



New York State Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

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

Charles J. Vacanti, M.D.
Chair

October 15, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Herbert Weinman, M.D.
222 Hillside
Dallas, Pennsylvania 18612

RE: License No. 096623

Dear Dr. Weinman:

Effective Date: 10/22/96

Enclosed please find Order #BPMC 96-246 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

Charles Vacanti, M.D.
Chair
Board for Professional Medical Conduct

Enclosure

cc: Jeffrey T. Tymann, Esq.
Thorn & Gershon
5 Wembly Court, P.O. Box 15054
Albany, New York 12212-5054

Kevin Roe, Esq.

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

-----X

IN THE MATTER :
OF : ORDER
HERBERT M. WEINMANN, M.D. : BPMC #96-246

-----X

Upon the application of HERBERT M. WEINMAN, M.D., to
surrender his license as a physician in the State of New York,
which application is made a part hereof, it is

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

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

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

SO ORDERED,

DATED: 9 October 1996

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

-----X

IN THE MATTER : APPLICATION TO
OF : SURRENDER
HERBERT MICHAEL WEINMAN, M.D. : LICENSE

-----X

STATE OF PENNSYLVANIA)

ss.:

COUNTY OF LUZERNE)

HERBERT M. WEINMAN, M.D., being duly sworn, deposes and
says:

I was licensed to practice medicine as a physician in the
State of New York on June 30, 1966, having been issued License
No. 096623 by the New York State Education Department.

I understand that I have been charged with sixteen
specifications 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
fifteenth specification as it relates to paragraphs A, C and G in
full satisfaction of the charges against me. The remaining
allegations are withdrawn. 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,

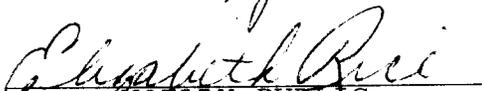
nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; 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.

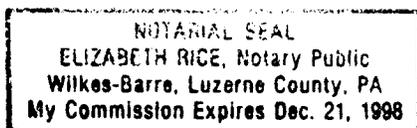
I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I am making this Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.


HERBERT M. WEINMAN, M.D.
Respondent

Sworn to before me this
9th day of September, 1996


NOTARY PUBLIC



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

-----X

IN THE MATTER : APPLICATION TO
OF : SURRENDER
HERBERT MICHAEL WEINMAN, M.D. : LICENSE

-----X

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

Date: _____, 1996

HERBERT M. WEINMAN, M.D.
Respondent

Date: 4/27, 1996

Jeffrey J. Tymann
JEFFREY J. TYMANN, Esq.
Attorney for Respondent

Date: 10/2, 1996

Kevin C. Roe
KEVIN C. ROE
Associate Counsel
Bureau of Professional
Medical Conduct

Date: 10/7, 1996

Anne F. Saile
ANNE F. SAILE
ACTING DIRECTOR
Office of Professional Medical
Conduct

Date: 9 October, 1996

Charles J. Vacanti
CHARLES J. VACANTI, M.D.
Chairperson, State Board
for Professional Medical Conduct

Exhibit A

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

-----X

IN THE MATTER : STATEMENT
OF : OF
HERBERT MICHAEL WEINMAN, M.D. : CHARGES

-----X

HERBERT MICHAEL WEINMAN, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 30, 1968 by the issuance of license number 096623 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent treated Patient A (patients are identified in the attached appendix) from on or about 1974 to on or about April 24, 1990 at his office, 23 North Chestnut Street, New Paltz, New York. Respondent's care and treatment of patient A failed to meet acceptable standards of medical care in that:

1. On or about September 8, 1989, Respondent, and/or a Registered Physician's Assistant (R.P.A.) under his supervision, diagnosed upper respiratory infection and sinusitis without adequate medical justification.
2. On or about September 8, 1989, Respondent, and/or or an R.P.A. under his supervision, failed to prescribe antibiotics.
3. On or about January 20, 1990, Respondent, and/or an R.P.A. under his supervision, diagnosed "flu syndrome" without adequate medical justification.

4. On or about January 20, 1990, Respondent, and/or a R.P.A. under his supervision, failed to obtain and/or record an adequate history.
5. On or about February 12, 1990, Respondent diagnosed viremia without adequate medical justification.
6. On or about February 12, 1990, Respondent failed to order a chest x-ray.
7. Respondent failed to adequately supervise his R.P.A.(s).

