

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

NUMBER: 03-A-004

IN THE MATTER OF:

GARY NEAL WEISS, M.D.
(CERTIFICATE NO. 015337)

OPINION AND RULING

This matter comes before the Board pursuant to an Administrative Complaint charging Respondent, Gary Neal Weiss, M.D., with violations of the Medical Practice Act. The case was heard before a panel of the Board consisting of Drs. Bourgeois, Amusa, Ferdinand, LeBlanc, James, and Laborde, President.

Dr. Weiss is charged with violating R.S. 37:1285A(29), in that he was summarily suspended by the Colorado State Board of Medical Examiners on July 27, 2001; and of R.S. 37:1285A(3) for failing to advise the Board that he was under investigation by the Colorado Board in his application for renewal of his Louisiana medical license for the year 2002.

Although properly notified of the hearing, Dr. Weiss was neither present nor represented by counsel. Through counsel, by telephone message received after business hours on the day before the hearing, and by e-mail from counsel, received on the morning of the hearing, Dr. Weiss requested that he be allowed to participate in the hearing by telephone. This request was denied because the Board requires all Respondents to appear personally for hearings.

The evidence submitted in support of the first charge against Dr. Weiss is a certified copy of an order of the Colorado State Board of Medical Examiners, dated July 27, 2001, summarily suspending Respondent's license to practice medicine in Colorado because of his

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failure to admit himself for evaluation as ordered by that Board. The order recites that Dr. Weiss was ordered by the Colorado Board to be evaluated by the Colorado Physician's Health Program on April 19, 2001; and was evaluated initially on May 29, 2001, which examination revealed several clinical issues, including suicidal ideation, substance abuse, extreme anger, threats to others, and paranoia. R.S. 37:1285A(29) provides that the Board may discipline the license of a physician whose license to practice in that state has been suspended or otherwise restricted. Respondent is therefore guilty of the first charge against him.

As to the second charge, in evidence is Respondent's application for renewal of his Louisiana license, which is dated June 1, 2001. In response to the question "Since your last renewal . . . Were you the subject of any type of disciplinary action or inquiry by any licensing authority, institution, society, etc.?", Respondent answered "No." From the recitals in the Colorado Board's order of summary suspension, it is clear that Respondent had been under investigation since April 19, 2001. His answer is therefore false. R.S. 37:1285A(3) provides that the Board may discipline the license of a physician as the result of any fraud, deceit, or perjury in obtaining any license pertaining to the practice of medicine. Once again, Respondent is clearly guilty of this charge.


In view of the foregoing findings, the following sanctions are imposed:

1. The license of Gary Neal Weiss, M. D. to practice medicine in the State of Louisiana, Certificate No. 015337, is hereby suspended indefinitely, and shall remain so suspended until such time as Respondent holds an unrestricted license to practice medicine in the State of Colorado.

2. Respondent shall pay a fine of \$1000.00, and all costs of this proceeding including all costs of the Investigations.

LAFAYETTE, LOUISIANA, this 26th day of August, 2003.

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BY: **ELMO J. LABORDE, M.D., PRESIDENT**

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