



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

September 25, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Thomas G. Weaver, M.D.
520 Sixth Avenue South
St. Cloud, Minnesota 56301

RE: License No. 134529

Dear Dr. Weaver:

Enclosed please find Order #BPMC 98-221 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **September 25, 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: Denise L. Quarles, Esq.

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

**IN THE MATTER
OF
THOMAS GLESSNER WEAVER, M.D.**

**SURRENDER
OF
LICENSE**

BPMC #98-221

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

THOMAS GLESSNER WEAVER, M.D., being duly sworn, deposes and says:

On or about June 2, 1978, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 134529 by the New York State Education Department.

My current address is 520 Sixth Avenue South, St. Cloud, Minnesota 56301, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with one specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I do not contest the first specification of professional misconduct in full satisfaction of the Statement of Charges.

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

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the State Board for Professional Medical Conduct grants my application, an Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. I agree that such Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Surrender Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

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 Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED 9/12/98


 THOMAS G. WEAVER, M.D.
 RESPONDENT

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 9/14/98


DENISE L. QUARLES
Attorney
Bureau of Professional
Medical Conduct

Date: 9/18/98


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
THOMAS GLESSNER WEAVER, M.D.

SURRENDER
ORDER

Upon the proposed agreement of THOMAS GLESSNER WEAVER, M.D. (the "Respondent") to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is agreed to and

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

ORDERED, that the name of the Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Surrender Order to the Respondent at the address set forth in this agreement or to the Respondent's attorney, or upon transmission via facsimile to the Respondent or the Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 9/22/98


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

EXHIBIT "A"

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

IN THE MATTER
OF
THOMAS GLESSNER WEAVER, M.D.

STATEMENT
OF
CHARGES

THOMAS GLESSNER WEAVER, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 2, 1978, by the issuance of license number 134529 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. 1. On or about December 31, 1996, the Minnesota Board of Medical Practice (the "Board") issued a Notice of and Order for Hearing (the "Notice") (Case No. 8-0903-10888-2) against the Respondent. The Notice, *inter alia*, alleged violations of various provisions of the Minnesota Statute §147.091, *et seq.* and a Federal Regulation, 21 CFR 1306.04(c), which prohibits issuing a prescription for narcotic drugs for detoxification treatment. The allegations in the Notice include:
- a. From approximately May of 1991 to September of 1994, the Respondent provided care to chemically dependent patients through his counseling practice in St. Cloud, Minnesota. The Respondent prescribed narcotic drugs for some of these patients. Some of the prescriptions were for purposes of detoxification treatment.
 - b. On or about August 24, 1993, a Drug Enforcement Agency (DEA) agent notified the Respondent about the illegality of prescribing narcotic drugs for detoxification treatment. After August 24, 1993, the Respondent continued to prescribe narcotic drugs for detoxification treatment to Patient 1, 2, 3, 4, 5, 6, 7, and 8.
2. On or about July 3, 1997, the Board issued an Amended Notice of and Order for Hearing (the "Amended Notice") (Case No. 8-0903-10888-2)

against the Respondent. The Amended Notice, which included additional allegations to the Notice described in paragraph A1, inter alia alleged conduct by the Respondent that was sexual or may be reasonably interpreted by the patient as sexual, in violation of Minn. Stat. §147.091(1)(t)(1996). The additional allegations in the Amended Notice include:

- a. From approximately late August of 1992 to September 12, 1992, the Respondent was employed at the Pride Institute in Eden, Minnesota, an in-patient chemical dependency clinic, serving the homosexual populace. On or about September 10, 1992, the Respondent saw Patient 9 for a physical examination, including a rectal examination. During the examination, with his finger in Patient 9's rectum, the Respondent asked Patient 9 whether this sexually aroused him.
 - b. On or about September 10, 1992, the Respondent saw Patient 11 for a physical examination, including a rectal examination. During the examination, the Respondent kept his finger in the patient's rectum while he massaged the patient's prostate and asked the patient whether his "boyfriends ever did that" to cause him to have an orgasm.
 - c. On May 13, 1994, the Respondent saw Patient 15 at his St. Cloud clinic for psychotherapy. During that session, the Respondent masturbated and had an orgasm in the presence of Patient 15.
3. On or about February 14, 1998, the Board issued a Stipulation and Order (the "Stipulation"), which was previously signed by the Respondent on January 15, 1998. This Stipulation represented an agreement between the Respondent and the Board, that stated, inter alia, that the Board may consider the facts contained therein as true for the purpose of the Stipulation. Among the facts contained in the Stipulation are those in paragraphs A1a and b and A2c. The Stipulation also states that the Respondent's practices were inappropriate in such a way as to require Board action under the following provisions of Minn.

Stat. §147.091:

- a. violating a rule promulgated by the Board, a state or federal law which relates to the practice of medicine, or in part regulates the practice of medicine, or a state or federal narcotics or controlled substance law (Minn. Stat. §147.091(1)(f));
 - b. engaging in unethical conduct; conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare or safety of a patient; or medical practice which is professionally incompetent, in that it may create unnecessary danger to any patient's life, health, or safety, in any of which cases, proof of actual injury need not be established (Minn. Stat. §147.091(1)(g));
 - c. engaging in unprofessional conduct that was a departure from or the failure to conform to the minimal standards of acceptable and prevailing medical practice in which proceeding actual injury to a patient need not be established (Minn. Stat. §147.091(1)(k));
 - d. prescribing a drug or device for other than medically accepted therapeutic or experimental or investigative purposes authorized by a state or federal agency (Minn. Stat. §147.091(1)(s)); and
 - f. engaging in conduct with a patient that was sexual or may reasonably be interpreted by the patient as sexual, or in any behavior which is seductive or sexually demeaning to a patient (Minn. Stat. §147.091(1)(t)).
4. On February 14, 1998, the Board signed an Order (Case No. 8-0903-10888-2), which adopted the Stipulation signed by the Respondent on January 15, 1998. The Order sanctioned the Respondent with:
- a. a suspension of his license to practice medicine and surgery for an indefinite period of time;

- b. surrender of his DEA certificate to the Board, which the Board will turn over to the federal authorities;
- c. a \$3,000 fine; and
- d. a requirement providing that:

The Respondent may petition for removal of the suspension only after he successfully completes a sexual disorder treatment program approved in advance by the Board. Upon petitioning for removal of the suspension, the Respondent shall submit to a comprehensive mental and physical evaluation at a site to be determined by the Committee. Following the Board's receipt of the evaluation, the Respondent shall appear before the Committee to discuss his petition, the results of his participation in the sexual disorder treatment program, the results of the evaluation, and any other information relevant to assessing the Respondent's fitness to practice medicine.

SPECIFICATION OF CHARGES

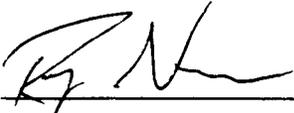
FIRST SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d)(McKinney Supp. 1998) by having his license to practice medicine revoked, suspended or having other disciplinary action taken, or having his application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York State, constitute professional misconduct under the laws of New York State (namely N.Y. Educ. Law §§ 6530(3), 6530(5), 6530(16), 6530(20), and/or 6530(31)) as alleged in the facts of the following:

1. The facts in paragraph A and its sub-paragraphs.

DATED: August 24, 1998
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct