

BEFORE THE MEDICAL LICENSING
BOARD OF INDIANA
CAUSE NUMBER: 2004 MLB 0035

STATE OF INDIANA,

Petitioner,

v.

MARK STEVEN WEINBERGER, M.D.
License No.: 01045912A,

Respondent.

FILED

FEB 04 2005

HEALTH PROFESSIONS
BUREAU

SUMMARY SUSPENSION ORDER

The Medical Licensing Board of Indiana ("Board"), pursuant to the authority of Indiana Code § 4-21.5-4-1 *et seq.* and Indiana Code § 25-1-9-10, by a vote of 7-0-0, **SUMMARILY SUSPENDS** the medical license held by Mark Steven Weinberger, M.D. ("Respondent") for 90 days, as the Board finds that an emergency exists and that the Respondent represents a clear and immediate danger to the public health and safety if allowed to practice medicine in the State of Indiana.

The hearing took place at the Board's regularly scheduled meeting on January 27, 2005. James R. Holden, Deputy Attorney General, represented the State of Indiana. Respondent failed to appear in person or by counsel.

This **NON-FINAL** emergency order is based on the evidence in the Board's file and evidence presented at the hearing and includes the following findings of fact:

1. Respondent is a licensed medical doctor in the State of Indiana.

2. This Board has jurisdiction to suspend Respondent's license in accordance with the provisions of Indiana Code § 4-21.5-4-3 *et seq.* and Indiana Code § 25-1-9-10.

3. If allowed to continue to practice as a medical doctor, Respondent represents a clear and immediate danger to the public health and safety for the following reasons:

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

WHEREFORE, RESPONDENT IS ORDERED to immediately cease and desist from all acts constituting the practice of medicine for a period of 90 days from the date of this Order.

IT IS FURTHER ORDERED, that Respondent shall immediately surrender all indicia of licensure, including his pocket license and wall license, to the Board in care of

the Health Professions Bureau, 402 West Washington Street, Room W066, Indianapolis,
Indiana 46204.

SO ORDERED, this 4th day of February, 2005.

MEDICAL LICENSING BOARD OF INDIANA

By: Barbara Marvel McNutt
Barbara Marvel McNutt
Interim Executive Director
Health Professions Bureau

copies to:

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

SENT CERTIFIED MAIL NO. 7003 3110 0004 5106 3961
RETURN RECEIPT REQUESTED.

Deputy Attorney General James R. Holden
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Indianapolis, IN 46204-2770