

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
THE APPLICATION FOR A LICENSE OF

KEVIN A. WEIDMAN, M.D.,

Applicant

ORDER RENEWING THE LIMITED LICENSE AND GRANTING PETITION

On January 8, 1993, Dr. Kevin A. Weidman filed his application for a license to practice medicine and surgery in the State of Wisconsin. Dr. Weidman indicated on his application that disciplinary action had been taken against his license in the States of Minnesota and North Dakota, and information provided established that his licenses in both those states were suspended. The board considered the application at its meeting of April 28, 1993, and denied the application by its order dated May 7, 1994. In denying the application, the board commented in its Order as follows:

At such time that North Dakota, which is apparently Dr. Weidman's state of original licensure, and Minnesota determine that it is safe to reinstate Dr. Weidman licenses in those states, the board will be happy to further consider his application in this state. Until Dr. Weidman is able to establish his satisfactory rehabilitative status to the boards in the states where he is currently licensed, however, it would be inappropriate for this board to grant a new license in Wisconsin.

Having submitted evidence satisfying the conditions set forth in the board's previous Order, Dr. Weidman petitioned the board to reconsider his application. The board considered the petition at its meeting of September 22, 1994. The board and Dr. Weidman thereafter entered into a Stipulation by which the board agreed to grant, and Dr. Weidman agreed to accept, a limited license to practice medicine and surgery in the State of Wisconsin. The board thereafter filed its order granting the limited license.

Pursuant to the board's order, Dr. Weidman appeared before the board at its meeting of March 23, 1995. At that time, Dr. Weidman petitioned for a reduction in the number of required urine screens from weekly to twice-monthly and to permit him to apply for and hold a DEA registration number. The board considered the matter on that date, and denied the petition by its order dated March 29, 1995.

By letter dated May 5, 1995, Dr. Weidman again petitioned for the board to permit him to apply and hold a DEA registration. He appeared before the board on May 25, 1995, in support of his

petition. The board considered the matter on that date, and granted the petition by its order dated June 5, 1995.

Dr. Weidman appeared for his next scheduled meetings with the board on August 23, 1995, and January 26, 1996. At the time of the latter appearance Dr. Weidman requested that the limitations on his license be dropped and that the matter be transferred to the department's Impaired Professional Procedure. The board considered the request on that date, and denied the request by its order dated January 30, 1996.

The next scheduled appearance by Dr. Weidman was April 25, 1996, at which time he appeared and requested that the frequency of his appearances before the board be reduced. The board considered the request on that date and ordered that he reappear at the October, 1996, meeting.

On October 24, 1996, Dr. Weidman appeared and requested that the number of required urine screens be reduced from weekly to two per month. The board considered the request on that date.

Based upon Dr. Weidman's request, and upon all other evidence of record herein, the board orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that paragraph 9 of the board's Final decision and Order dated November 25, 1994, is modified to read as follows:

9 Dr. Weidman shall supply on at least a twice-monthly basis random monitored urine, blood or hair specimens as the supervising physician shall direct. The supervising physician or persons designated by the supervising physician shall request the urine, blood or hair specimens from Dr. Weidman and these requests shall be random with respect to the hour of the day and the day of the week. In addition, the Medical Examining Board or any member thereof may at any time request a random monitored urine, blood or hair specimen from Dr. Weidman by directing the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement to contact Dr. Weidman and request that he provide a urine, blood or hair specimen. All requested urine, blood or hair specimens shall be provided by Dr. Weidman within five (5) hours of the request for the specimen. All urine specimen collections shall be a split sample accomplished by dividing urine from a single void into two specimen bottles. The total volume of the split sample shall be at least 45 ml. of urine. All split sample urine specimens, blood specimens and hair specimens shall be collected, monitored and chain of custody maintained in conformity with the collection, monitoring and chain of custody procedures set forth in 49 CFR Part 40, except that urine specimen collections shall be by direct observation if:

a. Dr. Weidman must provide an additional specimen because the initial specimen was outside of the normal temperature range (32.5 - 37.7°C / 90.5 - 99.8°F) and Dr. Weidman either refuses to have an oral body temperature measurement or he does provide an oral body temperature measurement and the reading varies by more than 1°C / 1.8°F from the temperature of the urine specimen

b. Dr. Weidman's last provided specimen was determined by the laboratory to have a specific gravity of less than 1.003 and creatinine concentration below 0.2 g/l

c. The collection site person observes Dr Weidman acting in such a manner to provide reason to believe that Dr Weidman may have attempted or may attempt to substitute or adulterate the specimen. The collection site person, if he or she believes that the initial urine specimen may have been adulterated or a substitution made, shall direct Dr Weidman to provide an additional observed urine specimen.

d. The Medical Examining Board or any member thereof acting through the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, or the supervising physician shall direct that the urine specimen collection be by direct observation.

If either of the above conditions (a) or (c) require collection of an additional observed urine specimen, the collection of the subsequent specimen shall be accomplished within the required five (5) hours of the request for the initial specimen and the collection of the initial specimen shall not satisfy the requirement that the urine specimen be collected within five (5) hours of the request for the initial specimen.

IT IS FURTHER ORDERED that all other terms and conditions of the board's Final Decision and Order in this matter dated November 25, 1994, except as otherwise subsequently modified, shall remain in full force and effect. Dr. Weidman shall appear before the board at its October, 1997, meeting.

Dated this 5th day of November, 1996

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by W.R. Schwartz, M.D.
W.R. Schwartz, M.D.
Secretary

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STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE MEDICAL EXAMINING BOARD

In the Matter of the Application for a License of

Kevin A. Weidman, M.D.,

AFFIDAVIT OF MAILING

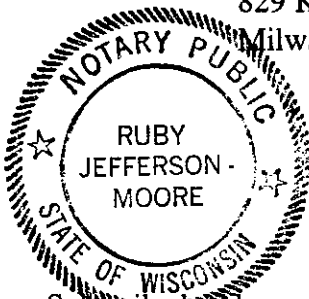
Applicant.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On November 13, 1996, I served the Order Renewing the Limited License and Granting Petition dated November 5, 1996 upon the Applicant Kevin A. Weidman, M.D. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Applicant and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 213 340 160.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Applicant's last-known address and is:

Kevin A. Weidman, M.D.
829 Knapp Street #1
Milwaukee WI 53202



Subscribed and sworn to before me

this 13th day of November, 1996.

Ruby Jefferson-Moore

Notary Public, State of Wisconsin
My commission is permanent.

Kate Rotenberg

Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

November 13, 1996

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)