B. Respondent treated Patient B from on or about February 17, 1986 to on or about October 1, 1991 at his office. Respondent's care and treatment of Patient B failed to meet acceptable standards of medical care, in that:

1. On or about February 17, 1986, Respondent failed to adequately evaluate and/or treat elevated blood pressure.
2. On or about February 28, 1986 and March 7, 1986, Respondent failed to obtain and/or record blood pressure readings.
3. On or about September 29, 1989, Respondent failed to perform an adequate physical examination.
4. On or after September 29, 1989, Respondent failed to order an EKG in a timely manner.
5. On or after September 29, 1989, Respondent failed to order appropriate laboratory studies to evaluate elevated blood pressure in a timely manner.

C. Respondent treated Patient C from on or about 1981 to on or about April 10, 1991 at his office. Respondent's care and treatment of Patient C failed to meet acceptable standards of medical care, in that:

1. On or about November 25, 1989, Respondent failed to perform and/or record an adequate physical examination.
2. On or about November 25, 1989, Respondent failed to obtain and/or record an adequate history.
3. On or about November 25, 1989 and/or April 10, 1991 Respondent failed to obtain and/or record body temperatures.
4. On or about April 10, 1991, Respondent failed to perform and/or record an adequate physical examination.
5. On or about April 10, 1991, Respondent failed to obtain and/or record an adequate history.

D. Respondent treated Patient D from on or about March 9, 1985 to on or about September 9, 1991 at his office.

Respondent's care and treatment of Patient D failed to meet acceptable standards of medical care, in that:

1. On or about March 9, 1985, Respondent failed to adequately evaluate elevated blood pressure.
2. On or about March 27, 1985 and May 9, 1985, Respondent failed to obtain and/or record blood pressure readings.
3. On or about January 27, 1988, Respondent failed to adequately evaluate elevated blood pressure.
4. On or about January 27, 1988, Respondent failed to perform and/or record an adequate physical examination.
5. On or about January 27, 1988, Respondent failed to obtain and/or record an adequate history.
6. On or about March 27, 1988, Respondent prescribed Lopressor, 50 mg. daily without performing an adequate physical examination to rule out potential contraindications.
7. From on or about April 27, 1988 to on or about September 9, 1991, Respondent failed to adequately treat Patient D's elevated blood pressures.

E. Respondent treated Patient E from on or about January 14, 1987 to on or about August 22, 1991 at his office.

Respondent's care and treatment of Patient E failed to meet acceptable standards of medical care, in that:

1. On or about March of 1987, Respondent failed to perform and/or record an adequate physical examination.
2. On or about March of 1987, Respondent failed to obtain and/or record an adequate history.
3. Respondent failed to perform periodic pap smears, pelvic examinations, breast examinations and/or order mammograms.
4. On or about October 26, 1989, Respondent failed to perform and/or record an adequate physical examination.
5. On or about October 26, 1989, Respondent failed to obtain and/or an adequate history.
6. On or about October 26, 1989, Respondent prescribed systemic decongestants without adequate medical justification.
7. On or about October 26, 1989, Respondent failed to order inhaled corticosteroids.
8. On or about October 26, 1989, Respondent failed to perform tympanometry and/or pneumotoscopy.
9. On or about October 26, 1989, Respondent performed an audiogram without adequate medical justification.
10. On or about October 26, 1989, Respondent ordered a CBC without adequate medical justification.
11. On or about August 22, 1991, Respondent failed to order antibiotics.
12. On or about August 22, 1991, Respondent failed to perform a stool examination.

F. Respondent treated Patient F from on or about September 24, 1981 to on or about February 13, 1991 at his office.

Respondent's care and treatment of Patient F failed to meet acceptable standards of medical care, in that:

1. On or about February 13, 1991, Respondent and/or an R.P.A. under his supervision, failed to perform and/or record an adequate physical examination.
2. On or about February 13, 1991, Respondent and/or an R.P.A. under his supervision, failed to obtain and/or record an adequate history.
3. On or about February 13, 1991, Respondent and/or an R.P.A. under his supervision, diagnosed "flu virus" without adequate medical justification.
4. On or about February 13, 1991, Respondent and/or an R.P.A. under his supervision, prescribed Reglan without adequate medical justification.
5. On or about October 13, 1991, Respondent and/or an R.P.A. under his supervision, ordered and/or performed an EKG without adequate medical justification.
6. Respondent failed to adequately supervise his R.P.A(s).

