

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **SCOTT WEISS, M.D.**

4 Holder of License No. 20073
5 For the Practice of Allopathic Medicine
6 In the State of Arizona

Case No. MD-04-0759A

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical Board
9 ("Board") and Scott Weiss, M.D. ("Respondent"), the parties agreed to the following
10 disposition of this matter.

11 1. Respondent acknowledges that he has read and understands this Consent
12 Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent
13 Agreement"). Respondent acknowledges that he has the right to consult with legal
14 counsel regarding this matter and has done so or chooses not to do so.

15 2. Respondent understands that by entering into this Consent Agreement, he
16 voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on
17 the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the
18 Board, and waives any other cause of action related thereto or arising from said Consent
19 Agreement.

20 3. Respondent acknowledges and understands that this Consent Agreement is
21 not effective until approved by the Board and signed by its Executive Director.

22 4. All admissions made by Respondent are solely for final disposition of this
23 matter and any subsequent related administrative proceedings or civil litigation involving
24 the Board and Respondent. Therefore, said admissions by Respondent are not intended
25 or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

3 5. Respondent acknowledges and agrees that, although the Consent
4 Agreement has not yet been accepted by the Board and issued by the Executive Director,
5 upon signing this agreement, and returning this document (or a copy thereof) to the
6 Board's Executive Director, Respondent may not revoke the acceptance of the Consent
7 Agreement. Respondent may not make any modifications to the document. Any
8 modifications to this original document are ineffective and void unless mutually approved
9 by the parties.

10 6. Respondent further understands that this Consent Agreement, once
11 approved and signed, is a public record that may be publicly disseminated as a formal
12 action of the Board and will be reported to the National Practitioner Data Bank and to the
13 Arizona Medical Board's website.

14 7. If any part of the Consent Agreement is later declared void or otherwise
15 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force
16 and effect.

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20 SCOTT WEISS, M.D.

DATED: 8/29/05

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FINDINGS OF FACT

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2 1. The Board is the duly constituted authority for the regulation and control of
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 20073 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-04-0759A after receiving a complaint
7 that Respondent was prescribing and selling prescription-only 4% hydroquinone products
8 on the Internet without seeing the purchasers in his office, performing a physical
9 examination, or providing follow up care.

10 4. Respondent's prescribing practice was stopped when the on-line auction site
11 from which Respondent sold the product ceased the practice.

12 5. Respondent admitted to selling the prescription-only 4% hydroquinone on the
13 Internet auction site.

14 6. A physician may not prescribe, dispense or furnish a prescription medication
15 without first conducting physical examination of the person or having previously
16 established a doctor-patient relationship. A.R.S. § 32-1401(27)(ss).

17 7. The standard of care required Respondent to establish a doctor-patient
18 relationship that includes performing a patient examination, obtaining a patient history, and
19 performing a physical examination.

20 8. Respondent deviated from the standard of care because he prescribed
21 prescription only 4% hydroquinone to patients without establishing a doctor-patient
22 relationship.

23 9. There is a potential for harm when prescribing prescription medications
24 without consultation or examination.

25

1 **CONCLUSIONS OF LAW**

2 1. The Board possesses jurisdiction over the subject matter hereof and over
3 Respondent.

4 2. The conduct and circumstances described above constitute unprofessional
5 conduct pursuant to A.R.S. § 32-1401 (27)(q) – (“[a]ny conduct or practice that is or might
6 be harmful to the health of the patient or the public.”)

7 3. The conduct and circumstances described above constitute unprofessional
8 conduct pursuant to A.R.S. § 32-1401 (27)(kk) – (“[f]ailing to dispense drugs and devices
9 in compliance with article 6 of this chapter.”)

10 4. The conduct and circumstances described above constitute unprofessional
11 conduct pursuant to A.R.S. § 32-1401 (27)(ss) – (“[p]rescribing, dispensing or furnishing a
12 prescription medication or a prescription-only device as defined in section 32-1901 to a
13 person unless the licensee first conducts a physical examination of that person or has
14 previously established a doctor-patient relationship.”)

15 **ORDER**

16 IT IS HEREBY ORDERED THAT:

17 1. Respondent is issued a Letter of Reprimand for prescribing a prescription-
18 only medication on the Internet.

19 2. This Order is the final disposition of case number MD-04-0759A.

20 DATED AND EFFECTIVE this 12th day of October, 2005.

21
22 (SEAL)



ARIZONA MEDICAL BOARD

23
24 By 

25 TIMOTHY C. MILLER, J.D.
Executive Director

1 ORIGINAL of the foregoing filed this
2 12th day of October, 2005 with:

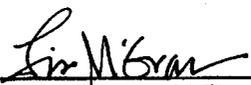
3 Arizona Medical Board
4 9545 E. Doubletree Ranch Road
5 Scottsdale, AZ 85258

6 EXECUTED COPY of the foregoing mailed
7 this 12th day of October, 2005 to:

8 Mr. A. Bates Butler
9 One South Church Avenue, Suite 1000
10 Tucson, Arizona 85701-1627

11 EXECUTED COPY of the foregoing mailed
12 this 12th day of October, 2005 to:

13 Scott Weiss, M.D.
14 Address of Record

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17 _____
18 Investigational Review
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