

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2019-003

In the Matter of)
)
)
JONATHAN S. WEISS, M.D.)
_____)

STATEMENT OF ALLEGATIONS

The Board of Registration in Medicine (the "Board") has determined that good cause exists to believe the following acts occurred and constitute a violation for which a licensee may be sanctioned by the Board. The Board therefore alleges that Jonathan S. Weiss, M.D. (the "Respondent") has practiced medicine in violation of law, regulations, or good and accepted medical practice as set forth herein. The investigative docket number associated with this order to show cause is Investigative Docket No. 15-082.

Findings of Fact

1. The Respondent was born on September 30, 1952. He graduated from University of California School of Medicine, Los Angeles in 1983. He has been licensed to practice medicine in Massachusetts under certificate number 53424 since 1984. He is certified by the American Board of Medical Specialties in Psychiatry. He is also licensed to practice medicine in New Hampshire.

2. On or around July 8, 2014, the Respondent was specifically advised by Diversion Investigators of the Drug Enforcement Administration (the "DEA") of the need to specify a date of issuance on post-dated prescriptions, as is required by the 2007-01 Joint Policy Regarding Issuance of Multiple Prescriptions for Schedule II Controlled Substances (the "Joint Policy").

3. In or around January-February 2015, the Respondent wrote prescriptions for Schedule II Controlled Substances for two (2) patients which were post-dated by up to three (3) months in advance.

4. In the prescriptions described in ¶ 3, above, the Respondent did not include a "Date of Issuance" as referred to in Mass. Gen. Laws c. 94C § 23 or otherwise specify a date before which a pharmacy could not fill the prescriptions pursuant to the Joint Policy.

Legal Basis for Proposed Relief

A. Pursuant to Mass. Gen. Laws c. 112, § 5, eighth par. (h) and 243 CMR 1.03(5)(a)(11), the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician has violated a rule or regulation of the Board concerning the practice of medicine, or a rule or regulation adopted thereunder, to wit:

- i. 2007-01 Joint Policy Regarding Issuance of Multiple Prescriptions for Schedule II Controlled Substances.

B. Pursuant to *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979) and *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982), the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician has engaged in conduct that undermines the public confidence in the integrity of the medical profession.

The Board has jurisdiction over this matter pursuant to Mass. Gen. Laws c. 112, §§ 5, 61 and 62. This adjudicatory proceeding will be conducted in accordance with the provisions of Mass. Gen. Laws c. 30A and 801 CMR 1.01.

Nature of Relief Sought

The Board is authorized and empowered to order appropriate disciplinary action, which may include revocation or suspension of the Respondent's license to practice medicine. The Board may also order, in addition to or instead of revocation or suspension, one or more of the

following: admonishment, censure, reprimand, fine, the performance of uncompensated public service, a course of education or training or other restrictions upon the Respondent's practice of medicine.

Order

Wherefore, it is hereby **ORDERED** that the Respondent show cause why the Board should not discipline the Respondent for the conduct described herein.

By the Board of Registration in Medicine,

Candace Lapidus Sloane, MD

Candace Lapidus Sloane, M.D.
Board Chair

Date: January 10, 2019