



*New York State Board for Professional Medical Conduct*

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

Barbara A. DeBuono, M.D., M.P.H.  
*Commissioner of Health*

Patrick F. Carone, M.D., M.P.H.  
*Chair*  
Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

August 4, 1998

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Daniel Weitzner, M.D.  
970 Park Avenue  
New York, New York 10028

RE: License No. 083864

Dear Dr. Weitzner:

Enclosed please find Order #BPMC 98-157 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **August 11, 1998**.

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.

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

cc: David S. Greenfield, Esq.  
41 Madison Avenue  
New York, New York 10010

Jean Bresler, Esq.

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

IN THE MATTER  
OF  
DANIEL WEITZNER, M.D.

CONSENT  
AGREEMENT  
AND  
ORDER

BPMC #98-157

STATE OF NEW YORK )  
COUNTY OF NEW YORK ) ss.:

DANIEL WEITZNER, M.D., being duly sworn, deposes and says:

That on or about February 29, 1960, I was licensed to practice as a physician in the State of New York, having been issued License No. 083864 by the New York State Education Department.

My current address is 970 Park Avenue, New York, New York, 10028, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with one specification of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I do not contest this specification in full satisfaction of the charges against me. I therefore hereby agree to the following penalty:

My license to practice medicine in the Sate of New York shall be limited, pursuant to New York Public Health Law §230-a(3), to prohibit me from engaging in any direct patient care, treatment, contact, or prescribing.

I further agree that the Consent Order for which I hereby apply shall impose a condition that, except during periods of actual suspension, I maintain current registration of my license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order, and continuing until the full term of the Order has run. I hereby stipulate that any failure by me to comply with such condition shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1998).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, 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 Application 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board 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.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

  
DANIEL WEITZNER, M.D.  
RESPONDENT

Sworn to before me this

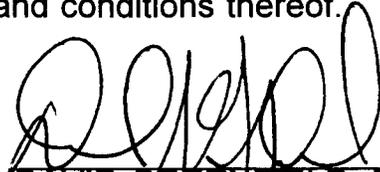
19th day of June, 1998

  
NOTARY PUBLIC

DAVID S. GREENFIELD  
NOTARY PUBLIC, State of New York  
No. 31-4994675  
Qualified in New York County  
Commission Expires 4-13-2000

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 6/19/98



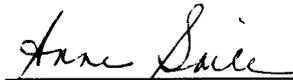
\_\_\_\_\_  
DAVID GREENFIELD, ESQ.  
Attorney for Respondent

DATE: 7/22/98



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JEAN BRESLER  
Associate Counsel  
Bureau of Professional  
Medical Conduct

DATE: July 23, 1998



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ANNE F. SAILE  
Director  
Office of Professional  
Medical Conduct

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

IN THE MATTER  
OF  
DANIEL WEITZNER, M.D.

CONSENT  
ORDER

Upon the proposed agreement of DANIEL WEITZNER, M.D.  
(Respondent) for Consent Order, which application is made a part hereof, it is  
agreed to and

ORDERED, that the application and the provisions thereof are hereby  
adopted and so ORDERED, and it is further

ORDERED, that this order shall take effect as of the date of the personal  
service of this order upon Respondent, upon receipt by Respondent of this  
order via certified mail, or seven days after mailing of this order by certified  
mail, whichever is earliest.

SO ORDERED.

DATED

July 29, 1998



PATRICK F. CARONE, M.D.,  
M.P.H.,  
Chairperson  
State Board for Professional  
Medical Conduct

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

**IN THE MATTER  
OF  
DANIEL WEITZNER, M.D.**

**STATEMENT  
OF  
CHARGES**

DANIEL WEITZNER, M.D., the Respondent, was authorized to practice medicine in New York State on or about February 29, 1960, by the issuance of license number 083864 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. Respondent, a psychiatrist, treated Patient A, (the identity of Patient A is contained in the Appendix), at his private office located at 970 Park Avenue, New York, New York, from in or around 1964 through in or around February 1996. Respondent treated Patient A approximately twice per week. Respondent treated Patient A continuously during this period except for approximately three years when Patient A lived in Canada.

a. During the period that Respondent treated Patient A, he innappropriatly prescribed various psychotropic medications and other medications including but not limited to Stelazine, Valium, Tofranil, Elavil, Dilantin, Xanax, BuSpar, Mellaril, Desipramine, Prozac and Paxil .

i. Respondent failed to keep appropriate medical records related to his prescribing of these

medications and their effects upon Patient A.

- ii. Respondent failed to order appropriate tests related to his prescription of Dilantin, Tofranil, and or Despramine for Patient A.
- iii. Respondent inappropriately prescribed Stelazine on a chronic/maintenance basis over approximately a 25 year period.

B. Respondent treated Patient B from at least in or around January 1995 through March 1997. During that period of time Respondent inappropriately prescribed various medications for Patient B including but not limited to Valium, Navane, Cipro, Prilosec, Cogentin, Propulsid, and Zantac.

1. Respondent failed to keep appropriate medical records related to his prescribing of these medications.
2. Respondent failed to order appropriate tests related to prescribing of these medications.
3. Respondent failed to perform appropriate physical examination related to prescribing of these medications.

### **SPECIFICATION OF CHARGES**

#### **FIRST SPECIFICATION**

#### **NEGLIGENCE ON MORE THAN ONE OCCASION**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 1998) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts two or more of the following.

1. The facts in paragraph A and any of it's subparagraphs and or paragraph B and any of its subparagraphs.

Dated: New York, New York

June 16, 1998



**ROY NEMERSON**  
Deputy Counsel  
Bureau of Professional  
Medical Conduct