



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

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Ansel R. Marks, M.D., J.D.
Executive Secretary

PUBLIC

March 21, 2005

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Richard Alan Weiss, M.D.
26600 George Zeiger Drive, Apt. 801
Beachwood, OH 44122

Re: License No. 097207

Dear Dr. Weiss:

Enclosed please find Order #BPMC 05-49 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect March 28, 2005.

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 to the Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

IN THE MATTER

SURRENDER

OF

ORDER

**RICHARD ALAN WEISS, M.D.
CO-04-11-5710-A**

BPMC No. 05-49

RICHARD ALAN WEISS, M.D., says:

On or about August 12, 1966, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 097207 by the New York State Education Department. I currently reside at 26600 George Zeiger Drive, Apt. 801, Beachwood, OH 44122.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with four (4) 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 an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest the four (4) specifications set forth in the Statement of Charges (Exhibit A).


I understand that in the event that this proposed agreement 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 proposed agreement 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 Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

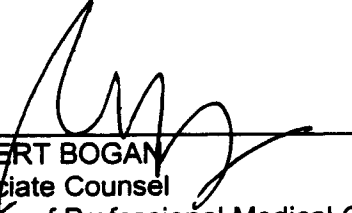
I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind of manner.

Date: 3/2/, 2005


RICHARD ALAN WEISS, M.D.
Respondent

AGREED TO:

Date: 7 March, 2005


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 16 March, 2005


DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

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ORDER


Upon the proposed agreement of **RICHARD ALAN WEISS, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

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

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

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 3 - 20, 2005


KENDRICK A. SEARS, M.D.
Chair
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
RICHARD ALAN WEISS, M.D.
CO-04-11-5710-A

STATEMENT
OF
CHARGES

RICHARD ALAN WEISS, M.D., the Respondent, was authorized to practice medicine in New York state on August 12, 1966, by the issuance of license number 097207 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about September 21, 2004, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, (hereinafter "California Board", by a Decision (hereinafter "California Decision"), accepted the Surrender of Respondent's license to practice medicine, based on his currently suffering from physical illnesses which have caused cognitive and mental problems, and which substantially impairs his ability to practice his profession as a physician and surgeon, competently and safely.

B. On or about October 13, 2004, the State Medical Board of Ohio (hereinafter "Ohio Board"), by a Findings, Order and Journal Entry, (hereinafter "Ohio Agreement"), inter alia, permanently revoked Respondent's license to practice medicine and surgery, stayed the permanent revocation, and indefinitely suspended Respondent's license for an indefinite period of not less than one (1) year, based on fraud, misrepresentation, or deception in applying for or securing any certificate to practice or certificate of registration issued by the board.

C. The conduct resulting in the California Board disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New State law:

1. New York Education Law 6530(8) (having a psychiatric condition which impairs the licensee's ability to practice).

D. The conduct resulting in the Ohio Board disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(1) (obtaining a license fraudulently); and/or
2. New York Education Law §6530(2) (practicing the profession fraudulently).

SPECIFICATIONS

FIRST AND SECOND SPECIFICATIONS

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where 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 charges:

1. The facts in Paragraphs A and/or C.
2. The facts in Paragraphs B and/or D.

THIRD AND FOURTH SPECIFICATIONS

Respondent violated New York Education Law §6530(d) by having his license to practice medicine revoked or suspended or having other disciplinary action or having surrendered his license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation or suspension or other disciplinary action or surrender would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

3. The facts in Paragraphs A and/or C.
4. The facts in Paragraphs B and/or D.

DATED: *February 17*, 2005
Albany, New York


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