G. Respondent treated Patient E from on or about February 17, 1984 to on or about August 12, 1992 at his office.

Respondent's care and treatment of Patient E failed to meet acceptable standards of medical care, in that:

1. On or about July 1, 1988, Respondent failed to perform and/or record an adequate physical examination.
2. On or about July 1, 1988, Respondent failed to obtain and/or record an adequate history.
3. On or about July 1, 1988, Respondent failed to order appropriate laboratory studies to evaluate elevated blood pressure.
4. Respondent failed to increase the dosage of Vasotec and/or prescribe a Thiazide diuretic when Patient G's blood pressure did not improve.

SPECIFICATIONSFIRST THROUGH SEVENTH SPECIFICATIONSGROSS NEGLIGENCE

Respondent is charged with gross incompetence in violation of N.Y. Educ. Law §530.4 (McKinney Supp. 1996) in that, Petitioner charges:

1. The facts in Paragraphs A and A.1, A.2, A.3, A.4, A.5, A.6 and/or A.7.
2. The facts in Paragraphs B and B.1, B.2, B.3, B.4, and/or B.5.
3. The facts in Paragraphs C and C.1, C.2, C.3, C.4, and/or C.5.
4. The facts in Paragraphs D and D.1, D.2, D.3, D.4, D.5, D.6, and/or D.7.
5. The facts in Paragraphs E and E.1, E.2, E.3, E.4, E.5, E.6, E.7, E.8, E.9, E.10, E.11 and/or E.12.
6. The facts in Paragraphs F and F.1, F.2, F.3, F.4, F.5, and/or F.6.
7. The facts in Paragraphs G and G.1, G.2, G.3, and/or G.4.

TENTH THROUGH FOURTEENTH SPECIFICATIONSGROSS INCOMPETENCE

Respondent is charged with gross incompetence in violation of N.Y. Educ. Law §530.6 (McKinney Supp. 1996) in that, Petitioner charges:

8. The facts in Paragraphs A and A.1, A.2, A.3, A.4, A.5, A.6 and/or A.7.
9. The facts in Paragraphs B and B.1, B.2, B.3, B.4, and/or B.5.
10. The facts in Paragraphs C and C.1, C.2, C.3, C.4, and/or C.5.
11. The facts in Paragraphs D and D.1, D.2, D.3, D.4, D.5, D.6, and/or D.7.
12. The facts in Paragraphs E and E.1, E.2, E.3, E.4, E.5, E.6, E.7, E.8, E.9, E.10, E.11 and/or E.12.
13. The facts in Paragraphs F and F.1, F.2, F.3, F.4, F.5, and/or F.6.
14. The facts in Paragraphs G and G.1, G.2, G.3, and/or G.4.

FIFTEENTH SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with negligence on more than one occasion in violation of N.Y. Educ. Law §6530(3) (McKinney Supp. 1996) in that, Petitioner charges two or more of the following:

15. The facts in Paragraphs A and A.1, A.2, A.3, A.4, A.5, A.6, A.7; B and B.1, B.2, B.3, B.4, B.5; C and C.1, C.2, C.3, C.4, C.5; D and D.1, D.2, D.3, D.4, D.5, D.6, D.7; E and E.1, E.2, E.3, E.4, E.5, E.6, E.7, E.8, E.9, E.10, E.11, E.12; F and F.1, F.2, F.3, F.4, F.5, F.6; and/or G and G.1, G.2, G.3, G.4.

SIXTEENTH SPECIFICATION
INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with incompetence on more than one occasion in violation of N.Y. Educ. Law §6530(5) (McKinney Supp. 1996) in that Petitioner charges two or more of the following:

- 20. The facts in Paragraphs A and A.1, A.2, A.3, A.4, A.5, A.6, A.7; B and B.1, B.2, B.3, B.4, B.5; C and C.1, C.2, C.3, C.4, C.5; D and D.1, D.2, D.3, D.4, D.5, D.6, D.7; E and E.1, E.2, E.3, E.4, E.5, E.6, E.7, E.8, E.9, E.10, E.11, E.12; F and F.1, F.2, F.3, F.4, F.5, F.6; and/or G and G.1, G.2, G.3, G.4.

DATED: _____, 1996
Albany, New York

PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct