WISCONSIN DEPARTMENT OF REGULATION & LICENSING

Wisconsin Department of Regulation & Licensing
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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 12, 1997, I served the Order Terminating Limitations dated November 7, 1997 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 221 159 631.

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 E. Knapp Street #1
Milwaukee WI 53202

Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 12th day of November, 1997.

Notary Public, State of Wisconsin
My commission is permanent.

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 TERMINATING LIMITATIONS

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, and granted the request by its Order dated November 5, 1996.

On October 22, 1997, the board considered the recommendation of David G. Benzer, D.O., as set forth in his letter dated September 15, 1997, that Dr. Weidman be returned to full licensure. Based upon that recommendation, and all other information of record herein, the board orders as follows:

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 all limitations on the licensed of Kevin A. Weidman, M.D. to practice medicine and surgery in Wisconsin are terminated, and Dr. Weidman is hereby returned to full licensure.

Dated this 7 day of November, 1997

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by Glenn Hoberg MD

Glenn Hoberg, D.O.
Secretary

WRA:9710294.doc

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 12, 1997

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.)

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)

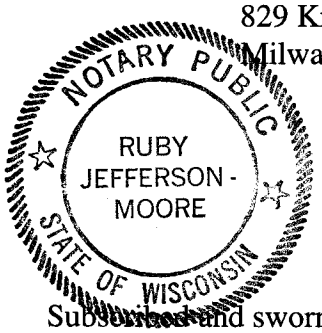
I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

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



Kate Rotenberg
Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me
this 13th day of November, 1996.

Ruby Jefferson-Moore
Notary Public, State of Wisconsin
My commission is permanent.

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

WRA:9601303.doc

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.)

BEFORE THE STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF THE APPLICATION FOR A LICENSE OF	:	
	:	AFFIDAVIT OF SERVICE
KEVIN A. WEIDMAN, M.D., APPLICANT.	:	

Katie Rotenberg, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on May 14, 1996, she served the following upon the applicant:

Order Renewing the Limited License dated May 8, 1996

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail. with a return receipt requested in an envelope properly addressed to the above-named applicant at:

829 Knapp Street #1
Milwaukee, WI 53202
Certified Z 429 752 475

an address which appears in the files and records of the Medical Examining Board as the applicant's last known address.

Katie Rotenberg
Katie Rotenberg
Department of Regulation and Licensing

Subscribed and sworn to before me
this 14th day of May, 1996.

Notary Public
Dane County, Wisconsin
My Commission is Permanent

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

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 orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that all terms and conditions of the board's Final Decision and Order in this matter, as amended by its order dated June 5, 1995, shall remain in full force and effect. Dr. Weidman shall appear before the board at its October, 1996, meeting.

Dated this 8th day of May, 1996

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

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

WRA:9601303.doc

BEFORE THE STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF THE APPLICATION FOR A LICENSE OF KEVIN A. WEIDMAN, M.D., APPLICANT.	AFFIDAVIT OF SERVICE

Katie Rotenberg, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing and that on January 31, 1996 she served the following upon the applicant:

Order Renewing the Limited License and Denying Petition dated January 30, 1996

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named applicant at:

829 Knapp Street
Milwaukee, WI 53202
Certified Z 429 752 269

an address which appears in the files and records of the Medical Examining Board as the applicant's last known address.

Katie Rotenberg
Katie Rotenberg
Department of Regulation and Licensing

Subscribed and sworn to before me
this 31st day of January, 1996

Donald R Rutt
Notary Public
Dane County, Wisconsin
My Commission is Permanent

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 DENYING 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 meeting 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.

Based upon that appearance and other information of record, the board orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that the petition of Kevin A. Weidman that the limitations on his license be dropped and that the matter be transferred to the department's Impaired Professional Procedure is denied.

IT IS FURTHER ORDERED that all terms and conditions of the board's Final Decision and Order in this matter, as amended by its order dated June 5, 1995, shall remain in full force and effect.

DISCUSSION

Sec. RL 7.01(2), Code, sets forth the intent of the department in creating the Impaired Professionals Procedure. That section states in part as follows:

> The intent of the department in adopting rules in this chapter is to protect the public from licensees who are impaired by reason of their abuse of alcohol or other drugs. This goal will be advanced by providing an option to the formal disciplinary process for qualified licensees committed to their own recovery. . . . The procedure may be . . . utilized in selected cases to promote early identification of chemically dependent professionals and encourage their rehabilitation.

The IPP program is thus a pre-disciplinary diversion alternative, offered to those whose cases are not already a matter of public knowledge, who have demonstrated a commitment to their recovery, and who otherwise are deemed appropriate risks for full licensure during early recovery. Those factors are not present in the case of Dr. Weidman, and no disciplinary objective will be furthered by transferring his recovery program to the Impaired Professionals Procedure.

Dated this 30th day of January, 1996

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by B. Ann Nevaiser
B. Ann Nevaiser, Chair

WRA:9601303.doc

BEFORE THE STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF THE APPLICATION FOR A LICENSE OF	:	
KEVIN A. WEIDMAN, M.D., APPLICANT	:	AFFIDAVIT OF SERVICE

Kristena Hendrickson, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing and that on September 11, 1995 she served the following upon the applicant:

Order Renewing the Limited License dated August 31, 1995,

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named applicant at:

829 Knapp Street #1
Milwaukee WI 53202
Certified Z 091 396 728

an address which appears in the files and records of the Medical Examining Board as the applicant's last known address.

Kristena Hendrickson
Department of Regulation and Licensing

Subscribed and sworn to before me

this 11th day of September, 1995.

Notary Public
Dane County, Wisconsin
My Commission ~~is Permanent~~ expires 9-01-96

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

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 Jume 5, 1995.

Dr. Weidman appeared for his next scheduled meeting with the board on August 23, 1995. Based upon that appearance, the board amends its Order Adopting Stipulation dated November 25, 1994, to read as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that Kevin A. Weidman is hereby granted a license to practice medicine and surgery in the State of Wisconsin imposing the following terms and conditions:

1. The limitations set forth herein shall remain in full force and effect for a period of three years from November 25, 1994.

2. David G. Benzer, D.O., Director of the McBride Center at Milwaukee Psychiatric Hospital, shall be Dr. Weidman's supervising physician for the full term of this limited license. The supervising physician may designate another qualified physician to provide coverage and to exercise the duties and responsibilities of the supervising physician in his absence. In the event that Dr. Benzer is unable or unwilling to serve as supervising physician, the Medical Examining Board shall in its sole discretion select a successor supervising physician.

3. Dr. Weidman shall abstain from all personal use of controlled substances as defined in Sec. 161.01(4), Stats. except when necessitated by a legitimate medical condition and then only with the prior approval of the supervising physician.

4. Dr. Weidman shall abstain from all personal use of alcohol.

5. Dr. Weidman shall report all medications and drugs, over-the-counter or prescription, taken by him to his supervising physician within 24 hours of ingestion or administration, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs for him. Dr. Weidman shall within 24 hours of a request by his supervising physician, by the Medical Examining Board or any member thereof, or by any employee of the Department of Regulation and Licensing designated by the Medical Examining Board to exercise this authority, provide releases which comply with state and federal laws authorizing release of his health care records by the person who prescribed, dispensed, administered or ordered this medication for him. These releases shall also authorize the supervising physician, the Medical Examining Board or any member thereof and any employee of the Department of Regulation and Licensing acting under the authority of the Medical Examining Board to discuss Dr. Weidman's health care with the person who prescribed, dispensed, administered or ordered this medication. The terms of this paragraph shall not be deemed to modify or negate Dr. Weidman's obligations as set forth in paragraph four of this Order.

6. Dr. Weidman shall continue to participate in all components of the drug and alcohol treatment program at the McBride Center as his supervising physician shall determine to be appropriate for his rehabilitation.

7. The drug and alcohol treatment program in which Dr. Weidman is enrolled shall at all times utilize a United States Department of Health and Human Services certified laboratory for the analysis of all urine, blood and hair specimens collected from Dr. Weidman.

8. The drug and alcohol treatment program in which Dr. Weidman is enrolled shall utilize only those urine, blood and hair specimen collection sites for collection of Dr. Weidman's urine, blood and hair specimens as comply with the United States Department of Transportation collection and chain of custody procedures set forth in 49 CFR Part 40.

9. Dr. Weidman shall supply on at least a weekly 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.

10. The supervising physician, treatment facility, laboratory and collection site shall maintain a complete and fully documented chain of custody for each urine, blood and hair specimen collected from Dr. Weidman.

11. Every urine specimen collected from Dr. Weidman shall be analyzed at the time of collection for tampering by measurement of the temperature of the specimen and the oral temperature of Dr. Weidman. Every urine specimen collected from Dr. Weidman shall be further analyzed at the laboratory for tampering by measuring the creatinine concentration and the specific gravity of the specimen. The laboratory may at its discretion or at the direction of a supervising physician or the Medical Examining Board or any member thereof conduct additional tests to evaluate the urine specimen for tampering including, but not limited to, pH, color and odor.

12. Every urine, blood and hair specimen collected from Dr. Weidman shall be analyzed for alcohol, amphetamine, cocaine, opiates, phencyclidine, marijuana, methadone, propoxyphene, methaqualone, barbiturates, benzodiazepines, or the metabolites thereof. The Medical Examining Board or any member thereof, through the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, or the supervising physician may at any time direct that screens for additional substances and their metabolites be conducted by scientific methods and instruments appropriate to detect the presence of these substances. The laboratory shall conduct confirmatory tests of positive or suspected positive test results by appropriate scientific methods and instruments including, but not limited to, gas chromatography and mass spectrometry.

13. All urine, blood and hair specimens remaining after testing shall be maintained in the manner necessary to preserve the integrity of the specimens for at least seven (7) days and all positive or suspected positive urine, blood and hair specimens remaining after testing shall be so maintained for a period of at least one (1) year. The supervising physician or the Medical Examining Board or any member thereof may direct that the urine, blood and hair specimens be maintained for a longer period of time.

14. If any urine, blood or hair specimen is positive or suspected positive for any controlled substances or alcohol, Dr. Weidman shall promptly submit to additional tests or

examinations as the supervising physician shall determine to be appropriate to clarify or confirm the positive or suspected positive urine, blood or hair specimen test results.

15. The supervising physician shall report immediately to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, by FAX (608-266-2264) or telephonic communication (608-267-7139) any failure of Dr. Weidman to provide a urine, blood or hair specimen within five (5) hours from the time it was requested. All urine specimens suspected to have been tampered with and all urine, blood and hair specimens which are positive or suspected positive for controlled substances or alcohol shall be reported immediately by the laboratory to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935, FAX (608) 266-2264, telephone no. (608) 267-7139, and to the supervising physician.

16. The laboratory shall mail the report from each urine, blood and hair specimen requested of Dr. Weidman to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 within 48 hours of completion of each drug or alcohol analysis performed regardless of whether the laboratory analysis of the specimen was positive or negative for controlled substances or alcohol. Each report shall state the date and time the specimen was requested, the date and time the specimen was collected, the results of the tests performed to detect tampering and the results of the laboratory analysis for the presence of controlled substances and alcohol.

17. The supervising physician shall submit formal written reports to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 every 90 days commencing 90 days after the date of this Order. The report shall assess Dr. Weidman's progress in the drug and alcohol treatment program and summarize the results of the urine, blood and hair specimen analyses. The supervising physician shall report immediately to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935, FAX (608) 266-2264, telephone no. (608) 267-7139 any violation or suspected violation of this Order.

18. Dr. Weidman shall provide and keep on file with his supervising physician, all treatment facilities and personnel, laboratories and collections sites current releases which comply with state and federal laws authorizing release of all of his urine, blood and hair specimen screen results and his medical and treatment records and reports to, and permitting his supervising physician and his treating physicians and therapists to disclose and discuss the progress of his treatment and rehabilitation with, the Medical Examining Board or any member thereof, or with any employee of the Department of Regulation and Licensing acting under the authority of the Medical Examining Board. Copies of these releases shall be filed simultaneously with the Department Monitor, Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935.

19. Dr. Weidman shall be responsible for compliance with all of the terms and conditions of this Final Decision and Order. Dr. Weidman shall promptly notify the Department

Monitor, Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935, FAX (608) 266-2264, telephone no. (608) 267-7139 of any suspected violations of any of the terms and conditions of this Order including any failures of the supervising physician, treatment facility, laboratory or collections sites to conform to the terms and conditions of this Order.

20. The Medical Examining Board, if it determines that the supervising physician, treatment facility, laboratory or collections sites have failed to satisfy the terms and conditions of this Order, may, at its sole discretion, direct that Dr. Weidman terminate his involvement with the supervising physician, treatment program, laboratory or collection sites, and continue his treatment and rehabilitation program under the direction of another supervising physician at a treatment facility, laboratory or collection sites which will conform to the terms and conditions of this Order.

21. Dr. Weidman shall appear before the Medical Examining Board at its December, 1995, meeting to review the progress of his treatment and rehabilitation. Dr. Weidman may petition the Medical Examining Board for modification of the terms of his limited license and the Medical Examining Board shall consider Dr. Weidman's petition at the time it meets with him to review the progress of his rehabilitation. Denial of the petition in whole or in part shall not be considered a denial of a license within the meaning of Sec. 227.01(3)(a), Stats. and Dr. Weidman shall not have a right to any further hearings or proceedings on any denial in whole or in part of his petition for modification of his limited license.

22. If the Medical Examining Board determines that there is probable cause to believe that Dr. Weidman has violated the terms of this Order, the Medical Examining Board may order the license of Dr. Weidman to practice medicine and surgery in the state of Wisconsin be summarily suspended pending investigation of the alleged violation.

23. With the exception of the administrative costs generated within the department in administering this Order, all costs and expenses arising from Dr. Weidman's compliance with this Order shall be borne by Dr. Weidman.

Dated this 31 day of ~~June~~ August 1995.

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

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

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BEFORE THE STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF THE APPLICATION FOR A LICENSE OF KEVIN A. WEIDMAN, M.D., APPLICANT	AFFIDAVIT OF SERVICE

Kristena Hendrickson, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on June 7, 1995 she served the following upon the applicant:

Order Granting Petition dated June 5, 1995

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named applicant at:

829 Knapp Street #1
Milwaukee WI 53202
Certified Z 091 395 450

an address which appears in the files and records of the Medical Examining Board as the applicant's last known address.

Kristena Hendrickson
Department of Regulation and Licensing

Subscribed and sworn to before me
this 7th day of June, 1995.

Notary Public
Dane County, Wisconsin
My Commission is Permanent

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 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.

Based upon the petition and all other information of record herein, the board orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that the petition of Kevin A. Weidman, M.D., for modification to the limitations on his license to permit him to apply for and hold a DEA registration is granted, and the terms of the board's Order Adopting Stipulation dated November 25, 1994 are therefore amended to read as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that Kevin A. Weidman is hereby granted a license to practice medicine and surgery in the State of Wisconsin imposing the following terms and conditions:

1. The limitations set forth herein shall remain in full force and effect for a period of three years from the date of this Order.

2. David G. Benzer, D.O., Director of the McBride Center at Milwaukee Psychiatric Hospital, shall be Dr. Weidman's supervising physician for the full term of this limited license. The supervising physician may designate another qualified physician to provide coverage and to exercise the duties and responsibilities of the supervising physician in his absence. In the event that Dr. Benzer is unable or unwilling to serve as supervising physician, the Medical Examining Board shall in its sole discretion select a successor supervising physician.

3. Dr. Weidman shall abstain from all personal use of controlled substances as defined in Sec. 161.01(4), Stats. except when necessitated by a legitimate medical condition and then only with the prior approval of the supervising physician.

4. Dr. Weidman shall abstain from all personal use of alcohol.

5. Dr. Weidman shall report all medications and drugs, over-the-counter or prescription, taken by him to his supervising physician within 24 hours of ingestion or administration, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs for him. Dr. Weidman shall within 24 hours of a request by his supervising physician, by the Medical Examining Board or any member thereof, or by any employee of the Department of Regulation and Licensing designated by the Medical Examining Board to exercise this authority, provide releases which comply with state and federal laws authorizing release of his health care records by the person who prescribed, dispensed, administered or ordered this medication for him. These releases shall also authorize the supervising physician, the Medical Examining Board or any member thereof and any employee of the Department of Regulation and Licensing acting under the authority of the Medical Examining Board to discuss Dr. Weidman's health care with the person who prescribed,

dispensed, administered or ordered this medication. The terms of this paragraph shall not be deemed to modify or negate Dr. Weidman's obligations as set forth in paragraph four of this Order.

6. Dr. Weidman shall continue to participate in all components of the drug and alcohol treatment program at the McBride Center as his supervising physician shall determine to be appropriate for his rehabilitation.

7. The drug and alcohol treatment program in which Dr. Weidman is enrolled shall at all times utilize a United States Department of Health and Human Services certified laboratory for the analysis of all urine, blood and hair specimens collected from Dr. Weidman.

8. The drug and alcohol treatment program in which Dr. Weidman is enrolled shall utilize only those urine, blood and hair specimen collection sites for collection of Dr. Weidman's urine, blood and hair specimens as comply with the United States Department of Transportation collection and chain of custody procedures set forth in 49 CFR Part 40.

9. Dr. Weidman shall supply on at least a weekly 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.

10. The supervising physician, treatment facility, laboratory and collection site shall maintain a complete and fully documented chain of custody for each urine, blood and hair specimen collected from Dr. Weidman.

11. Every urine specimen collected from Dr. Weidman shall be analyzed at the time of collection for tampering by measurement of the temperature of the specimen and the oral temperature of Dr. Weidman. Every urine specimen collected from Dr. Weidman shall be further analyzed at the laboratory for tampering by measuring the creatinine concentration and the specific gravity of the specimen. The laboratory may at its discretion or at the direction of a supervising physician or the Medical Examining Board or any member thereof conduct additional tests to evaluate the urine specimen for tampering including, but not limited to, pH, color and odor.

12. Every urine, blood and hair specimen collected from Dr. Weidman shall be analyzed for alcohol, amphetamine, cocaine, opiates, phencyclidine, marijuana, methadone, propoxyphene, methaqualone, barbiturates, benzodiazepines, or the metabolites thereof. The Medical Examining Board or any member thereof, through the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, or the supervising physician may at any time direct that screens for additional substances and their metabolites be conducted by scientific methods and instruments appropriate to detect the presence of these substances. The laboratory shall conduct confirmatory tests of positive or suspected positive test results by appropriate scientific methods and instruments including, but not limited to, gas chromatography and mass spectrometry.

13. All urine, blood and hair specimens remaining after testing shall be maintained in the manner necessary to preserve the integrity of the specimens for at least seven (7) days and all positive or suspected positive urine, blood and hair specimens remaining after testing shall be so maintained for a period of at least one (1) year. The supervising physician or the Medical Examining Board or any member thereof may direct that the urine, blood and hair specimens be maintained for a longer period of time.

14. If any urine, blood or hair specimen is positive or suspected positive for any controlled substances or alcohol, Dr. Weidman shall promptly submit to additional tests or examinations as the supervising physician shall determine to be appropriate to clarify or confirm the positive or suspected positive urine, blood or hair specimen test results.

15. The supervising physician shall report immediately to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, by FAX (608-266-2264) or telephonic communication (608-267-7139) any failure of Dr. Weidman to provide a urine, blood or hair specimen within five (5) hours from the time it was requested. All urine specimens suspected to have been tampered with and all urine, blood and hair specimens which are positive or suspected positive for controlled substances or alcohol shall be reported immediately by the laboratory to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935, FAX (608) 266-2264, telephone no. (608) 267-7139, and to the supervising physician.

16. The laboratory shall mail the report from each urine, blood and hair specimen requested of Dr. Weidman to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 within 48 hours of completion of each drug or alcohol analysis performed regardless of whether the laboratory analysis of the specimen was positive or negative for controlled substances or alcohol. Each report shall state the date and time the specimen was requested, the date and time the specimen was collected, the results of the tests performed to detect tampering and the results of the laboratory analysis for the presence of controlled substances and alcohol.

17. The supervising physician shall submit formal written reports to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 every 90 days commencing 90 days after the date of this Order. The report shall assess Dr. Weidman's progress in the drug and alcohol treatment program and summarize the results of the urine, blood and hair specimen analyses. The supervising physician shall report immediately to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935, FAX (608) 266-2264, telephone no. (608) 267-7139 any violation or suspected violation of this Order.

18. Dr. Weidman shall provide and keep on file with his supervising physician, all treatment facilities and personnel, laboratories and collections sites current releases which comply with state and federal laws authorizing release of all of his urine, blood and hair specimen screen results and his medical and treatment records and reports to, and permitting his supervising physician and his treating physicians and therapists to disclose and discuss the progress of his treatment and rehabilitation with, the Medical Examining Board or any member thereof, or with any employee of the Department of Regulation and Licensing acting under the authority of the Medical Examining Board. Copies of these releases shall be filed simultaneously with the Department Monitor, Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935.

19. Dr. Weidman shall be responsible for compliance with all of the terms and conditions of this Final Decision and Order. Dr. Weidman shall promptly notify the Department Monitor, Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935, FAX (608) 266-2264, telephone no. (608) 267-7139 of any suspected violations of any of the terms and conditions of this Order including any failures of the supervising physician, treatment facility, laboratory or collections sites to conform to the terms and conditions of this Order.

20. The Medical Examining Board, if it determines that the supervising physician, treatment facility, laboratory or collections sites have failed to satisfy the terms and conditions of this Order, may, at its sole discretion, direct that Dr. Weidman terminate his involvement with the supervising physician, treatment program, laboratory or collection sites, and continue his treatment and rehabilitation program under the direction of another supervising physician at a treatment facility, laboratory or collection sites which will conform to the terms and conditions of this Order.

21. Dr. Weidman shall appear before the Medical Examining Board at its August, 1995, meeting to review the progress of his treatment and rehabilitation. Dr. Weidman may petition the Medical Examining Board for modification of the terms of his limited license and the Medical Examining Board shall consider Dr. Weidman's petition at the time it meets with him to review the progress of his rehabilitation. Denial of the petition in whole or in part shall not be considered a denial of a license within the meaning of Sec. 227.01(3)(a), Stats. and Dr. Weidman shall not have a right to any further hearings or proceedings on any denial in whole or in part of his petition for modification of his limited license.

22. If the Medical Examining Board determines that there is probable cause to believe that Dr. Weidman has violated the terms of this Order, the Medical Examining Board may order the license of Dr. Weidman to practice medicine and surgery in the state of Wisconsin be summarily suspended pending investigation of the alleged violation.

23. With the exception of the administrative costs generated within the department in administering this Order, all costs and expenses arising from Dr. Weidman's compliance with this Order shall be borne by Dr. Weidman.

Dated this 5 th day of June 1995.

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

by W.R. Schwartz, M.D.

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

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BEFORE THE STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF THE APPLICATION FOR A LICENSE	:	
	:	AFFIDAVIT OF SERVICE
KEVIN A. WEIDMAN, M.D., APPLICANT	:	

Kristena Hendrickson, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on March 31, 1995 she served the following upon the applicant:

Order Denying Petition dated March 29, 1995

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named applicant at:

829 Knapp Street #1
Milwaukee, WI 53202
Certified Z 091 395 326

an address which appears in the files and records of the Medical Examining Board as the applicant's last known address.

Kristena Hendrickson

Kristena Hendrickson
Department of Regulation and Licensing

Subscribed and sworn to before me

this 3rd day of April, 1995.

Deanna Zychowski

Notary Public
Dane County, Wisconsin
My Commission ~~is Permanent~~ expires 9-01-96

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 DENYING 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.

Based upon the petition and all other information of record herein, the board orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that the petition of Kevin A. Weidman, M.D., for modification to the limitations on his license be, and hereby is, denied.

IT IS FURTHER ORDERED that Dr. Weidman shall appear before the board for interview at the board's June, 1995, meeting.

DISCUSSION

It has been less than four months since Dr. Weidman was granted a limited license in Wisconsin. That is far too short a period of licensure to consider modification of two of the more important rehabilitative safeguards set forth in the board's order.

Dated this 29th day of March, 1995.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

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

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BEFORE THE STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF THE APPLICATION FOR A LICENSE KEVIN A. WEIDMAN. M.D., APPLICANT	: : : : :	AFFIDAVIT OF SERVICE

Kristena Hendrickson, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on November 30, 1994 she served the following upon the applicant:

Order Adopting Stipulation dated November 25, 1994.

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named applicant at:

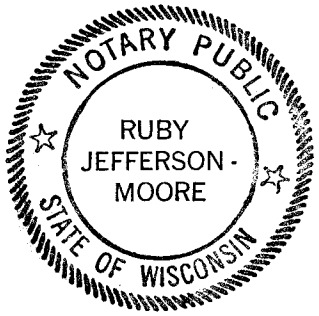
RR 3, PO Box 5219
Northpoint West
Battle Lake, MN 56515
Certified P 195 982 221

an address which appears in the files and records of the Medical Examining Board as the applicant's last known address.

Kristena Hendrickson
Department of Regulation and Licensing

Subscribed and sworn to before me
this 1st day of December, 1994.

Ruby Jefferson-Moore
Notary Public
Dane County, Wisconsin
My Commission is Permanent



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 ADOPTING STIPULATION

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 baord agreed to grant, and Dr. Weidman agreed to accept, a limited license to practice medicine and surgery in the State of Wisconsin. A copy of the Stipulation is attached hereto and made a part hereof.

Based upon the Stipulation and all other information of record herein, the board orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that Kevin A. Weidman is hereby granted a license to practice medicine and surgery in the State of Wisconsin imposing the following terms and conditions:

1. The limitations set forth herein shall remain in full force and effect for a period of three years from the date of this Order.

2. David G. Benzer, D.O., Director of the McBride Center at Milwaukee Psychiatric Hospital, shall be Dr. Weidman's supervising physician for the full term of this limited license. The supervising physician may designate another qualified physician to provide coverage and to exercise the duties and responsibilities of the supervising physician in his absence. In the event that Dr. Benzer is unable or unwilling to serve as supervising physician, the Medical Examining Board shall in its sole discretion select a successor supervising physician.

3. Dr. Weidman shall not prescribe, dispense, administer or order any controlled substances for any person. Dr. Weidman shall voluntarily surrender his DEA registration to prescribe, dispense, administer and order controlled substances to the Drug Enforcement Administration within ten (10) days of the date of this Final Decision and Order. Dr. Weidman shall not make reapplication for a DEA registration until the terms of this limited license have been satisfied or until the Medical Examining Board modifies the terms of this limited license to permit the prescribing, dispensing, administering or ordering of controlled substances.

4. Dr. Weidman shall abstain from all personal use of controlled substances as defined in Sec. 161.01(4), Stats. except when necessitated by a legitimate medical condition and then only with the prior approval of the supervising physician.

5. Dr. Weidman shall abstain from all personal use of alcohol.

6. Dr. Weidman shall report all medications and drugs, over-the-counter or prescription, taken by him to his supervising physician within 24 hours of ingestion or administration, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs for him. Dr. Weidman shall within 24 hours of a request by his supervising physician, by the Medical Examining Board or any member thereof, or by any employee of the Department of Regulation and Licensing designated by the Medical Examining Board to exercise this authority, provide releases which comply with state and federal laws authorizing release of his health care records by the person who prescribed, dispensed, administered or ordered this medication for him. These releases shall also authorize the supervising physician, the Medical Examining Board or any member thereof and any employee of the Department of Regulation and Licensing acting under the authority of the Medical Examining Board to discuss Dr. Weidman's health care with the person who prescribed, dispensed, administered or ordered this medication. The terms of this paragraph shall not be deemed to modify or negate Dr. Weidman's obligations as set forth in paragraph four of this Order.

7. Dr. Weidman shall continue to participate in all components of the drug and alcohol treatment program at the McBride Center as his supervising physician shall determine to be appropriate for his rehabilitation.

8. The drug and alcohol treatment program in which Dr. Weidman is enrolled shall at all times utilize a United States Department of Health and Human Services certified laboratory for the analysis of all urine, blood and hair specimens collected from Dr. Weidman.

9. The drug and alcohol treatment program in which Dr. Weidman is enrolled shall utilize only those urine, blood and hair specimen collection sites for collection of Dr. Weidman's urine, blood and hair specimens as comply with the United States Department of Transportation collection and chain of custody procedures set forth in 49 CFR Part 40.

10. Dr. Weidman shall supply on at least a weekly 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.

11. The supervising physician, treatment facility, laboratory and collection site shall maintain a complete and fully documented chain of custody for each urine, blood and hair specimen collected from Dr. Weidman.

12. Every urine specimen collected from Dr. Weidman shall be analyzed at the time of collection for tampering by measurement of the temperature of the specimen and the oral temperature of Dr. Weidman. Every urine specimen collected from Dr. Weidman shall be further analyzed at the laboratory for tampering by measuring the creatinine concentration and the specific gravity of the specimen. The laboratory may at its discretion or at the direction of a supervising physician or the Medical Examining Board or any member thereof conduct additional tests to evaluate the urine specimen for tampering including, but not limited to, pH, color and odor.

13. Every urine, blood and hair specimen collected from Dr. Weidman shall be analyzed for alcohol, amphetamine, cocaine, opiates, phencyclidine, marijuana, methadone, propoxyphene, methaqualone, barbiturates, benzodiazepines, or the metabolites thereof. The Medical Examining Board or any member thereof, through the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, or the supervising physician may at any time direct that screens for additional substances and their metabolites be conducted by scientific methods and instruments appropriate to detect the presence of these substances. The laboratory shall conduct confirmatory tests of positive or suspected positive test results by appropriate scientific methods and instruments including, but not limited to, gas chromatography and mass spectrometry.

14. All urine, blood and hair specimens remaining after testing shall be maintained in the manner necessary to preserve the integrity of the specimens for at least seven (7) days and all positive or suspected positive urine, blood and hair specimens remaining after testing shall be so maintained for a period of at least one (1) year. The supervising physician or the Medical Examining Board or any member thereof may direct that the urine, blood and hair specimens be maintained for a longer period of time.

15. If any urine, blood or hair specimen is positive or suspected positive for any controlled substances or alcohol, Dr. Weidman shall promptly submit to additional tests or examinations as the supervising physician shall determine to be appropriate to clarify or confirm the positive or suspected positive urine, blood or hair specimen test results.

16. The supervising physician shall report immediately to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, by FAX (608-266-2264) or telephonic communication (608-267-7139) any failure of Dr. Weidman to provide a urine, blood or hair specimen within five (5) hours from the time it was requested. All urine specimens

suspected to have been tampered with and all urine, blood and hair specimens which are positive or suspected positive for controlled substances or alcohol shall be reported immediately by the laboratory to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935, FAX (608) 266-2264, telephone no. (608) 267-7139, and to the supervising physician.

17. The laboratory shall mail the report from each urine, blood and hair specimen requested of Dr. Weidman to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 within 48 hours of completion of each drug or alcohol analysis performed regardless of whether the laboratory analysis of the specimen was positive or negative for controlled substances or alcohol. Each report shall state the date and time the specimen was requested, the date and time the specimen was collected, the results of the tests performed to detect tampering and the results of the laboratory analysis for the presence of controlled substances and alcohol.

18. The supervising physician shall submit formal written reports to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 every 90 days commencing 90 days after the date of this Order. The report shall assess Dr. Weidman's progress in the drug and alcohol treatment program and summarize the results of the urine, blood and hair specimen analyses. The supervising physician shall report immediately to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935, FAX (608) 266-2264, telephone no. (608) 267-7139 any violation or suspected violation of this Order.

19. Dr. Weidman shall provide and keep on file with his supervising physician, all treatment facilities and personnel, laboratories and collections sites current releases which comply with state and federal laws authorizing release of all of his urine, blood and hair specimen screen results and his medical and treatment records and reports to, and permitting his supervising physician and his treating physicians and therapists to disclose and discuss the progress of his treatment and rehabilitation with, the Medical Examining Board or any member thereof, or with any employee of the Department of Regulation and Licensing acting under the authority of the Medical Examining Board. Copies of these releases shall be filed simultaneously with the Department Monitor, Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935.

20. Dr. Weidman shall be responsible for compliance with all of the terms and conditions of this Final Decision and Order. Dr. Weidman shall promptly notify the Department Monitor, Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935, FAX (608) 266-2264, telephone no. (608) 267-7139 of any suspected violations of any of the terms and conditions of this Order including any failures of the supervising physician, treatment facility, laboratory or collections sites to conform to the terms and conditions of this Order.

21. The Medical Examining Board, if it determines that the supervising physician, treatment facility, laboratory or collections sites have failed to satisfy the terms and conditions of

this Order, may, at its sole discretion, direct that Dr. Weidman terminate his involvement with the supervising physician, treatment program, laboratory or collection sites, and continue his treatment and rehabilitation program under the direction of another supervising physician at a treatment facility, laboratory or collection sites which will conform to the terms and conditions of this Order.

22. Dr. Weidman shall appear before the Medical Examining Board at least annually to review the progress of his treatment and rehabilitation. Dr. Weidman may petition the Medical Examining Board for modification of the terms of his limited license and the Medical Examining Board shall consider Dr. Weidman's petition at the time it meets with him to review the progress of his rehabilitation. Denial of the petition in whole or in part shall not be considered a denial of a license within the meaning of Sec. 227.01(3)(a), Stats. and Dr. Weidman shall not have a right to any further hearings or proceedings on any denial in whole or in part of his petition for modification of his limited license.

23. If the Medical Examining Board determines that there is probable cause to believe that Dr. Weidman has violated the terms of this Order, the Medical Examining Board may order the license of Dr. Weidman to practice medicine and surgery in the state of Wisconsin be summarily suspended pending investigation of the alleged violation.

24. With the exception of the administrative costs generated within the department in administering this Order, all costs and expenses arising from Dr. Weidman's compliance with this Order shall be borne by Dr. Weidman.

Dated this 15 day of NOV, 1994.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by _____
Clark O. Olsen, M.D.
Secretary

WRA:9410062

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
THE APPLICATION FOR A LICENSE OF

KEVIN A. WEIDMAN, M.D.,

Applicant

STIPULATION

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.

Based upon all evidence and information of record herein, the Medical Examining Board agrees to issue, and Kevin A. Weidman, M.D., agrees to accept, a limited license to practice medicine and surgery in Wisconsin imposing the following terms and conditions:

1. The limitations set forth herein shall remain in full force and effect for a period of three years from the date of the Medical Examining Board's Order adopting the terms of this Stipulation.

2. David G. Benzer, D.O., Director of the McBride Center at Milwaukee

Psychiatric Hospital, shall be Dr. Weidman's supervising physician for the full term of this limited license. The supervising physician may designate another qualified physician to provide coverage and to exercise the duties and responsibilities of the supervising physician in his absence. In the event that Dr. Benzer is unable or unwilling to serve as supervising physician, the Medical Examining Board shall in its sole discretion select a successor supervising physician.

3. Dr. Weidman shall not prescribe, dispense, administer or order any controlled substances for any person. Dr. Weidman shall voluntarily surrender his DEA registration to prescribe, dispense, administer and order controlled substances to the Drug Enforcement Administration within ten (10) days of the date of this Final Decision and Order. Dr. Weidman shall not make reapplication for a DEA registration until the terms of this limited license have been satisfied or until the Medical Examining Board modifies the terms of this limited license to permit the prescribing, dispensing, administering or ordering of controlled substances.

4. Dr. Weidman shall abstain from all personal use of controlled substances as defined in Sec. 161.01(4), Stats. except when necessitated by a legitimate medical condition and then only with the prior approval of the supervising physician.

5. Dr. Weidman shall abstain from all personal use of alcohol.

6. Dr. Weidman shall report all medications and drugs, over-the-counter or prescription, taken by him to his supervising physician within 24 hours of ingestion or administration, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs for him. Dr. Weidman shall within 24 hours of a request by his supervising physician, by the Medical Examining Board or any member thereof, or by any employee of the Department of Regulation and Licensing designated by the Medical Examining Board to exercise this authority, provide releases which comply with state and federal laws authorizing release of his health care records by the person who prescribed, dispensed, administered or ordered this medication for him. These releases shall also authorize the supervising physician, the Medical Examining Board or any member thereof and any employee of the Department of Regulation and Licensing acting under the authority of the Medical Examining Board to discuss Dr. Weidman's health care with the person who prescribed, dispensed, administered or ordered this medication. The terms of this paragraph shall not be deemed to modify or negate Dr. Weidman's obligations as set forth in paragraph four.

7. Dr. Weidman shall continue to participate in all components of the drug and alcohol treatment program at the McBride Center as his supervising physician shall determine to be appropriate for his rehabilitation.

8. The drug and alcohol treatment program in which Dr. Weidman is enrolled shall at all times utilize a United States Department of Health and Human Services

certified laboratory for the analysis of all urine, blood and hair specimens collected from Dr. Weidman.

9. The drug and alcohol treatment program in which Dr. Weidman is enrolled shall utilize only those urine, blood and hair specimen collection sites for collection of Dr. Weidman's urine, blood and hair specimens as comply with the United States Department of Transportation collection and chain of custody procedures set forth in 49 CFR Part 40.

10. Dr. Weidman shall supply on at least a weekly 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.

11. The supervising physician, treatment facility, laboratory and collection site shall maintain a complete and fully documented chain of custody for each urine, blood and hair specimen collected from Dr. Weidman.

12. Every urine specimen collected from Dr. Weidman shall be analyzed at the time of collection for tampering by measurement of the temperature of the specimen and the oral temperature of Dr. Weidman. Every urine specimen collected from Dr. Weidman shall be further analyzed at the laboratory for tampering by measuring the creatinine concentration and the specific gravity of the specimen. The laboratory may at its discretion or at the direction of a supervising physician or the Medical Examining Board or any member thereof conduct additional tests to evaluate the urine specimen for tampering including, but not limited to, pH, color and odor.

13. Every urine, blood and hair specimen collected from Dr. Weidman shall be analyzed for alcohol, amphetamine, cocaine, opiates, phencyclidine, marijuana, methadone, propoxyphene, methaqualone, barbiturates, benzodiazepines, or the metabolites thereof. The Medical Examining Board or any member thereof, through the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, or the supervising physician may at any time direct that screens for additional substances and their metabolites be conducted by scientific methods and instruments appropriate to detect the presence of these substances. The laboratory shall conduct confirmatory tests of positive or suspected positive test results by appropriate scientific methods and instruments including, but not limited to, gas chromatography and mass spectrometry.

14. All urine, blood and hair specimens remaining after testing shall be maintained in the manner necessary to preserve the integrity of the specimens for at least seven (7) days and all positive or suspected positive urine, blood and hair specimens remaining after testing shall be so maintained for a period of at least one (1) year. The supervising physician or the Medical Examining Board or any member thereof may direct that the urine, blood and hair specimens be maintained for a longer period of time.

15. If any urine, blood or hair specimen is positive or suspected positive for any controlled substances or alcohol, Dr. Weidman shall promptly submit to additional tests or examinations as the supervising physician shall determine to be appropriate to clarify or confirm the positive or suspected positive urine, blood or hair specimen test results.

16. The supervising physician shall report immediately to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, by FAX (608-266-2264) or telephonic communication (608-267-7139) any failure of Dr. Weidman to provide a urine, blood or hair specimen within five (5) hours from the time it was requested. All urine specimens suspected to have been tampered with and all urine, blood and hair specimens which are positive or suspected positive for controlled substances or alcohol shall be reported immediately by the laboratory to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935, FAX (608) 266-2264, telephone no. (608) 267-7139, and to the supervising physician.

17. The laboratory shall mail the report from each urine, blood and hair specimen requested of Dr. Weidman to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 within 48 hours of completion of each drug or alcohol analysis performed regardless of whether the laboratory analysis of the specimen was positive or negative for controlled substances or alcohol. Each report shall state the date and time the specimen was requested, the date and time the specimen was collected, the results of the tests performed to detect tampering and the results of the laboratory analysis for the presence of controlled substances and alcohol.

18. The supervising physician shall submit formal written reports to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935 every 90 days commencing 90 days after the date of the Medical Examining Board's Final Decision and Order adopting the terms of this Stipulation. The report shall assess Dr. Weidman's progress in the drug and alcohol treatment program and summarize the results of the urine, blood and hair specimen analyses. The supervising physician shall report immediately to the Department Monitor in the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935, FAX (608) 266-2264, telephone no. (608) 267-7139 any violation or suspected violation of the Medical Examining Board's Final Decision and Order.

19. Dr. Weidman shall provide and keep on file with his supervising physician, all treatment facilities and personnel, laboratories and collections sites current releases which comply with state and federal laws authorizing release of all of his urine, blood and hair specimen screen results and his medical and treatment records and reports to, and permitting his supervising physician and his treating physicians and therapists to

disclose and discuss the progress of his treatment and rehabilitation with, the Medical Examining Board or any member thereof, or with any employee of the Department of Regulation and Licensing acting under the authority of the Medical Examining Board. Copies of these releases shall be filed simultaneously with the Department Monitor, Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935.

20. Dr. Weidman shall be responsible for compliance with all of the terms and conditions of the board's Final Decision and Order adopting the terms of this Stipulation. Dr. Weidman shall promptly notify the Department Monitor, Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, Wisconsin 53708-8935, FAX (608) 266-2264, telephone no. (608) 267-7139 of any suspected violations of any of the terms and conditions of the Final Decision and Order including any failures of the supervising physician, treatment facility, laboratory or collections sites to conform to the terms and conditions of the Final Decision and Order.

21. The Medical Examining Board, if it determines that the supervising physician, treatment facility, laboratory or collections sites have failed to satisfy the terms and conditions of the board's Final Decision and Order adopting this Stipulation, may, at its sole discretion, direct that Dr. Weidman terminate his involvement with the supervising physician, treatment program, laboratory or collection sites, and continue his treatment and rehabilitation program under the direction of another supervising physician at a treatment facility, laboratory or collection sites which will conform to the terms and conditions of the Final Decision and Order.

22. Dr. Weidman shall appear before the Medical Examining Board at least annually to review the progress of his treatment and rehabilitation. Dr. Weidman may petition the Medical Examining Board for modification of the terms of his limited license and the Medical Examining Board shall consider Dr. Weidman's petition at the time it meets with him to review the progress of his rehabilitation. Denial of the petition in whole or in part shall not be considered a denial of a license within the meaning of Sec. 227.01(3)(a), Stats. and Dr. Weidman shall not have a right to any further hearings or proceedings on any denial in whole or in part of his petition for modification of his limited license.

23. If the Medical Examining Board determines that there is probable cause to believe that Dr. Weidman has violated the terms of the board's Final Decision and Order adopting this Stipulation, the Medical Examining Board may order the license of Dr. Weidman to practice medicine and surgery in the state of Wisconsin be summarily suspended pending investigation of the alleged violation.

24. With the exception of the administrative costs generated within the department in administering the board's order adopting the terms of this Stipulation, all costs and expenses arising from Dr. Weidman's compliance with the board's order shall

be borne by Dr. Weidman.

Dated this 11/14 day of _____, 1994.

_____
Kevin A. Weidman, M.D.

Dated this 25 day of Nov, 1994.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by _____
Clark O. Olsen, M.D.
Secretary

WRA:9409272

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:

THE 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 30, 1994 .

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.)

BEFORE THE STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF THE APPLICATION FOR A LICENSE OF KEVIN A WEIDMAN, M.D., APPLICANT.	: : : : :	AFFIDAVIT OF SERVICE

Kristena Hendrickson, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on May 17, 1993 she served the following upon the applicant:

Order Denying Application dated May 7 1993

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named applicant at:

1702 South University
Fargo, ND 58103
Certified P 429 060 675

an address which appears in the files and records of the Medical Examining Board as the applicant's last known address.

Kristena Hendrickson
Kristena Hendrickson
Department of Regulation and Licensing

Subscribed and sworn to before me

this 18th day of May, 1993.

Deanna Tychowski
Notary Public
Dane County, Wisconsin
My Commission Expires ~~11/6/94~~ 9/1/96

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 DENYING APPLICATION

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 establishes that his licenses in both those states are suspended. The board considered the application at its meeting of April 28, 1993.

Based upon the application, and upon other information of record, the Medical Examining Board orders as follows:

NOW, THEREFORE, IT IS ORDERED that the application of Kevin A. Weidman, M.D. for a license to practice medicine and surgery in Wisconsin be, and hereby is, denied.

DISCUSSION

In his explanation of the actions taken against his licenses in Minnesota and North Dakota, Dr. Weidman recounts that he was initially treated for chemical dependency in 1987, resulting in limitations being placed on his practice in those states. Following restoration of his licenses, Dr. Weidman relapsed in 1990, and again in September, 1992. As a result of these repeated relapses, both Minnesota and North Dakota have suspended his license. Nonetheless, Dr. Weidman asks that this state grant him a license to practice medicine and surgery.

At such time that North Dakota, which is apparently Dr. Weidman 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.

PLEASE TAKE NOTICE that pursuant to Wis. Stats. sec. 227.42 and Wis. Adm. Code ch. RL 1, you may have a right to a hearing on the denial of the license requested. You may request such hearing if your request is received in the office of the Medical Examining Board within thirty days of the date hereof. The request must include the reasons why you have requested a hearing, the facts which you intend to prove at hearing, and an explanation of the mistake you believe was made, if you claim that the denial of the license is based on a mistake in fact or law. Within 20 days of receipt of a request for hearing, the board shall grant or deny the request, but the request will be granted if the foregoing requirements are met. If the request for hearing is granted, you will be notified of the time, place and nature of the hearing. If the request for a hearing is denied, you will be notified in writing of the reason for denial.

Dated this 7 day of May, 1993.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by _____
Clark O. Olsen, M.D.
Secretary

WRA:BDLS2:3129