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Credential Information for: **Welch, Philip David**

Credential	Credential Type	First Issue Date	Last Issue Date	Expiration Date	Credential Status	Enforcement Action
MD00018862	Physician And Surgeon License	01/08/1981	03/14/2013	04/05/2015	ACTIVE	Yes

Master Case	Document Type
M2012-1260	Release from Informal Disposition
M2012-1260	Stmt of Allegations
M2012-1260	Informal Disposition

Disclaimer

The absence or presence of information in this system does not imply any recommendation, endorsement, or guarantee of competence of any health care professional, the mere presence of such information does not imply a practitioner is not competent or qualified.

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STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Philip D. Welch, MD
Master Case No.: M2012-1260
Document: Statement of Allegations

Regarding your request for information about the above-named practitioner; attached is a true and correct copy of the document on file with the State of Washington, Department of Health, Adjudicative Clerk Office. These records are considered Certified by the Department of Health.

Certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld:

The identity of the complainant if the person is a consumer, health care provider, or employee, pursuant to RCW 43.70.075 (Identity of Whistleblower Protected) and/or the identity of a patient, pursuant to RCW 70.02.020 (Medical Records - Health Care Information Access and Disclosure)

If you have any questions or need additional information regarding the information that was withheld, please contact:

Customer Service Center
P.O. Box 47865
Olympia, WA 98504-7865
Phone: (360) 236-4700
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Privacy Officer, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION

FILED
MAR 13 2013
Adjudicative Clerk

In the Matter of the License to Practice
as a Physician and Surgeon of:

No. M2012-1260

PHILIP D. WELCH, MD
License No. MD00018862

**STATEMENT OF ALLEGATIONS
AND SUMMARY OF EVIDENCE**

Respondent

The Disciplinary Manager of the Medical Quality Assurance Commission (Commission), on designation by the Commission, makes the allegations below, which are supported by evidence contained in program file number 2012-6387. The patient referred to in this Statement of Allegations and Summary of Evidence is identified in the attached Confidential Schedule.

1. ALLEGATIONS

1.1 On January 8, 1981, the state of Washington issued Respondent a license to practice as a physician and surgeon. Respondent's license is currently active. Respondent is board certified in obstetrics and gynecology.

1.2 On June 18, 2012, Patient A, a 44 year old female, was referred to Respondent by Planned Parenthood for fibroids and heavy bleeding during menses and during and after intercourse. Respondent examined Patient A, including a pelvic examination, reviewed ultrasound results provided by Planned Parenthood, and diagnosed Patient A with fibroids and menometrorrhagia (prolonged or excessive uterine bleeding). Respondent discussed treatment options with Patient A, including fibroid observation, cryocautery of the cervix and observation, and hysterectomy. The patient elected to have a hysterectomy and Respondent took Patient A to surgery that day and performed a subtotal hysterectomy.

1.3 Respondent did not obtain a pap smear, and relied upon Patient A's recollection that pap smear cultures were negative. Also undetermined by Respondent was that Patient A apparently had an abnormal pap smear approximately ten years earlier. The pathology report regarding the uterus and cervix indicated that Patient A had cervical cancer and that the tumor was transected during the hysterectomy. In Respondent's

ORIGINAL

subsequent review of this matter he acknowledged his error in failing to obtain a pap smear despite the patient's representations about negative cultures, and that a cervical abnormality was apparent on a subsequent review of the ultrasound.

2. SUMMARY OF EVIDENCE

2.1 Medical records pertaining to Patient A from Respondent and Swedish Medical Center.

2.2 Letter from Respondent to the Commission investigator, dated August 24, 2012.

3. ALLEGED VIOLATIONS

3.1 The facts alleged in Section 1, if proven, would constitute unprofessional conduct in violation of RCW 18.130.180(4) which provides in part:

RCW 18.130.180 Unprofessional conduct. The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

...

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

....

4. NOTICE TO RESPONDENT

4.1 The Commission has determined that this case may be appropriate for resolution through a Stipulation to Informal Disposition pursuant to RCW 18.130.172(2). A proposed Stipulation to Informal Disposition is attached, which contains the disposition the Commission believes is necessary to address the conduct alleged in this Statement of Allegations and Summary of Evidence.

4.2 If Respondent agrees that the disposition imposed by the Stipulation to Informal Disposition is appropriate, Respondent should sign and date the Stipulation to Informal Disposition and return it within fourteen (14) days to the Medical Quality Assurance Commission at PO Box 47866, Olympia, WA 98504-7866.

4.3 If Respondent does not agree that the terms and conditions contained in the Stipulation to Informal Disposition are appropriate, Respondent should contact Jim McLaughlin, Staff Attorney for the Medical Quality Assurance Commission, PO Box 47866, Olympia, WA 98504-7866, (360) 236-2790 within fourteen (14) days.

4.4 If Respondent does not respond within fourteen (14) days, the Commission will assume Respondent has declined to resolve the allegations by means of a Stipulation to Informal Disposition.

4.5 If Respondent declines to resolve the allegations by means of a Stipulation to Informal Disposition pursuant to RCW 18.130.172(2), the Commission may proceed to formal disciplinary action against Respondent by filing a Statement of Charges, pursuant to RCW 18.130.172(3).

4.6 The cover letter enclosed with this Statement of Allegations and Summary of Evidence was mailed to the name and address currently on file for Respondent's license. Respondent must notify, in writing, the Commission if Respondent's name and/or address changes.

DATED: January 25, 2013.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
COMMISSION

Maryella E. Jansen
MARYELLA E. JANSEN
EXECUTIVE DIRECTOR

Jim McLaughlin
JAMES MCLAUGHLIN, WSBA #27349
DEPARTMENT OF HEALTH STAFF ATTORNEY

CONFIDENTIAL SCHEDULE

This information is confidential and is NOT to be released without the consent of the individual or individuals named herein. RCW 42.56.240(1)

Patient A





STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Philip D. Welch, MD
Master Case No.: M2012-1260
Document: Stipulation to Informal Disposition

Regarding your request for information about the above-named practitioner; attached is a true and correct copy of the document on file with the State of Washington, Department of Health, Adjudicative Clerk Office. These records are considered Certified by the Department of Health.

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The following information has been withheld: **NONE**

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**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION**

In the Matter of the License to Practice
as a Physician and Surgeon of:

PHILIP D. WELCH, MD
License No. MD00018862

Respondent

No. M2012-1260

**STIPULATION TO INFORMAL
DISPOSITION**

Pursuant to the Uniform Disciplinary Act, Chapter 18.130 RCW, the Medical Quality Assurance Commission (Commission) issued a Statement of Allegations and Summary of Evidence (Statement of Allegations) alleging the conduct described below. Respondent does not admit any of the allegations. This Stipulation to Informal Disposition (Stipulation) is not formal disciplinary action and shall not be construed as a finding of unprofessional conduct or inability to practice.

1. ALLEGATIONS

1.1 On January 8, 1981, the state of Washington issued Respondent a license to practice as a physician and surgeon. Respondent is board certified in obstetrics and gynecology. Respondent's license is currently active.

1.2 On May 30, 2012, Patient A, a 44 year old female, was referred to Respondent by Planned Parenthood for fibroids and heavy bleeding during menses and during and after intercourse. Patient A reported that a recent pap smear obtained by Planned Parenthood was normal, and that she had no known previous gynecologic abnormalities. The records from Planned Parenthood that recorded this information were not available at the time of Respondent's examination, but were subsequently available to Respondent. Respondent examined Patient A, including a pelvic examination, reviewed ultrasound results provided by Planned Parenthood, and diagnosed Patient A with fibroids and menometrorrhagia (prolonged or excessive uterine bleeding). Respondent discussed treatment options with Patient A, including fibroid observation, cryocautery of the cervix and observation, and hysterectomy.

ORIGINAL

Patient A expressed a strong preference for a definitive treatment and elected to have a hysterectomy.

1.3 On June 18, 2012, Respondent performed a subtotal hysterectomy on Patient A. The pathology report regarding the uterine and cervical tissues obtained during this procedure indicated that Patient A had cervical cancer and that the tumor was transected during the hysterectomy.

1.4 Respondent failed to obtain a pap smear and missed the diagnosis of cervical cancer. Upon receipt of the Planned Parenthood records, Respondent did not verify Patient A's assertion that a recent pap smear was normal, and therefore did not himself obtain a pap smear before performing the hysterectomy. A subsequent thorough investigation by the pathologist also revealed that Patient A was in error regarding her report of no previous abnormal pap smears. It was learned that a pap smear from approximately ten years ago revealed dysplasia, and that no follow-up had occurred perhaps due to miscommunication between the providers at that time and Patient A. In Respondent's subsequent review of this matter he acknowledged his error in failing to obtain a pap smear despite the patient's representations about negative cultures, and that a cervical abnormality was apparent on a subsequent review of the ultrasound.

2. STIPULATION

2.1 The Commission alleges that the conduct described above, if proven, would constitute a violation of RCW 18.130.180(4).

2.2 The parties wish to resolve this matter by means of a Stipulation to Informal Disposition (Stipulation) pursuant to RCW 18.130.172(1).

2.3 Respondent agrees to be bound by the terms and conditions of this Stipulation.

2.4 This Stipulation is of no force and effect and is not binding on the parties unless and until it is accepted by the Commission.

2.5 If the Commission accepts the Stipulation it will be reported to the Health Integrity and Protection Databank (HIPDB)(45 CFR Part 61), the Federation of State Medical Board's Physician Data Center, and elsewhere as required by law. HIPDB will report this Stipulation to the National Practitioner Data Bank (45 CFR Part 60).

2.6 The Statement of Allegations and this Stipulation are public documents. They will be placed on the Department of Health web site, disseminated via the Commission's electronic mailing list, and disseminated according to the Uniform Disciplinary Act (Chapter 18.130 RCW). They are subject to disclosure under the Public Records Act, Chapter 42.56 RCW, and shall remain part of Respondent's file according to the state's records retention law and cannot be expunged.

2.7 The Commission agrees to forego further disciplinary proceedings concerning the allegations.

2.8 Respondent agrees to successfully complete the terms and conditions of this informal disposition.

2.9 A violation Section 3 of this Stipulation, if proved, would constitute grounds for discipline under RCW 18.130.180 and the imposition of sanctions under RCW 18.130.160.

3. INFORMAL DISPOSITION

The Commission and Respondent stipulate to the following terms.

3.1 **Probation.** Respondent's license to practice as a physician and surgeon in the state of Washington is placed on probation for a period of at least six months from the effective date of this Stipulation.

3.2 **Paper.** Respondent shall submit a type written report of at least 1,000 words with an annotated bibliography on the appropriate diagnosis and treatment of abnormal pap smears. This report shall be submitted to the Commission for approval within ninety (90) days from the effective date of this Stipulation. This provision is not satisfied until Respondent submits a paper that is approved by the Commission or its designee.

3.3 **Cost Recovery.** Respondent shall reimburse costs to the Commission in the amount of one thousand dollars (\$1,000) which must be received by the Commission within 90 days of the effective date of this Stipulation to Informal Disposition. The reimbursement shall be paid by certified or cashier's check or money order, made payable to the Department of Health and mailed to the Department of Health, Medical Quality Assurance Commission at P.O. Box 1099, Olympia, Washington 98507-1099.

3.4 **Obey Laws.** Respondent must obey all federal, state and local laws and all administrative rules governing the practice of the profession in Washington.

3.5 **Costs.** Respondent must assume all costs that he incurs in complying with this Stipulation.

3.6 **Violations.** If Respondent violates any provision of this Stipulation in any respect, the Commission may initiate further action against Respondent's license.

3.7 **Change of Address.** Respondent must inform the Commission and the Adjudicative Clerk Office in writing, of changes in his residential and/or business address within thirty (30) days of such change.

3.8 **Termination.** Upon a determination by the Commission that Respondent has successfully completed the terms of this Stipulation, including the minimum six month period of probation, the Commission *may* terminate this Stipulation without petition or appearance by Respondent. The Commission reserves the right to require Respondent to petition and appear for termination, and to extend the period of probation and require an additional appearance.

3.9 **Effective Date.** The effective date of this Stipulation to Informal Disposition is the date the Adjudicative Clerk Office places the signed Stipulation into the U.S. mail. If required, Respondent shall not submit any fees or compliance documents until after the effective date of this Stipulation.

4. COMPLIANCE WITH SANCTION RULES


4.1 The Commission applies WAC 246-16-800, *et seq.*, to determine appropriate terms for stipulations to informal disposition. Tier B of the "Practice Below Standard of Care" schedule, WAC 246-16-810, applies to cases where substandard practices result in moderate patient harm or the risk of moderate to severe patient harm. In this case we do not know whether Respondent's missed diagnosis of cervical cancer prior to performing a subtotal hysterectomy caused harm to Patient A, but the delay in diagnosis and the procedure performed without a pap smear did create the risk of moderate to severe harm.

4.2 Tier B requires the imposition of sanctions ranging from two years of oversight to five years of oversight, unless revocation. However, under WAC 246-16-800(3)(d)(iii), the Commission may deviate from the range if deviation is justified by


mitigating or aggravating factors, and the Commission explains the reasons for deviating. This Stipulation can be completed in six months, and therefore represents a possible deviation. This deviation is justified by the following mitigating factors: (a) Respondent has been licensed in Washington for 32 years with no previous disciplinary action; (b) Respondent has acknowledged his oversight and expressed dedication to ensuring that a similar event does not occur in the future; and (c) Respondent was cooperative with the Commission's investigation.

5. RESPONDENT'S ACCEPTANCE

I, Philip D. Welch, Respondent, certify that I have read this Stipulation to Informal Disposition in its entirety; that my counsel of record, if any, has fully explained the legal significance and consequence of it; that I fully understand and agree to all of it; and that it may be presented to the Commission without my appearance. If the Commission accepts the Stipulation to Informal Disposition, I understand that I will receive a signed copy.



PHILIP D. WELCH
RESPONDENT



DATE

WSBA #
ATTORNEY FOR RESPONDENT

DATE

6. COMMISSION'S ACCEPTANCE

The Commission accepts this Stipulation to Informal Disposition. All parties shall be bound by its terms and conditions.

DATED: March 16, 2013.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION

Linda A Ring
PANEL CHAIR

PRESENTED BY:

James M. Laughlin
JAMES MCLAUGHLIN, WSBA #27349
DEPARTMENT OF HEALTH STAFF ATTORNEY



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Philip D. Welch, MD
Master Case No.: M2012-1260
Document: Release from Informal Disposition

Regarding your request for information about the above-named practitioner; attached is a true and correct copy of the document on file with the State of Washington, Department of Health, Adjudicative Clerk Office. These records are considered Certified by the Department of Health.

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STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION
PO Box 47866, Olympia, WA 98504-7866

FILED

SEP 19 2013

Adjudicative Clerk Office

September 18, 2013

Philip D. Welch, MD
801 Broadway, Suite 628
Seattle, Washington 98122-4336

Re: Master Case No.: M2012-1260
ILRS Case No.: 2012-6387
Credential No.: MD00018862

Dear Dr. Welch:

This letter is to officially inform you and other interested parties that the Medical Quality Assurance Commission has released you from the requirements of the *Stipulation to Informal Disposition* signed on March 6, 2013. You have demonstrated satisfactory compliance with the terms and conditions of the agreement. The Stipulation is terminated and you are now released from the requirements of the Stipulation effective upon receipt of this letter.

The Department of Health Medical Quality Assurance Commission wishes you well in your future endeavors as a physician and surgeon.

If you have any questions concerning this matter, please contact Mike Kramer, Compliance Officer at (360) 236-2781 or write to the Department of Health, Medical Quality Assurance Commission, PO Box 47866, Olympia, WA 98504-7866.

Sincerely,

Mike Kramer
Compliance Officer

cc: Adjudicative Service Unit
Jim McLaughlin, Commission Staff Attorney