

# State Medical Board of Ohio

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Richard A. Whitehouse, Esq.  
Executive Director

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March 14, 2012

Amy R. Weidman, M.D.  
2010 McClaren Lane  
Broadview Heights, OH 44147

RE: Case No. 11-CRF-087

Dear Doctor Weidman:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Danielle R. Blue, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on March 14, 2012, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board and the Franklin County Court of Common Pleas. The Notice of Appeal must set forth the Order appealed from and state that the State Medical Board's Order is not supported by reliable, probative, and substantive evidence and is not in accordance with law. The Notice of Appeal may, but is not required to, set forth the specific grounds of the appeal. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO



J. Craig Strafford, M.D., M.P.H.  
Secretary

JCS:jam  
Enclosures

CERTIFIED MAIL NO. 91 7199 9991 7030 3310 5338  
RETURN RECEIPT REQUESTED

Cc: John N. Childs, Esq.  
CERTIFIED MAIL NO. 91 7199 9991 7030 3310 5345  
RETURN RECEIPT REQUESTED

*Mailed 3-15-12*

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Danielle R. Blue, State Medical Board Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on March 14, 2012, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Amy R. Weidman, M.D., Case No. 11-CRF-087, as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

J. Craig Strafford MD MPH

J. Craig Strafford, M.D., M.P.H.  
Secretary

(SEAL)

March 14, 2012

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

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CASE NO. 11-CRF-087

AMY R. WEIDMAN, M.D.

\*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on March 14, 2012.

Upon the Report and Recommendation of Danielle R. Blue, State Medical Board Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

- A. **SUSPENSION OF CERTIFICATE:** The certificate of Amy R. Weidman, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than 180 days.
- B. **INTERIM MONITORING:** During the period that Dr. Weidman's certificate to practice medicine and surgery is suspended, Dr. Weidman shall comply with the following terms, conditions, and limitations:
  1. **Obey the Law:** Dr. Weidman shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
  2. **Declarations of Compliance:** Dr. Weidman shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there had been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
  3. **Personal Appearances:** Dr. Weidman shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise

directed by the Board. Subsequent personal appearances shall occur every six months thereafter, and/or as otherwise directed by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

4. **Required Reporting of Change of Address:** Dr. Weidman shall notify the Board in writing of any change of residence address and/or principal practice address within 30 days of the change.

C. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Weidman's certificate to practice medicine and surgery until all of the following conditions have been met:

1. **Application for Reinstatement or Restoration:** Dr. Weidman shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
2. **Personal/Professional Ethics Course(s):** At the time she submits her application for reinstatement or restoration, Dr. Weidman shall submit acceptable documentation of successful completion of a course or course dealing with personal/professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any course(s) taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Weidman submits the documentation of successful completion of the course(s) dealing with personal/professional ethics, she shall also submit to the Board a written report describing the course(s), setting forth what she learned from the course(s), and identifying with specificity how she will apply what she learned to her practice of medicine in the future.

3. **Course(s) Concerning Physician/Patient Boundaries:** At the time she submits her application for reinstatement or restoration, Dr. Weidman shall submit acceptable documentation of successful completion of a course or courses on maintaining physician/patient boundaries. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any course(s) taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Weidman submits the documentation of successful completion of the course(s) on maintaining physician/patient boundaries, she shall also submit to the Board a written report describing the course(s), setting forth what she learned from the course(s), and

identifying with specificity how she will apply what she learned to her practice of medicine in the future.

C. **PROBATION:** Upon reinstatement or restoration, Dr. Weidman's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least two years:

1. **Terms, Conditions, and Limitations Continued from Suspension Period:** Dr. Weidman shall continue to be subject to the terms, conditions, and limitations specified in Paragraph B of this Order.

2. **Tolling of Probationary Period While Out of Compliance:** In the event Dr. Weidman is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.

E. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Weidman's certificate will be fully restored.

F. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. Weidman violates the terms of this Order in any respect, the Board, after giving his notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of her certificate.

G. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER:**

1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Weidman shall provide a copy of this Order to all employers or entities with which she is under contract to provide healthcare services (including but not limited to third-party payors), or is receiving training; and the Chief of Staff at each hospital or healthcare center where she has privileges or appointments. Further, Dr. Weidman shall promptly provide a copy of this Order to all employers or entities with which she contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where she applies for or obtains privileges or appointments. This requirement shall continue until Dr. Weidman receives from the Board written notification of the successful completion of her probation.

