

BEFORE THE MEDICAL LICENSING
BOARD OF INDIANA
CAUSE NUMBER: 2004 MLB 0041

STATE OF INDIANA,

Petitioner,

v.

MARK STEVEN WEINBERGER, M.D.

License No.: 01045912A,

Respondent.

FILED

JAN 31 2005

HEALTH PROFESSIONS
BUREAU

COMPLAINT

The State of Indiana, by counsel, Deputy Attorney General, James R. Holden, on behalf of the Office of the Attorney General ("Petitioner"), and pursuant to Indiana Code § 25-1-7-7 et seq., Ind. Code §25-1-5-3, Ind. Code §25-22.5-1 et. seq., the Administrative Orders and Procedures Act, Ind. Code § 4-21.5-3 et seq. and Ind. Code § 25-1-9 et. seq. files its Complaint against the Medical license of Mark Steven Weinberger, M.D. ("Respondent"), and in support alleges and states:

FACTS

1. Respondent's address on file with the Board is 255 E. 90th Drive, Merrillville, IN 46410. He was issued Indiana Medical License number 01045912A on October 24, 1996.

2. On October 15, 2004, the State of Indiana filed a petition for Summary Suspension of the Respondent's license with the Board. The petition for summary suspension was granted by the Board at its regularly scheduled October 28, 2004 meeting.

COUNT I

3. Respondent had practiced medicine at "The Nose and Sinus Center," located at 255 E. 90th Drive, Merrillville, Indiana, a practice owned by the Respondent. On or around late September 2004, the Respondent vanished during a family vacation in Greece telling family members they would have to return to the United States on their own.

4. Since this time the Respondent cannot be located by any of his patients or employees as he left no forwarding address and has failed to notify his current active patients in writing or by publication that he has discontinued his practice as required by 844 IAC 5-2-16(b). A court-ordered receivership has been authorized to take control of the practice's assets in order to satisfy over \$5.7 million in unpaid claims by creditors. Court documents indicated that the parties to the receivership proceeding "do not anticipate [the Respondent's] return."

5. The Respondent has also failed to make reasonable arrangements to properly transfer patient records as required by 844 IAC 5-2-16(b).

6. Respondent has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question; namely: 844 IAC 5-2-16(b), in violation of Indiana Code § 25-1-9-4(a)(3).

COUNT II

7. Since the Respondent's disappearance, over 200 claims for medical malpractice have been filed against the Respondent with the Indiana Department of Insurance by former patients. These claims included claims alleging unnecessary surgery and fraud.

8. A subsequent investigation revealed that the Respondent had used his practice to perpetrate a scheme to defraud numerous insurance companies. The Respondent submitted insurance claims on numerous occasions in which he grossly over billed for procedures, billed for medically unnecessary surgeries, or billed for services not rendered.

9. The conduct described above constitutes a violation of Indiana Code § 25-1-9-4(a)(1)(B) in that Respondent has engaged in fraud or material deception in the course of professional services or activities.

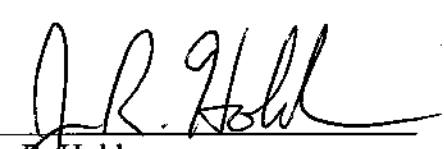
WHEREFORE, Petitioner demands an order against the Respondent, that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all the cost incurred in the prosecution of this case;
3. Provides any other relief the Board deems just and proper.

Respectfully submitted,

STEVE CARTER
Attorney General of Indiana

By: _____


James R. Holden
Deputy Attorney General
Attorney No. 23003-49

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Complaint" has been served upon the Respondent listed below, by United States mail, first class postage prepaid, on this 31st day of January, 2005.

Mark Steven Weinberger, M.D.
255 East 90th Drive
Merrillville, IN 46410


James R. Holden
Deputy Attorney General
Attorney No. 23003-49

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