

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



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In The Matter of:

**STEPHEN J. WEISS, M.D.**  
(Certificate No. 014542)

No. 94-I-080-X

**CONSENT ORDER**  
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The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of information indicating that an investigation conducted by the Texas State Board of Medical Examiners ("Texas Board") revealed that on numerous patients between the years 1988 and 1992, Stephen J. Weiss, M.D., a physician licensed to practice medicine in the states of Louisiana and Texas, but who was at all pertinent times engaged in practice in the state of Texas, failed to accurately interpret and record diagnostic findings; failed to formulate or document appropriate treatment plans; recommended surgical intervention for poor surgical candidates; ordered unnecessary referrals for epidural steroid and other injections and evaluations; ordered physical therapy for extended periods; considered and performed studies in the absence of objective findings and in the presence of negative test results; and on several patients he assessed conflicting impairment ratings. Such information further indicated that in disposition of such investigation, Dr. Weiss entered into an Agreed Order with the Texas Board which was approved on June 22, 1994.<sup>1</sup> Pursuant to such Order, Dr. Weiss' license was placed on probation for a period of five (5) years, during which period his continued practice in the state of Texas is predicated upon his compliance with enumerated terms, conditions and restrictions.<sup>2</sup>

<sup>1</sup>*In the Matter of the License of Stephen Joel Weiss, M.D.*, pending before the Tx. St. Bd. Med. Exam., No. E-5985 (June 22, 1994).

<sup>2</sup>Pursuant to the Agreed Order, the Texas Board concluded, as a matter of law, that Dr. Weiss has violated the Medical Practice Act of Texas in several regards; specifically, by persistently and flagrantly overcharging or

Investigation of the captioned matter has been assigned to John B. Bobear, M.D., the Medical Consultant/Director of Investigations for the Board. Dr. Bobear's review and analysis of the matter confirms to his satisfaction that just cause exists for recommending that a formal Administrative Complaint be filed against Dr. Weiss, charging Respondent with violation of the Louisiana Medical Practice Act (the "Act") pursuant to La. Rev. Stat. §37:1285A(29), which authorizes the Board to revoke, suspend or impose such other sanctions upon a physician's license as it may deem appropriate as the result of "[T]he refusal of a licensing authority of another state to issue or renew a license, permit, or certificate to practice medicine or osteopathy in that state or the revocation, suspension, or other restriction imposed on a license, permit, or certificate issued by such licensing authority which prevents or restricts practice in that state, or the surrender of a license, permit or certificate issued by another state when criminal or administrative charges are pending or threatened against the holder of such license, permit or certificate."

As evidenced by his subscription hereto, but without admitting any violation of the Act, Dr. Weiss, nevertheless, acknowledges the substantial accuracy of the foregoing information and, further, that proof of such information upon administrative evidentiary hearing would establish grounds under the Act for the suspension, revocation, or such other action as the Board might deem appropriate against his license to practice medicine in the state of Louisiana, pursuant to La. Rev. Stat. §37:1285A(29).

Recognizing his right to have notice of any allegations or charges asserted against him, to administrative adjudication of such allegations or charges, pursuant to La. Rev. Stat. §§49:955-958, and to a subsequent final decision rendered upon written findings of fact and conclusions of law, Dr. Weiss, nonetheless, hereby waives his right to notice of charges and formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. By his subscription hereto, Dr. Weiss acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act or to which otherwise may be afforded to him by law, to contest his agreement to, or the force and effect of the Board's investigation or this document in any court. Dr. Weiss, furthermore, hereby authorizes the

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overtreating patients and in professional failure to practice medicine in an acceptable manner consistent with public health and welfare. The terms, conditions and restrictions imposed by the Agreed Order upon the Respondent's license to practice medicine in Texas include, among others, the requirement that Respondent shall obtain a written second opinion on each patient for whom he prescribes physical therapy beyond six (6) weeks in a twelve-month period; that throughout the probationary period all discograms ordered by Respondent shall be performed and read by a radiologist; that he should undertake fifty (50) hours of continuing medical education each year; that he must develop a system of adequate medical record-keeping which reflects patient treatment which must be recorded at the time services are provided; that he shall refrain from prescribing any drug unless medically indicated and then in therapeutic doses; and that he must give a copy of the Order to all hospitals where he holds privileges. See Agreed Order, *infra*, footnote 1.

Investigating Officer designated by the Board with respect hereto, as well as his legal counsel assisting him in connection herewith, to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation, and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Weiss expressly acknowledges that the disclosure of the information to the Board by the Investigating Officer or his legal counsel shall be without prejudice to the Investigating Officer's authority to file a formal Administrative Complaint against him, or to the Board's capacity to adjudicate such Complaint, should the Board decline to approve this Consent Order. Based upon the information provided, accordingly, and on the recommendation of the Investigating Officer, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter, by consent.

Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

**IT IS ORDERED** that the license of Stephen J. Weiss, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 014542, be, and the same is hereby, placed **ON PROBATION** for a period five (5) years from the effective date hereof; *provided, however*, that Dr. Weiss' continuing exercise of the rights and privileges thereunder shall be conditioned upon his acceptance of and strict compliance with the following minimum terms, conditions and restrictions:

- a) ***Practice of Medicine in Louisiana Prohibited for Five (5) Years.*** In no event shall Dr. Weiss relocate to Louisiana for the purpose of practicing medicine until the passage of at least five (5) years from the effective date of this Order.
- b) ***Personal Appearance Before the Board.*** In the event that Dr. Weiss decides to return to Louisiana for the purpose of practicing medicine at any time following the five (5) year probationary period and satisfaction of the other terms and conditions imposed hereinabove, he shall contact the Board at least sixty (60) days in advance of his return to Louisiana to arrange an appearance before the Board at its next regularly scheduled meeting. At such meeting, Dr. Weiss shall demonstrate his compliance with the probationary terms and conditions imposed upon him by this Order and the Texas Agreed Order referred to herein, and he shall discuss with the Board his intended plans for the practice of medicine in this state.
- c) ***Additional Probationary Terms.*** In addition to such other terms and conditions as are placed upon his Louisiana license by this Order, Dr. Weiss hereby consents to, agrees with and acquiesces in the imposition of any additional probationary terms, conditions or restrictions, as well as the length or nature thereof, which in the sole discretion of the Board it may deem necessary or appropriate to impose upon his Louisiana license should he decide to relocate to the

state of Louisiana for the purpose of engaging in the practice of medicine at any time following the five (5) year probationary period referred to herein.

- d) **Verification by Probation/Compliance Officer.** Dr. Weiss shall immediately notify the Board's Probation/Compliance Officer of any change in his personal and professional addresses and telephone numbers and shall direct all matters, requests or inquiries relating to this Order to his attention. Moreover, Dr. Weiss shall immediately advise the probation and compliance officer of any disciplinary action against his license by any other state licensing board.
- e) **Payment of a Fine.** Dr. Weiss shall pay to the Board a fine in the amount of One Thousand and No/100 (\$1,000.00) Dollars, which fine shall be paid within thirty (30) days of the effective date of this Order.

**IT IS FURTHER ORDERED** that this Consent Order shall be, and shall be deemed to be, a public record.

New Orleans, Louisiana, this 2nd day of March, 1995.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

BY: F.P. BordeLon Jr.  
F.P. BORDELON, JR., M.D.  
President

**ACKNOWLEDGMENT AND CONSENT**

I, STEPHEN J. WEISS, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 6th day of February, 1995.

Stephen J. Weiss M.D.  
STEPHEN J. WEISS, M.D.

WITNESS:

Diana D. Livingston