In the event that Dr. Weidman provides any healthcare services or healthcare direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, she shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

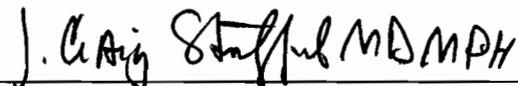
This requirement shall continue until Dr. Weidman receives from the Board written notification of the successful completion of her probation.

2. **Required Reporting to Other State Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Weidman shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which she currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which she currently holds any license or certificate. Also, Dr. Weidman shall provide a copy of this Order at the time of application to the proper licensing authority of any state or jurisdiction in which she applies for any professional license or reinstatement/restoration of any professional license.

This requirement shall continue until Dr. Weidman receives from the Board written notification of the successful completion of her probation.

3. **Required Documentation of the Reporting Required by Paragraph G:** Dr. Weidman shall provide this Board with **one** of the following documents as proof of each required notification within 30 days of the date of each such notification: (a) the return receipt of certified mail within 30 days of receiving that return receipt, (b) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (c) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (d) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

**EFFECTIVE DATE OF ORDER:** This Order shall become effective immediately upon the mailing of the notification of approval by the Board.



J. Craig Strafford, M.D., M.P.H.  
Secretary

(SEAL)

March 14, 2012

Date

2012 FEB 16 PM 1:56

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

**In the Matter of**

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**Case No. 11-CRF-087**

**Amy R. Weidman, M.D.,**

\*

**Hearing Examiner Blue**

**Respondent.**

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**REPORT AND RECOMMENDATION**

**Basis for Hearing:**

By letter dated August 10, 2011, the State Medical Board of Ohio [Board] notified Amy R. Weidman, M.D., that it intended to determine whether to take disciplinary action against her certificate to practice medicine and surgery in Ohio. The Board based its proposed action on an allegation that, beginning in June 2009 through August 2009, Dr. Weidman engaged in sexual conduct and/or sexual contact with Patient 1 despite an ongoing physician-patient relationship.

The Board further alleged that Dr. Weidman's acts, conduct, and/or omissions constitute:

“violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board,” as set forth in Ohio Revised Code Section [R.C.] 4731.22(B)(20), to wit: Ohio Administrative Code [Rule] 4731-26-02, as in effect from November 30, 2006, to on or about November 29, 2010. Pursuant to Rule 4731-26-03(A), as in effect from November 30, 2006, to on or about November 29, 2010, a violation of Rule 4731-26-02 also violates R.C. 4731.22(B)(6), which is “a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established.”

Accordingly, the Board advised Dr. Weidman of her right to request a hearing in this matter, and received her written request on September 8, 2011. (State's Exhibit [St. Ex.] 1)

**Appearances:**

Mike DeWine, Attorney General, and Melinda R. Snyder, Assistant Attorney General, for the State of Ohio. John N. Childs, Esq., for Dr. Weidman.

**Hearing Dates:** December 19 and 20, 2011

### **PROCEDURAL MATTER**

Upon review of the evidence, the Hearing Examiner discovered that State's Exhibit 3 should have been placed under seal. Therefore, State's Exhibit 3 has now been admitted under seal.

### **SUMMARY OF THE EVIDENCE**

All evidence admitted in this matter, even if not specifically mentioned, was thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

#### **Background Information**

1. Amy R. Weidman, M.D., received her medical degree from the Medical College of Ohio in 1987. Dr. Weidman was initially licensed to practice medicine and surgery in Ohio in 1988. Dr. Weidman is board-certified in internal medicine. (Hearing Transcript [Tr.] at 13, 88; State of Ohio eLicense Center, <https://license.ohio.gov/lookup>, query on January 26, 2012)
2. From approximately 1994 to September 16, 2011, Dr. Weidman was an internal medicine physician at Summit Adult Medicine Center [Summit] in Akron, Ohio. Dr. Weidman testified that, while at Summit, she worked with three other physicians, saw 20 to 25 patients per day, and worked 4 ½ days per week. (Tr. at 13-15)
3. Dr. Weidman is currently employed as a physician at Akron Internal Medicine Associates in Akron, Ohio. (Tr. at 13)
4. Dr. Weidman was married in 1991 and is currently still married. (St. Ex. 2 at 9; Tr. at 15)

#### **Relationship with Patient 1**

5. Patient 1 is a 48-year-old male. He testified that he received his B.A. in English and Communications from Ohio University. He is currently employed as a farm manager and grounds trainer at Blue Moon Farms in Texas. Patient 1 was convicted of forgery in 2002. (St. Ex. 4 at 305; St. Ex. 8; Tr. at 153-154)
6. Dr. Weidman met Patient 1 when she moved her horses to a boarding stable in March 2009. At the time, Patient 1 was the manager of the barn at the boarding stable. (Tr. at 16-17, 156-157)
7. Dr. Weidman stated that, because she visited her horses on a daily basis, she and Patient 1 became friends. Dr. Weidman testified that Patient 1 was "funny, witty, [and]"

friendly.” Patient 1 testified that they had “immediate chemistry right away.” Dr. Weidman testified that, by mid-May 2009, she began a sexual relationship with Patient 1. Patient 1 testified that, at that time, he knew Dr. Weidman was married. (Tr. at 17-19, 157, 161)

8. In regard to her relationship with Patient 1, Dr. Weidman testified that Patient 1 was “attentive, enjoyed seeing me, [and] enjoyed hearing from me on the phone.” Dr. Weidman testified that she bought gifts for Patient 1 and took him on rounds with her at the hospital. (Tr. at 22, 50-51, 55-56, 65)
9. In regard to Patient 1’s relationship with Dr. Weidman, Patient 1 testified that they were “in love.” He stated that Dr. Weidman told him that she loved him and told him that “you’ve changed my life like no one has ever changed my life.” He further testified that Dr. Weidman told him that she was going to formally separate from her husband after she took her Boards in the fall of 2011. (Tr. at 164, 171, 187)
10. Patient 1 became a patient of Dr. Weidman on June 11, 2009. (St. Ex. 4 at 283) Dr. Weidman explained why she started treating Patient 1:

Well, as the weather warmed up, he showed a lot of coughing, wheezing, sputum production, constant cough.

And I said, you know, “It sounds like you’ve got some asthma.” And he said, “Yeah,” and, “I do. I have a history of asthma.” And it appeared to be related to the environment which could have been any number of facts; to dust, dander, hay, what have you, at the farm.

And I said, “Well, you know, why don’t you go to the doctor?” “Well, I don’t have insurance.”

So I said, “Well, you should get insurance. You should have insurance, you might need it someday. You might get really sick and you should have your own doctor.”

\* \* \*

And, you know, so I suggested to him one day, I said, you know, “I know you don’t have insurance.” I said, “If you want to, I’ll bring you in and we’ll make a formal chart. I’m not going to do anything here at the barn. I’m not going to treat you like any - - or like a different type of patient, you’re going to be like any other patient. And we’ll have a formal chart and we’ll do a brief visit to document your needs, and get the blood work required,” which was a serum IGE level, “and see if you qualify for [Xolair].”

And at the time I cared for his welfare and I trusted this individual. And that's why I offered it to him, because he had no insurance.

(Tr. at 26-28)

11. Patient 1 testified that he became a patient because “[Dr. Weidman] had concerns about my health because she noticed me coughing a lot” and he did not have a primary care physician at the time. (Tr. at 178-179, 181, 183)
12. From June 11, 2009, through February 23, 2010, Dr. Weidman treated Patient 1 primarily for asthma and insomnia. Dr. Weidman testified that she did not charge Patient 1 for any of his medical care, which included 10 office visits, monthly injections of Xolair, blood work, immunizations, a flu shot and samples of sleep aids. (St. Ex. 4; Tr. at 28-33)
13. In regard to Patient 1’s monthly injection of Xolair, Dr. Weidman testified that she filled out a “Statement of Medical Necessity” for Patient 1 to receive monthly injections of Xolair for free because Xolair normally cost approximately \$900 per month. Dr. Weidman admitted that Patient 1 was the only patient at her office that received Xolair for free through this program. Patient 1 testified that the Xolair “was effective” which was confirmed by Dr. Weidman. (St. Ex. 4 at 19; Tr. at 30-33)
14. On August 9, 2009, Dr. Weidman’s office manager, Jeanette (Jenny) Cox, sent a nude photograph of Dr. Weidman to Patient 1’s e-mail account. Dr. Weidman testified that she was on vacation with her husband and Ms. Cox when Ms. Cox took the picture. Dr. Weidman denied that she knew that Ms. Cox was going to send the picture to Patient 1 and described the e-mail as a “prank.” (St. Ex. 5; Tr. at 52-55)
15. In regard to the August 9, 2009, e-mail, Patient 1 testified as follows:

I thought it was funny. I thought it was cute. I thought it was out of hand on Jenny’s part for sending it, until I had found out from Amy, word for word, that she knew it was sent, and she didn’t seem to have a problem with it.

(Tr. at 175)

16. Dr. Weidman testified that, on August 15, 2009, she broke up with Patient 1. (Tr. at 43)  
Dr. Weidman explained why she broke up with Patient 1:

He was getting threatening. He was getting angry. He made a comment -  
- because it was Jenny’s birthday on August 15<sup>th</sup>.

We went to dinner, my husband and I and [Jenny], and he called later in the evening and - - or he paged or whatever, I don't remember how we got together with that, but he said, "I should have been there, not him."

And it was - - It was the culmination of a lot of bad, negative feelings I was starting to collect. And so I told him the following day that I was not interested in continuing any type of relationship with him.

(Tr. at 43)

17. Dr. Weidman testified that she told her husband about her affair in mid-August 2009. She also stated that Patient 1 forwarded the August 9, 2009 e-mail to her husband around the same time frame. (Tr. at 45, 93, 188-189)
18. Dr. Weidman testified that, from June 11, 2009 through August 15, 2009, she had sexual contact with Patient 1 "three to four times" which she described as "attempted oral sex," hugging, and kissing. She further asserted that after August 15, 2009, "[t]here was absolutely no other relationship besides the doctor/patient relationship \* \* \*." (Tr. at 19, 34, 64, 92)
19. However, Patient 1 testified that, from June 2009 through August 2009, his sexual relationship with Dr. Weidman included oral sex and sexual intercourse. Patient 1 testified that he had sexual intercourse with Dr. Weidman in her private office at work. (Tr. at 164-165, 212-215, 217, 226)
20. Contrary to Dr. Weidman's testimony, Patient 1 also testified that their sexual relationship resumed again around October 2009 and officially ended in February 2010 because Dr. Weidman was "not being honest with [her husband]." (Tr. at 164-165, 212-215, 226)
21. Dr. Weidman testified that, on February 9, 2010, she sent Patient 1 a 30-day notice letter terminating him as her patient "because he would be a difficult patient to deal with. And I didn't feel comfortable with that relationship anymore." (St. Ex. 4 at 3; Tr. at 59)
22. In regard to the termination letter, Patient 1 testified that he believes Dr. Weidman ended the physician/patient relationship because of "the boyfriend/girlfriend relationship going south, and the pressure I was putting on her to tell [her husband] about this, and so forth." (Tr. at 184, 227) Patient 1 testified regarding how he felt after receiving the termination letter:

"Oh, you're not important enough, forget it. You can't have your medicine."

All she had to do was refer me to one of the other partners. And I wasn't going to say anything to any of her partners, and I never once said a word in that office any time I was there.

(Tr. at 187)

23. Patient 1 testified that, after he was terminated as a patient, he complained to the hospital administrator "because I just felt that it was irresponsible on her part to end the doctor/patient situation the way she did." (Tr. at 188)
24. Dr. Weidman admitted that she never told the risk manager, hospital administrator or hospital attorney that she had a sexual relationship with Patient 1. (Tr. at 91, 101, 109)
25. Dr. Weidman testified that, on June 2, 2009, she removed her horses from the boarding stable and, on the same day, Patient 1 was fired from his job at the stable "because I told the farm owner that I couldn't deal with it anymore. I couldn't deal with the aggression, the acting-out behavior that was going on at the farm." (Tr. at 46, 61-62)
26. In regard to being fired from his place of employment, Patient 1 testified that Dr. Weidman "was less than honest with my boss about the whole thing, and I ended up losing my job because of it \* \* \*." (Tr. at 186)

Additional Testimony from Dr. Weidman

27. Dr. Weidman testified that she didn't believe that the doctor/patient relationship and the sexual relationship was damaging to Patient 1. (Tr. at 64-65) Dr. Weidman testified that:

I believe it was wrong because I was married. I believe it was a judgment error to offer him care.

\* \* \*

I didn't use the doctor/patient relationship to develop a relationship with him personally. That was already in place.

The reason I offered him the care was because he had no insurance. He appeared to have a significant respiratory illness. I was trying to help in whatever charitable way I could.

(Tr. at 56-57)

28. Dr. Weidman testified that she does not believe that Patient 1 was taken advantage of because "he got all the benefits. He got the free medication samples, he got low-cost care. I don't know how he was abused in that situation." (Tr. at 58)

29. Dr. Weidman testified that she has had no previous disciplinary issues and/or malpractice suits. (Tr. at 83)

Additional Testimony from Patient 1

30. Patient 1 testified that, after his relationship with Dr. Weidman ended in February 2010, he underwent counseling with a psychologist at Akron General Hospital approximately six to seven times. (Tr. at 202) He explained why he went to counseling:

I mean, this relationship really tore me down in so many different ways, and I know it tore her down, too. And I was struggling with it, you know.

And I thought it would be a good thing to go talk to someone about it.

\* \* \*

But it's like, you know, the problem I was having is like those moments where I wasn't busy, or those moments where I wasn't doing something, that's where it would kind of catch up with me and bother me, you know.

(Tr. at 195-196)

31. In regard to how this experience affected him, Patient 1 testified as follows:

Well, it's the trust issue. I mean, I've had dates and people I go out with and so forth like that, but I have a really hard issue with trust right now. And I'd say a small part of that goes into seeking out a doctor.

Karen Mullen, who referred me to the internal medicine department at the hospital, which they have - - they are - - residents are the ones doing the doctoring, the first one she set me up with was with a woman, and I said, "No, no," I said, "I really got a bad vibe about that just from the thing with Amy."

So it definitely made me gun shy as far as seeking out medical attention, you know. \* \* \*

(Tr. at 198)

## RELEVANT RULES

### Rule 4731-26-01 Definitions

\* \* \*

- (G) “Sexual misconduct” means behavior that exploits the physician-patient relationship in a sexual way, whether verbal or physical, and may include expressions of thoughts, feelings, or gestures that are sexual or that reasonably may be construed by a patient as sexual. Sexual misconduct includes the following:

\* \* \*

- (2) Sexual contact by a licensee, including but not limited to, the following:
- (a) Touching a breast or any body part that has sexual connotation for the licensee or patient, for any purpose other than appropriate examination or treatment, or where the patient has refused or has withdrawn consent; and
  - (b) Examining or touching of the patient’s genitals without the use of gloves.
- (3) Sexual conduct between a licensee and patient whether or not initiated by, consented to, or participated in by a patient, and any conduct with a patient that is sexual or may be reasonably interpreted as sexual, including but not limited to, the following:
- (a) Sexual intercourse, genital to genital contact;
  - (b) Oral to genital contact;
  - (c) Oral to anal contact, genital to anal contact;
  - (d) Kissing in a romantic or sexual manner;
  - (e) Encouraging the patient to masturbate in the presence of the licensee or masturbation by the licensee while the patient is present;
  - (f) Offering to provide practice-related services, such as drugs, in exchange for sexual favors; and
  - (g) Performing an intimate examination or consultation without clinical justification.

\* \* \*

### Rule 4731-26-02 Prohibitions (as in effect prior to 11/30/10)

Sexual behavior between a licensee and a patient is never diagnostic or therapeutic.

- (A) A licensee shall not engage in sexual misconduct with a patient, key third party, or chaperone.

(B) Conduct included within the definition of sexual misconduct occurring between a licensee and a former patient constitutes sexual misconduct and is prohibited if it meets any of the following criteria:

(1) The conduct occurred within ninety days after the physician-patient relationship was terminated;

\* \* \*

(3) The board determines that the conduct constitutes sexual misconduct based upon consideration of the following factors:

- (a) The duration of the physician-patient relationship;
- (b) The nature of the medical services provided;
- (c) The lapse of time since the physician-patient relationship ended;
- (d) The extent to which the patient confided personal or private information to the licensee;
- (e) The degree of emotional dependence that the former patient has on the licensee; and
- (f) The extent to which the licensee used or exploited the trust, knowledge, emotions, or influence derived from the previous patient-physician relationship.

Rule 4731-26-03 Violations, miscellaneous (as in effect prior to 11/30/10)

(A) Except as provided in paragraph (C) of this rule, a violation of rule 4731-26-02 of the Administrative Code, as determined by the board, shall constitute the following:

(1) For a physician, “a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established,” as that clause is used in division (B)(6) of section 4731.22 of the Revised Code.

**FINDINGS OF FACT**

1. In the course of Dr. Weidman’s practice, she undertook the medical treatment and provided care to Patient 1, as identified in the confidential Patient Key.
2. From June 11, 2009 through February 23, 2010, Dr. Weidman provided medical treatment to Patient 1. Despite the ongoing physician-patient relationship, Dr. Weidman engaged in sexual conduct and/or sexual contact with Patient 1 from June 2009 through at least mid-August 2009.

### **CONCLUSION OF LAW**

The acts, conduct, and/or omissions of Amy R. Weidman, M.D., as set forth in the Findings of Fact constitute “violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board,” as set forth in R.C. 4731.22(B)(20), to wit: Rule 4731-26-02, as in effect from November 30, 2006, to on or about November 29, 2010. Further, pursuant to Rule 4731-26-03(A), as in effect from November 30, 2006, to on or about November 29, 2010, a violation of Rule 4731-26-02 also violates R.C. 4731.22(B)(6).

### **DISCUSSION OF PROPOSED ORDER**

Despite some inconsistencies in the testimonies of Dr. Weidman and Patient 1, both acknowledge that, from June 2009 through mid-August 2009, Dr. Weidman had a sexual relationship with Patient 1 while he was one of her patients. Accordingly, Dr. Weidman violated the Board’s rules concerning physician-patient boundaries and standard of care.

Counsel for Respondent argued that there are mitigating factors present in this case. First, Dr. Weidman understands that she made a mistake and has learned from it. Second, Patient 1 has moved on with his life. Specifically, counsel for Respondent pointed out that Patient 1 is gainfully employed, is dating again, and there was continuation of medical care. Third, Dr. Weidman undertook the care and treatment of Patient 1 for altruistic reasons (i.e., he did not have insurance). Finally, Dr. Weidman has no prior disciplinary history with the Board.

However, the Hearing Examiner is not convinced that the above-mentioned mitigating factors outweigh the aggravating factors presented in this case. First, Dr. Weidman has not learned from her mistakes. During her testimony, Dr. Weidman was unapologetic about her inappropriate relationship with Patient 1. In fact, Dr. Weidman testified that she did not believe Patient 1 was damaged from their inappropriate relationship because “he got all the benefits. He got the free medication samples, he got low-cost care. I don’t know how he was abused in that situation.” Moreover, she stated that her sexual relationship was wrong because she was married at the time. It is troubling that Dr. Weidman still does not fully comprehend the extent of her errors in judgment.

Second, it is clear that Patient 1 was adversely affected by Dr. Weidman’s conduct. During his testimony, Patient 1 was extremely emotional and cried. Patient 1 was credible when he testified that, as a result of his relationship with Dr. Weidman, he lost his girlfriend, his medical care, his employment, and his residence. He was credible when he testified that he was in love with Dr. Weidman, believed she was leaving her husband for him, and underwent counseling after she terminated him as a patient because “the relationship tore me down.”

Finally, Dr. Weidman still has a lack of understanding regarding professional boundaries. In addition to her boundary issues with Patient 1, the testimony revealed that she also had boundary

issues with her medical staff. The fact that Dr. Weidman characterized a naked picture sent to Patient 1 by her office manager as “a prank” is disturbing and unprofessional.

Based on the foregoing, the Hearing Examiner recommends a suspension of at least 180 days of Dr. Weidman’s certificate, interim monitoring, and probation for at least two years. Before applying for reinstatement or restoration of her certificate, Dr. Weidman must complete a course or courses on personal and professional ethics and physician/patient boundaries.

### PROPOSED ORDER

It is hereby ORDERED that:

- A. **SUSPENSION OF CERTIFICATE:** The certificate of Amy R. Weidman, M.D., to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time, but not less than 180 days.
- B. **INTERIM MONITORING:** During the period that Dr. Weidman’s certificate to practice medicine and surgery is suspended, Dr. Weidman shall comply with the following terms, conditions, and limitations:
  1. **Obey the Law:** Dr. Weidman shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in Ohio.
  2. **Declarations of Compliance:** Dr. Weidman shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there had been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board’s offices on or before the first day of the third month following the month in which this Order becomes effective. Subsequent quarterly declarations must be received in the Board’s offices on or before the first day of every third month.
  3. **Personal Appearances:** Dr. Weidman shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which this Order becomes effective, or as otherwise directed by the Board. Subsequent personal appearances shall occur every six months thereafter, and/or as otherwise directed by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
  4. **Required Reporting of Change of Address:** Dr. Weidman shall notify the Board in writing of any change of residence address and/or principal practice address within 30 days of the change.

C. **CONDITIONS FOR REINSTATEMENT OR RESTORATION:** The Board shall not consider reinstatement or restoration of Dr. Weidman's certificate to practice medicine and surgery until all of the following conditions have been met:

1. **Application for Reinstatement or Restoration:** Dr. Weidman shall submit an application for reinstatement or restoration, accompanied by appropriate fees, if any.
2. **Personal/Professional Ethics Course(s):** At the time she submits her application for reinstatement or restoration, Dr. Weidman shall submit acceptable documentation of successful completion of a course or course dealing with personal/professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any course(s) taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Weidman submits the documentation of successful completion of the course(s) dealing with personal/professional ethics, she shall also submit to the Board a written report describing the course(s), setting forth what she learned from the course(s), and identifying with specificity how she will apply what she learned to her practice of medicine in the future.

3. **Course(s) Concerning Physician/Patient Boundaries:** At the time she submits her application for reinstatement or restoration, Dr. Weidman shall submit acceptable documentation of successful completion of a course or courses on maintaining physician/patient boundaries. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any course(s) taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Weidman submits the documentation of successful completion of the course(s) on maintaining physician/patient boundaries, she shall also submit to the Board a written report describing the course(s), setting forth what she learned from the course(s), and identifying with specificity how she will apply what she learned to her practice of medicine in the future.

C. **PROBATION:** Upon reinstatement or restoration, Dr. Weidman's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least two years:

1. **Terms, Conditions, and Limitations Continued from Suspension Period:** Dr. Weidman shall continue to be subject to the terms, conditions, and limitations specified in Paragraph B of this Order.
  2. **Tolling of Probationary Period While Out of Compliance:** In the event Dr. Weidman is found by the Secretary of the Board to have failed to comply with any provision of this Order, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Order.
- E. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Weidman's certificate will be fully restored.
- F. **VIOLATION OF THE TERMS OF THIS ORDER:** If Dr. Weidman violates the terms of this Order in any respect, the Board, after giving his notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of her certificate.
- G. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER:**
1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Weidman shall provide a copy of this Order to all employers or entities with which she is under contract to provide healthcare services (including but not limited to third-party payors), or is receiving training; and the Chief of Staff at each hospital or healthcare center where she has privileges or appointments. Further, Dr. Weidman shall promptly provide a copy of this Order to all employers or entities with which she contracts in the future to provide healthcare services (including but not limited to third-party payors), or applies for or receives training, and the Chief of Staff at each hospital or healthcare center where she applies for or obtains privileges or appointments. This requirement shall continue until Dr. Weidman receives from the Board written notification of the successful completion of her probation.

In the event that Dr. Weidman provides any healthcare services or healthcare direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, within 30 days of the effective date of this Order, she shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

This requirement shall continue until Dr. Weidman receives from the Board written notification of the successful completion of her probation.

2. **Required Reporting to Other State Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Weidman shall provide a copy of this Order to the proper licensing authority of any state or jurisdiction in which she currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which she currently holds any license or certificate. Also, Dr. Weidman shall provide a copy of this Order at the time of application to the proper licensing authority of any state or jurisdiction in which she applies for any professional license or reinstatement/restoration of any professional license.

This requirement shall continue until Dr. Weidman receives from the Board written notification of the successful completion of her probation.

3. **Required Documentation of the Reporting Required by Paragraph G:** Dr. Weidman shall provide this Board with **one** of the following documents as proof of each required notification within 30 days of the date of each such notification: (a) the return receipt of certified mail within 30 days of receiving that return receipt, (b) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (c) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (d) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

**EFFECTIVE DATE OF ORDER:** This Order shall become effective immediately upon the mailing of the notification of approval by the Board.

  
Danielle R. Blue, Esq.  
Hearing Examiner



# State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.  
Executive Director

(614) 466-3934  
med.ohio.gov

## EXCERPT FROM THE DRAFT MINUTES OF MARCH 14, 2012

### REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Mahajan announced that the Board would now consider the Reports and Recommendations, and the Proposed Findings and Proposed Order appearing on its agenda.

Dr. Mahajan asked whether each member of the Board had received, read and considered the hearing records; the Findings of Fact, Conclusions of Law, Proposed Orders, and any objections filed in the matters of: Laila Ibrahim Gooma, M.D.; Mark Owen Henson, M.D.; and Amy R. Weidman, M.D. A roll call was taken:

ROLL CALL:	Dr. Strafford	- aye
	Dr. Amato	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Bechtel	- aye
	Dr. Talmage	- aye
	Ms. Elsass	- aye
	Mr. Kenney	- aye
	Dr. Ramprasad	- aye

Dr. Mahajan asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Dr. Strafford	- aye
	Dr. Amato	- aye
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Bechtel	- aye
	Dr. Talmage	- aye
	Ms. Elsass	- aye
	Mr. Kenney	- aye
	Dr. Ramprasad	- aye

Dr. Mahajan noted that, in accordance with the provision in section 4731.22(F)(2), Ohio Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters. In the matters before the Board today, Dr. Strafford and

Dr. Talmage served as Secretary, and Dr. Amato served as Supervising Member.

Dr. Mahajan reminded all parties that no oral motions may be made during these proceedings.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

.....  
AMY R. WEIDMAN, M.D., Case No. 11-CRF-087  
.....

**Dr. Steinbergh moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Amy R. Weidman, M.D. Dr. Suppan seconded the motion.**

.....  
A vote was taken on Dr. Steinbergh's motion to approve:

ROLL CALL:	Dr. Strafford	- abstain
	Dr. Amato	- abstain
	Dr. Suppan	- aye
	Dr. Steinbergh	- aye
	Dr. Mahajan	- aye
	Dr. Bechtel	- aye
	Dr. Talmage	- abstain
	Ms. Elsass	- aye
	Mr. Kenney	- aye
	Dr. Ramprasad	- aye

The motion to approve carried.

# State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.  
Executive Director

(614) 466-3934  
med.ohio.gov

August 10, 2011

Case number: 11-CRF-087

Amy R. Weidman, M.D.  
3600 W. Market Street, Suite 200  
Fairlawn, OH 44333

Dear Doctor Weidman:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) In the course of your practice, you undertook the treatment and provided care to Patient 1, as identified in the attached Patient Key. (Key is confidential and shall be withheld from public disclosure.)

You provided treatment to Patient 1 from in or around June 2009 until approximately February 2010. In or around May 2011, you stated under oath that from in or around June 2009 until August 2009 you had engaged in "sexual conduct" and/or "sexual contact" with Patient 1, as those terms are defined in Rule 4731-26-01, Ohio Administrative Code (as in effect from November 30, 2006, to on or about November 29, 2010).

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Rule 4731-26-02, Ohio Administrative Code (as in effect from November 30, 2006, to on or about November 29, 2010). Pursuant to Rule 4731-26-03(A), Ohio Administrative Code (as in effect from November 30, 2006, to on or about November 29, 2010), a violation of Rule 4731-26-02, Ohio Administrative Code, also violates Section 4731.22(B)(6), Ohio Revised Code, which is "a departure from, or the failure to conform to, minimal standards of care of

*Mailed 8-11-11*

similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established.”

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

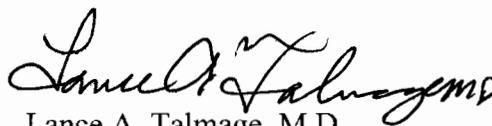
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.  
Secretary

LAT/MRB/flb  
Enclosures

CERTIFIED MAIL #91 7199 9991 7030 3380 5276  
RETURN RECEIPT REQUESTED

Amy R. Weidman, M.D

Page 3

cc: John N. Childs, Esq.  
Brennan, Manna & Diamond  
75 East Market Street  
Akron, OH 44308

CERTIFIED MAIL #91 7199 9991 7030 3380 5269  
RETURN RECEIPT REQUESTED