BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

IN MEDICINE AND SURGERY

IN THE MATTER OF: **DONALD S. WELCH, D.O.** Holder of License No. **0274** For the practice of osteopathic medicine in the State of Arizona	**Case No.: 3730** **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER FOR PROBATION**

On June 7, 2006, the AZ Board of Osteopathic Examiners (hereafter "Board") notified Donald S. Welch, D.O. (hereafter "Respondent") of a complaint initiated by the Board. The Board received the Respondent's answer to this complaint July 6, 2006.

On June 15, 2006, the Respondent was notified that the complaint would be reviewed on the Board's June 24, 2006 agenda and that he had the right to attend that meeting. Respondent appeared at the meeting and represented himself.

At their meeting on June 24, 2006, the Board reviewed the complaint and voted to invite Respondent to participate in an investigative hearing on the matter. On July 22, 2006 the Board conducted an investigative hearing. Respondent accepted the invitation and represented himself before the Board.

After hearing testimony and considering the documents submitted, the Board voted to enter the following Findings of Fact and Conclusions of Law, and Order of Censure.

JURISDICTIONAL STATEMENTS

1. The Board is empowered, pursuant to A.R.S. § 32-1800 et seq., to regulate the practice of osteopathic medicine in the State of Arizona, and the conduct of the persons licensed, registered, or permitted to practice osteopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 0274 issued by the Board for the practice

of osteopathic medicine in the State of Arizona.

FINDINGS OF FACT

1. On or around June 2, 2006 the Board received information that the Respondent may be prescribing narcotic medications for and to his wife.

2. On June 7, 2006 Board staff delivered a subpoena for records to the Respondent's practice located at 9885 West Union Hills in Sun City. In the course of attempting to retrieve the requested patient records, the Respondent admitted that he was prescribing narcotic medications to his wife.

3. In addition, the Respondent stated that he was prescribing his wife, RW, Methadone and that he was writing the prescriptions in her maiden name.

4. On June 8, 2006 Board staff discussed the Respondent's record keeping practices for RW. The Respondent admitted that he did and does not keep and maintain adequate records for this patient.

CONCLUSIONS OF LAW

1. The conduct described in Findings of Fact 1 through 4 herein constitutes unprofessional conduct as defined in:

A.R.S. § 32-1854 (21), which states, "Failing or refusing to establish and maintain adequate records on a patient as follows: If the patient is an adult, for at least seven years after the last date the licensee provided the patient with medical or health care services."

A.R.S. § 32-1854 (23), "Prescribing controlled substances to members of one's immediate family unless there is no other physician available within fifty miles to treat a member of the family and an emergency exists."

A.R.S. § 32-1854 (36), "Prescribing or dispensing controlled substances or prescription-only medications without establishing and maintaining adequate patient records."

A.R.S. § 32-1854 (38) "Engaging in the practice of medicine in a manner that harms or may harm a patient or that the board determines falls below the community standard."

ORDER

Pursuant to the authority vested in the Board,

1. **IT IS HEREBY ORDERED** that Donald S. Welch, D.O., Holder of Osteopathic medical license number 0274, shall be placed on PROBATION for a period of five (5) years of the effective date of this Order with the following terms:

A. that Dr. Welch is restricted from prescribing, administering and/or dispensing any narcotic medication for the entire probationary period.

B. that Dr. Welch shall only practice osteopathic manipulation during the probationary period.

ISSUED THIS 27th DAY OF JULY 2006.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

By:_____

Jack Confer, Executive Director

NOTICE OF RIGHT TO REQUEST REVIEW OR REHEARING

You have the right to request a rehearing or review of this matter pursuant to A.R.S. § 41-1092.09. The request for rehearing or review must be filed with the Arizona Board of Osteopathic Examiners within thirty (30) days. If you request a review or rehearing, you must base your request on at least one of the eight grounds for review or rehearing that are allowed under A.A.C. R4-22-106(D). Failure to file a motion for rehearing or review within 30 days has the effect of prohibiting you from seeking judicial review of the Board's decision in the AZ Courts.

Original "Findings of Fact, Conclusions of Law and Order for Probation" filed this 27th day of July, 2006 with the:

Arizona Board of Osteopathic Examiners
In Medicine and Surgery
9535 East Doubletree Ranch Road
Scottsdale AZ 85258-5539

Copy of the foregoing "Findings of Fact, Conclusions of Law and Order for Probation send by certified mail, return receipt requested this 27th day of July, 2006 to:

Donald S. Welch, D.O.
13469 West Maui Drive
Surprise, AZ 85379

Copies of the foregoing "Findings of Fact, Conclusions of Law and Order for Probation" sent via regular mail this 27th day of July, 2006 to:

Blair Driggs, AAG
Office of the Attorney General CIV/LES
1275 West Washington
Phoenix AZ 85007