



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

April 17, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Roy B. Wein, R.P.A.
185 W. Park Avenue, Apt. #518
Long Beach, New York 11561

RE: License No. 004721

Dear Mr. Wein:

Enclosed please find Order #BPMC 97-96 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
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: Anthony D. Denaro, P.C.
62 Nichols Court
Hempstead, New York 11550

Daniel Guenzburger, Esq.

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

IN THE MATTER
OF
ROY BENJAMIN WEIN, R.P.A.

SURRENDER
ORDER
BPMC #97-96

Upon the Application of ROY BENJAMIN WEIN, R.P.A.. (Respondent) to Surrender his/her 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 of this order 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: 12 April 1997



PATRICK F. CARONE, M.D., M.P.H.

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

IN THE MATTER
OF
ROY BENJAMIN WEIN, R.P.A.

APPLICATION TO
SURRENDER
LICENSE

STATE OF NEW YORK)

ss.:

COUNTY OF NASSAU)

ROY BENJAMIN WEIN, R.P.A., being duly sworn, deposes and says:

On or about August 14, 1995, I was licensed as a physician assistant in the State of New York having been issued License No. 04721 by the New York State Education Department.

185 W. Park Ave. #518, Long Beach, NY

My current address is ~~41-28 Ithaca St., Elmhurst, NY~~ 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 three specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

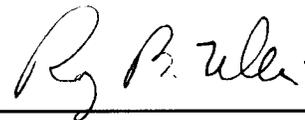
I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I agree not to contest and/or cannot successfully defend against the first specification of the Statement of Charges. I do not admit to the second and third specifications 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.

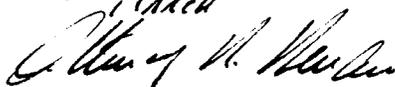
I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing 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.



ROY BENJAMIN WEIN, R.P.A.
Respondent

Sworn to before me this

24 day of March 1997



NOTARY PUBLIC

ANTHONY D. [unclear]
NOTARY PUBLIC
No. 33 [unclear] NEW YORK

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

IN THE MATTER
OF
ROY BENJAMIN WEIN, R.P.A..

APPLICATION TO
SURRENDER
LICENSE

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

Date: 3/28, 1997 Ry Buli:
ROY BENJAMIN WEIN, R.P.A..
Respondent

Date: 3/28, 1997 Anthony Denaro
Anthony Denaro, Esq.
Attorney for Respondent

Date: 4/7, 1997 Daniel Guenzburger
Daniel Guenzburger
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: April 9, 1997

Anne F. Saile

ANNE F. SAILE
Director
Office of Professional Medical Conduct

Date: April 12, 1997

Patrick F. Carone, M.D.

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

"EXHIBIT A"

IN THE MATTER
OF
ROY BENJAMIN WEIN, R.P.A.

STATEMENT
OF
CHARGES

ROY BENJAMIN WEIN, R.P.A., the Respondent, was authorized to practice as a physician assistant in New York State on or about August 14, 1995, by the issuance of license number 004721 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. In or about and between March 1994 and June 1995 Respondent was dependent on and/or a habitual user of narcotics, barbiturates and/or other drugs having similar effects, including but not limited to benzodiazepenes.
- B. In a sworn statement dated December 4, 1995 which Respondent submitted to the New York State Education Department in connection with his application to renew his license as a physician assistant for the period January 1, 1996 to August 31, 1997, Respondent misrepresented the events that lead to his arrest at and termination from the Peninsula Hospital, Queens, New York on or about June 20, 1995. Respondent knowingly and falsely represented that in conformance with hospital practice he had taken a vial of Ativan, a controlled substance in the benzodiazepene family, from a hospital supply room to use in sedating a patient, when in fact, he knew that he had taken a significantly greater quantity of benzodiazepenes than a vial of Ativan, including but not limited to, Ativan 2 mg. x 2 cassettes, Lot #4950280, Ativan 2 mg. x 2 cassettes, Lot# 4950167, Ativan 2 mg. without cassette , Lot #

4950167, and Librium, 100 mg. vial, Lot # 1184, that he had violated hospital practice by removing controlled substances from a hospital supply room without proper authorization, and that he never intended to use the benzodiazepenes that he had taken to sedate a patient.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

BEING AN HABITUAL USER OR HAVING A PSYCHIATRIC CONDITION WHICH IMPAIRS THE ABILITY TO PRACTICE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(8)(McKinney Supp. 1997) by being a habitual user of alcohol, or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects, or having a psychiatric condition which impairs the licensee's ability to practice as alleged in the facts of the following:

1. Paragraph A.

SECOND SPECIFICATION

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 1997) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

2. Paragraph B.

THIRD SPECIFICATION
FILING A FALSE REPORT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(21)(McKinney Supp. 1997) by willfully making or filing a false report or by inducing another person to do so, as alleged in the facts of:

3. Paragraph B.

DATED: March , 1997
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct