

FILED

June 11, 2009

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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STATE OF NEW JERSEY
DEPT' OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

OAL DOCKET NO. BDSME 08225-2005S

IN THE MATTER OF
THE MEDICAL PRACTICE OF
DAVID WEISS, D.O., License No. 25MB05233600
PRACTICING MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

ADMINISTRATIVE ACTION
ORDER OF REPRIMAND

This matter was opened to the State Board of Medical Examiners by Administrative Complaint filed by the Attorney General of New Jersey before the New Jersey State Board of Medical Examiners alleging various forms of misconduct by David Weiss, D.O., as more fully set forth in the Superseding Complaint filed January 24, 2006, spanning a period of 1998 - 2004.

Dr. Weiss is represented by Steven I. Kern, Esq. Dr. Weiss is board-certified in orthopedic medicine and has conducted medical practice at various times over the last several years in association with other practitioners, under several entity names and at several locations in New Jersey and in Pennsylvania. Dr. Weiss' medical practice throughout the stated period employed physician assistants who provided medical services in treating patients.

Dr. Weiss filed an Amended Answer denying the allegations.

CERTIFIED TRUE COPY

In the interests of amicable resolution of the matter, Dr. Weiss acknowledges that certain examination notes in his charts were not signed by a practitioner in the practice entity. Certain physician assistant notes were not countersigned by a supervising physician. Dr. Weiss represents that he shall take measures to assure compliance with N.J.A.C. 13:35-6.5, including N.J.A.C. 13:35-6.5(b)(ix), and also with the responsibilities applicable to physicians in N.J.S.A. 45:9 -27.10 et seq. including the specified review and dated countersignature requirements of N.J.S.A. 45:9-27.18, and implementing rules.

Dr. Weiss represents that he has not billed for surface electromyography tests or computerized range of motion since enactment of N.J.A.C. 13:35-2.6. Dr. Weiss further represents that his Medical Board biennial renewal registration forms shall completely identify all of his practice entities and locations and health care services in which he holds a financial interest, irrespective of the State in which it is located, as required by N.J.A.C. 13:35-6.17(j) and 13:35-6.19. Dr. Weiss acknowledges that a former independent billing company, which he has since terminated, submitted certain claims for E&M codes with respect to four patients, which were not always consistent with the documentation in the chart. Dr. Weiss represents that he shall take reasonable measures to assure that billing codes submitted are consistent with chart entries.

The Board, finding N.J.S.A. 45:1-21(h) applicable to the prior period, accepts Dr. Weiss' representations as to his current practice.

For sufficient cause shown,

IT IS, ON THIS 10TH DAY OF JUNE 2009

ORDERED:

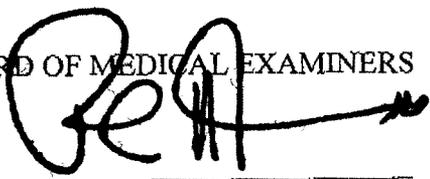
1. David Weiss, D.O. is hereby reprimanded. He shall reimburse \$25,000.00 to the State Board of Medical Examiners pursuant to N.J.S.A. 45:1-25(d). The amount shall be paid within 10 days of the entry of this Order to the State Board of Medical Examiners..

2. With Board reliance upon the representations made here, this Order shall be deemed to fully resolve the allegations of the Superseding Administrative Complaint with regard to Dr. Weiss' responsibilities to the State Board of Medical Examiners. This Order shall not constitute a restriction on Dr. Weiss' license.

THIS ORDER SHALL BE EFFECTIVE UPON ENTRY.

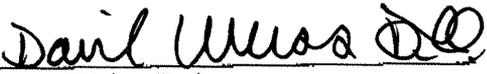
STATE BOARD OF MEDICAL EXAMINERS

BY:

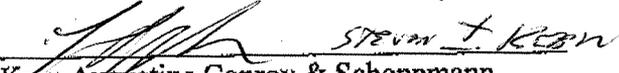

Paul C. Mendelowitz, M.D.

President

I have read the within Order and understand its terms. I consent to the filing of the Order by the Board of Medical Examiners.


David Weiss, D.O.

Witness: *Consent as to Form*


Steven T. Kern
Kern Augustine Conroy & Schoppmann
Counsel to Dr. Weiss

**NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS**

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license;
- (2) Which censures, reprimands or places on probation;
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such federal or State agency that is publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.