Weinberg:

Enclosed please find Order #BPMC 94-125 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 12237-0756

Sincerely,

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
BENJAMIN WEINBERG, M.D. : BPMC 94-125

-----X

Upon the Application of Benjamin Weinberg, M.D.
(Respondent) to Surrender his license as a physician in the State
of New York, which application is made a part hereof, it is

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

ORDERED, that the name of Respondent be stricken from
the roster of physicians in the State of New York; it is further

ORDERED, that Respondent shall not apply for the
restoration of Respondent's license until at least one year has
elapsed from the effective date of this order; and it is further

ORDERED, that this order shall take effect as of the
date of the personal service of this order upon Respondent, upon
receipt by Respondent of this order via certified mail, or seven
days after mailing of this order via certified mail, whichever is
earliest.

SO ORDERED,

DATED:

22 July 1994

Charles J. Vacanti

CHARLES J. VACANTI, M.D.

Chairperson

State Board for Professional
Medical Conduct

I understand that I have been charged with three specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I agree not to contest the allegations set forth in the specifications of professional misconduct set forth in the Statement of Charges which is attached as Exhibit "A".

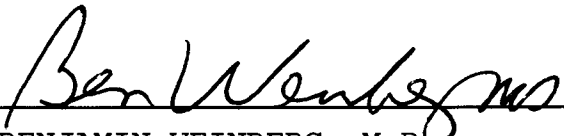
I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the

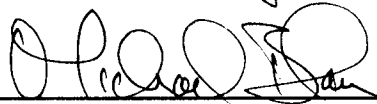
continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I am making this Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.


BENJAMIN WEINBERG, M.D.
Respondent

Sworn to before me this
5 day of July, 1994



NOTARY PUBLIC

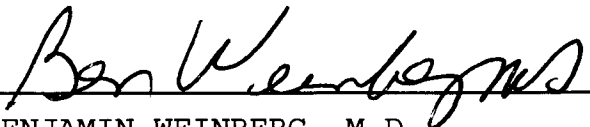
My commission expires:
April 13, 1995

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

IN THE MATTER : APPLICATION TO
OF : SURRENDER
BENJAMIN WEINBERG, M.D. : LICENSE

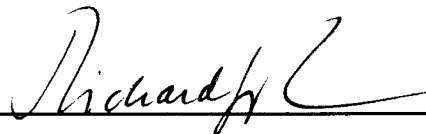
The undersigned agree to the attached application of the Respondent to surrender his license.

Date: July 5, 1994



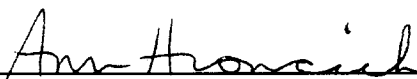
BENJAMIN WEINBERG, M.D.
Respondent

Date: July 5, 1994



RICHARD J. REIBSTEIN, ESQ.
Attorney for Respondent

Date: July 14, 1994



ANN HRONCICH, ESQ.
Associate Counsel
Bureau of Professional
Medical Conduct

BENJAMIN WEINBERG, M.D.

Date: July 22, 1994



KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

Date: 22 July 1994



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

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

-----X
IN THE MATTER : STATEMENT
OF : OF
BENJAMIN WEINBERG, M.D. : CHARGES
-----X

BENJAMIN WEINBERG, M.D., the Respondent, was authorized to practice medicine in New York State on October 17, 1983, by the issuance of license number 156335, 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, 1991 to December 31, 1992, at 161 West Main Street, Dudley, Massachusetts 01570.

FIRST SPECIFICATION

**HAVING BEEN CONVICTED OF
AN ACT CONSTITUTING A CRIME
UNDER MASSACHUSETTS LAW**

(1) Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(9)(a)(iii) (McKinney Supp. 1994), in that he has been convicted of committing an act constituting a crime under the laws of another

jurisdiction, which act, if committed within this state, would have constituted a crime under New York state law, specifically:

On or about March 12, 1991, the Respondent was convicted, upon a guilty plea made by Respondent in the Massachusetts Superior Court Department of the Trial Court of the County of Suffolk for the transaction of Criminal Business, of one count of Medicaid fraud, in violation of G. L. c. 118E, sec. 21A, and one count of larceny over \$250.00, in violation of G. L. c. 266, sec. 30, based upon Medicaid billings for audiological test procedures between July 1988 and May 1990.

On or about March 12, 1991, the Respondent was placed on probation for three years, and ordered to pay restitution in the amount of \$30,000.00.

SECOND SPECIFICATION

HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT

(2) Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(9)(b) (McKinney Supp. 1994), in that he was found guilty of professional misconduct by a duly authorized professional disciplinary agency of another state based upon conduct which would constitute misconduct as defined by N.Y. Educ. Law Sec. 6530(7) and (9)(a)(iii) (McKinney Supp. 1994), specifically:

On or about December 16, 1992, in a Final Decision and Order, the Commonwealth of

Massachusetts, Board of Registration in Medicine, ("Massachusetts Board"), revoked Respondent's license to practice medicine. This revocation was based upon a finding that Respondent was guilty of having practiced medicine while his ability was impaired by drugs, and upon a finding that Respondent was guilty of having been convicted of committing a crime relating to the practice of medicine, in that Respondent abused (and was chemically dependent on) the drug Serax from shortly after he established his medical practice in approximately 1986 to approximately October 1990. Respondent had been convicted, on March 12, 1991, of one count of Medicaid Fraud, in violation of G. L. c. 118E, sec. 21A, and one count of Larceny over \$250.00, in violation of G. L. c. 266, sec. 30.

THIRD SPECIFICATION

HAVING HIS LICENSE TO PRACTICE MEDICINE SUSPENDED


(3) Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(9)(d) (McKinney Supp. 1994), in that his license to practice medicine in another state was suspended based upon conduct which would constitute misconduct as defined by N.Y. Educ. Law Sec. 6530(7) and/or (9)(a)(iii) (McKinney Supp. 1994), specifically:

Following Respondent's conviction, upon a guilty plea, in the Suffolk County Superior Court of the Commonwealth of Massachusetts to one count of larceny over \$250.00, and one count of filing false Medicaid claims, and following the revocation of Respondent's license to practice medicine in Massachusetts by the Massachusetts

Board, based on the aforesaid conviction and upon the Massachusetts Board's finding that Respondent practiced medicine while his ability to do so was impaired by drugs, on or about July 14, 1993, pursuant to a Consent Order, Respondent's license to practice medicine in the State of New Jersey was suspended for one year, effective July 27, 1993.

DATED: NEW YORK, NEW YORK

February 3, 1994



CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct