

IN THE MATTER OF

* BEFORE THE COMMISSION
*
* ON MEDICAL DISCIPLINE
*
* OF MARYLAND
*

BRUCE E. WENECK, M.D.

FINDINGS OF FACT
CONCLUSIONS OF LAW AND ORDER

INTRODUCTION

Based upon information coming to its attention, the Commission on Medical Discipline of Maryland ("the Commission") conducted an investigation and subsequently determined to charge Bruce E. Weneck, M.D. ("Respondent") with violation of §14-504(6), (13), and (25) of the Maryland Medical Practice Act, (the "Act") Health Occupations Article §14-101 et seq., Annotated Code of Maryland, which provide:

Subject to the hearing provision of §14-505 of this subtitle, the Commissions on the affirmative vote of a majority of its full authorized membership, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

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(6) Is convicted of or pleads guilty or nolo contendere with respect to a crime involving moral turpitude whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

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(13) Is guilty of immoral conduct in the practice of medicine;

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(25) Willfully submits false statements to collect fees for which services are not provided;

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Respondent was notified of the charges by letter dated March 11, 1987. A hearing is scheduled for May 19, 1986. On April 16, 1986, a prehearing conference was held among Durke G. Thompson, Esquire, counsel for Respondent; Robert L. Roth, Administrative Prosecutor; and Ronald J. Taylor, M.S., M.D., M.B.A., designee of the Commission. As a result of discussions and negotiations at the prehearing conference, Respondent agreed to enter into the following Consent Order.

FINDINGS OF FACT

Based upon the information in its files, and otherwise made known to it, the Commission finds:

1. That Respondent, is a physician licensed and practicing in Maryland both currently and at all times material to the allegations relating to this matter;
2. That on August 27, 1986, Respondent pled guilty to one count of violating Article 27 §230C of the Annotated Code of Maryland ("Medical Fraud") and one count of violating of Article 27, §27 or of the Annotated Code of Maryland ("Obstruction of Justice") in the Circuit Court for Baltimore City, Criminal Indictment Numbers 18612701 and 18605501;
3. That the charges to which Respondent pled guilty were based upon his submitting fraudulent invoices and obtaining reimbursement from the Maryland Medical Assistance Program ("Medicaid") for physician services not received by his patients and for altering patient records in an attempt to frustrate investigations being carried out by various investigating units within the State government.

4. That as a result of the guilty pleas, Respondent received the following sentence from the Circuit Court for Baltimore City: one year in prison (six months suspended and 60 days served), two years supervised probation; restitution in the amount of \$37,000; and a fine of \$10,000. The Court also imposed 500 hours of community service.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Facts, the Commission on Medical Discipline, by unanimous vote of a quorum of its members, concludes as a matter of law that Respondent violated §14-504(6), (13), and (25) of the Maryland Medical Practice Act, Health Occupations Article, Annotated Code of Maryland, and finds Respondent GUILTY of that charge.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 5 day of May, 1986, by unanimous vote of a quorum of the members of the Commission on Medical Discipline,

ORDERED that the license of Respondent, Bruce E. Weneck, M.D., an individual licensed to practice medicine in the State of Maryland, is hereby REVOKED; and be it further

ORDERED that the revocation of Respondent's license shall be immediately STAYED and Respondent placed on PROBATION subject to the following terms and conditions:

1. That Respondent shall meet any conditions imposed by the Circuit Court for Baltimore City in the disposition of the criminal matters that formed the subject of this prosecution;

2. That Respondent shall complete 100 hours of community service in addition to the 500 hours of community service imposed by the Court. The 100 hours of community service shall begin only after the 500 hours have been completed. The 100 hours of community service shall be completed at the Washington County Department of Social Services and Melissa A. Cline, LCSW, shall supervise the service and report to the Commission when service is completed. The 100 hours of community service shall be completed no later than November, 1989;

3. That Respondent shall not engage in activities of the type that led to his criminal conviction;

4. That Respondent shall not violate any other provisions of the Act; and

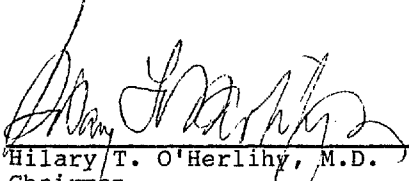
5. That Respondent shall practice fully in accordance with those standards expected of a competent practitioner of medicine in the State of Maryland; and be it further

ORDERED that after the expiration of five (5) years from the date of this Order, the Commission will entertain a petition for termination of Respondent's probationary status and for restoration of his license to practice medicine without condition or restriction, upon Respondent's demonstrating to the satisfaction of the Commission that he has complied with the terms and conditions of his probation. If the Commission determines that he has not complied with the terms and conditions of his probation, the Commission may modify one or more of the conditions of his probation; and be it further

ORDERED that if Respondent violates any of the foregoing conditions of probation, the stay on the revocation may be lifted and the Commission, after notification, a hearing, and determination of violation, may impose any additional disciplinary sanctions it deems appropriate; and be it further

ORDERED that a copy of this Order shall be filed with the Board of Medical Examiners in accordance with §14-507 of the Health Occupations Article of the Annotated Code of Maryland; and be it further

ORDERED that this is a final order and as such is considered a public document under to §10-611, et seq. of the State Government Article of the Annotated Code of Maryland.


Hilary T. O'Herlihy, M.D.
Chairman
Commission on Medical
Discipline of Maryland

CONSENT

By this Consent, I hereby admit the truth of the above Findings of Fact and accept and submit to the foregoing Order and its conditions. I have read and acknowledge the validity of the Order as if made after a hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections provided by law. I also recognize that I am waiving my right to appeal any adverse ruling of the Commission that might have followed any such hearing. By this Consent, I understand that I am waiving all such rights and acknowledge that by my failure to abide by the conditions of the Order, I may suffer disciplinary action against my license to practice medicine in the State of Maryland. I sign this Consent without reservation and after conferring with counsel. I fully understand its meaning.

Bruce E. Weneck M.D.

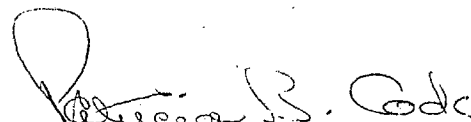
Bruce E. Weneck, M.D.

State of Maryland

City/County of Washington

I HEREBY CERTIFY that on this 20th day
of April, 1987, before me, a Notary Public of the State
and City aforesaid, personally appeared Bruce E. Weneck, M.D.,
and he made oath in due form of law that the foregoing Consent
was his voluntary act and deed.

AS WITNESS my hand and notarial seal.


Notary Public

My Commission Expires: April 1, 1990