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BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of )  
STUART GORDON WEISBERG, MD )  
LICENSE NO. MD 23402 ) DEFAULT FINAL ORDER

1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including physicians, in the state of Oregon. Stuart Gordon Weisberg, MD (Licensee) is a licensed physician in the state of Oregon.

2.

On June 24, 2010, the Board issued an Order of Emergency Suspension against the medical license of Licensee while the Board continued its investigation into reports of personal behavior and manner of practice that called into serious question his ability to practice medicine safely and competently. On July 9, 2010, Licensee requested a contested case hearing. On November 4, 2010, the Board issued a Complaint and Notice of Proposed Disciplinary Action. This Notice designated the Board's file on this matter as the record for purposes of a default order and granted Licensee an opportunity for a hearing, if requested in writing within 21 days of service of the Notice. This Notice was sent by Certified Mail on November 8, 2010 to Licensee at the address provided by Licensee. In a letter received by the Board on February 7, 2011, Licensee wrote the following: "I wish to withdraw my request for a contested case hearing and proceed to judgment. Thank you." As a result, Licensee has waived his right to request a hearing and now stands in default. The Board elects in this case to designate the record of proceeding to date, which consists of Licensee's file with the Board, as the record for purposes of proving a prima facie case, pursuant to ORS 183.417(4).

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NOW THEREFORE, after considering the Board's file relating to this matter, the Board enters the following Order.

FINDINGS OF FACT

In the Complaint and Notice of Proposed Disciplinary Action dated November 4, 2010, the Board informed Licensee that it intended to take disciplinary action against him based upon violations of the Medical Practice Act, as follows: ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a); ORS 677.190(7) impairment; ORS 677.190(13), gross or repeated negligence; and ORS 677.190(17) willfully violate a Board order or regulation. This notice was based upon the following conduct:

3.1 Licensee has been in private (solo) practice since June 1, 2004 after resigning from his four year residency at Oregon Health Science University six weeks prior to graduation. Licensee was previously disciplined by the Board and was placed on probation for five years consistent with the terms of a Stipulated Order, dated July 13, 2006, for violations of the Medical Practice Act, to wit ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a) and ORS 677.190(13), gross negligence or repeated acts of negligence in the practice of medicine; and ORS 677.190(24) prescribing controlled substances without a legitimate medical purpose, without following accepted procedures for record keeping and without giving the notice required under ORS 677.485. Consistent the terms of his probation, Licensee completed the Oregon Physicians Education Renewal Program (PEER) on June 17, 2008.

3.2 The Board subsequently opened a new investigation, which was resolved with Licensee undergoing an evaluation by the Physician Assessment and Clinical Education Program (PACE). On April 24, 2009, Licensee successfully completed a 40 hour intensive training program in psychiatry that was designed for him by PACE. Licensee entered into a Corrective Action Order (CAO) that was approved by the Board on June 9, 2009, which required Licensee

1 to practice with the benefit of a practice mentor pre-approved by the Board's Medical Director  
2 and to meet with this mentor at least twice a month to conduct chart review and to discuss  
3 ongoing patient care issues. One year later, in a letter dated June 14, 2010, Licensee informed  
4 the Board that his practice mentor no longer supported his ideas pertaining to practice and  
5 regarding this practice mentor, Licensee requested "removal from his services." Licensee ceased  
6 meeting with his Board approved practice mentor shortly after this. In a subsequent letter dated  
7 June 18, 2010, Licensee presented the Board with a form purporting to modify his CAO of 2009  
8 that would eliminate the term requiring a practice mentor and, apparently in replacement, offered  
9 to meet with a Board member periodically. He also stated that his "practice as a psychiatrist is  
10 full." The sum of the information gathered by the Board, to include information that both  
11 preceded and followed the Licensee's two letters mentioned above, prompted the Board to issue  
12 an Order of Emergency Suspension on June 24, 2010. Licensee's unilateral decision to cease  
13 meeting with his Board approved practice mentor violated the terms of the CAO.

14       3.3 Prior to Licensee's unauthorized attempt to void the CAO, Licensee's practice  
15 mentor reviewed a case in which Patient A, a 68-year-old female presented to Licensee with  
16 complaints of melancholic depression. Licensee tried multiple antidepressants without apparent  
17 beneficial effect. Licensee subsequently augmented this treatment with various medications, to  
18 include escitalopram (Lexapro), alprazolam (Xanax, Schedule IV) and a trial of Ketamine  
19 (Schedule III). Licensee also recommended electroconvulsive therapy. Licensee's off label  
20 treatment with Ketamine was not medically indicated and exposed Patient A to the unnecessary  
21 risk of harm.

22       3.4 Licensee's practice mentor also reviewed a case involving Patient B, a 54-year-  
23 old female that presented to Licensee with complaints associated with a long history of bipolar  
24 disorder with rapid cycles and delusions, chronic pain, substance dependence, and some  
25 symptoms of bipolar hypomania. Licensee signed a marijuana card for Patient B in what he  
26 described as an effort to engage in "harm reduction," which exposed Patient B to the unnecessary

1 risk of harm. Licensee's chart notes fail to state why medical marijuana for this patient was  
2 medically indicated.

3 3.5 During the spring, summer and fall of 2010, Licensee engaged in a pattern of  
4 erratic behavior that culminated in his hospitalization in October 2010. The Board concludes  
5 based on this behavior that Licensee lacks the capacity to practice with reasonable competence  
6 and safety.

7 4.

8 CONCLUSIONS OF LAW

9 Licensee's conduct, as described above, breached well recognized standards of practice  
10 and ethics of the medical profession. By failing to meet with Licensee's practice mentor and  
11 trying to unilaterally modify and terminate his Corrective Action Order, Licensee violated the  
12 terms of a Board order. Furthermore, Licensee's manner of practice in regard to Patient A and  
13 Patient B constituted repeated acts of negligence and exposed these patients to the unnecessary  
14 risk of harm. In addition, Licensee's personal and professional conduct in 2010 demonstrates a  
15 pattern of erratic behavior that leads the Board to the conclusion that Licensee lacks the mental  
16 and emotional capacity to safely and competently practice medicine. The Board, therefore,  
17 concludes that Licensee's conduct as described above violated the following: ORS 677.190(1)(a)  
18 unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a); ORS 677.190(7)  
19 impairment; ORS 677.190(13), gross or repeated negligence; and ORS 677.190(17) willfully  
20 violate a Board order or regulation. Based upon its examination of the record in this case, the  
21 Board finds that each alleged violation of the Medical Practice Act is supported by reliable,  
22 probative and substantial evidence.

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5.

**ORDER**

IT IS HEREBY ORDERED THAT the license of Stuart Gordon Weisberg, MD, to practice medicine is revoked.

DATED this 8<sup>th</sup> day of April, 2011.

OREGON MEDICAL BOARD  
State of Oregon

Signature Redacted

~~MAUREA TATES, DO~~  
BOARD CHAIR

**Right to Judicial Review**

**NOTICE:** You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days after the final order is served upon you. See ORS 183.482. If this Order was personally delivered to you, the date of service is the day it was mailed, not the day you received it. If you do not file a petition for judicial review within the 60 days time period, you will lose your right to appeal.