

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2023-039

In the Matter of

JONATHAN S. WEISS, M.D.

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Jonathan S. Weiss, M.D. (Respondent) and the Board of Registration in Medicine (Board) (hereinafter referred to jointly as the "Parties") agree that the Board may issue this Consent Order to resolve the above-captioned adjudicatory proceeding. The Parties further agree that this Consent Order will have all the force and effect of a Final Decision within the meaning of 801 CMR 1.01(11)(d). The Respondent admits to the findings of fact specified below and agrees that the Board may make the conclusions of law and impose the sanction set forth below in resolution of investigative Docket No. 21-236.

Findings of Fact

1. The Respondent is a 1983 graduate from the University of California School of Medicine, Los Angeles. He has been licensed to practice medicine in Massachusetts under certificate number 53424 since 1984. He is certified by the American Board of Psychiatry.
2. To be valid, a prescription must be issued for a legitimate medical purpose, by a practitioner in the usual course of professional practice. Specifically, there must be a physician-patient relationship, the physician must take and record a proper medical history, carry out an appropriate physical or mental status exam and records the results of same in a medical record.

3. On November 25, 2019, the Respondent prescribed fluoxetine to a patient's dog that suffered from severely disruptive behavior caused by separation anxiety.

4. The prescription the Respondent issued for the dog was not written in the usual course of his professional practice as a psychiatrist.

Conclusions of Law

A. The Respondent violated G.L. c. 112 § 5, ninth par. (b) and 243 CMR 1.03(5)(a)(2) by committing an offense against the laws of the Commonwealth relating to the practice of medicine, or any rule or regulation adopted thereunder, specifically:

1. M.G.L. c. 94C §19(a).

B. The Respondent violated G.L. 112 § 5, ninth par. (h) and 243 CMR 1.03(5)(a)(11), by violating a rule or regulation of the Board governing the practice of medicine, specifically:

1. Prescribing Practices Policy and Guidelines, Board of Registration in Medicine adopted August 1, 1989, amended June 15, 2023.

Sanction and Order

The Respondent's license is hereby REPRIMANDED and FINED \$5,000 (Five Thousand Dollars). This sanction is imposed for the violations of law listed in the Conclusion section. The Board will not renew the license of any physician who fails to pay a fine in a timely manner; this step will be taken automatically, and no further notice or process will apply.

Execution of this Consent Order

Complaint Counsel and the Respondent agree that the approval of this Consent Order is left to the discretion of the Board. The signature of Complaint Counsel, the Respondent, and the

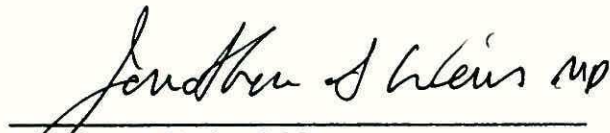
Respondent's counsels are expressly conditioned on the Board accepting this Consent Order. If the Board rejects this Consent Order in whole or in part, then the entire document shall be null and void; thereafter, neither of the parties nor anyone else may rely on these stipulations in this proceeding.

As to any matter in this Consent Order left to the discretion of the Board, neither the Respondent, nor anyone acting on his behalf, has received any promises or representations regarding the same.


The Respondent waives any right of appeal that he may have resulting from the Board's acceptance of this Consent Order.

The Respondent shall provide a complete copy of this Consent Order with all exhibits and attachments within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which the Respondent practices medicine; any in- or out-of-state health maintenance organization with whom the Respondent has privileges or any other kind of association; any state agency, in- or out-of-state, with which the Respondent has a provider contract; any in- or out-of-state medical employer, whether or not the Respondent practices medicine there; the state licensing boards of all states in which the Respondent has any kind of license to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Program. The Respondent shall also provide this notification to any such designated entities with which the Respondent becomes associated in the year following the date of imposition of this reprimand. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent has complied with this directive. The Board expressly reserves

the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.


Jonathan S. Weiss, M.D.
Licensee

7/24/2023
Date



Andrew Hyams
Attorney for the Licensee

7/25/23
Date


Tracy Morong
Complaint Counsel

8/3/23
Date

So ORDERED by the Board of Registration in Medicine this 5th day of October, 2023.


Julian N. Robinson, M.D.
Board Chair