

Respondent: Welch, Philip David  
Case #: 02-08-0055MD  
IRP Presenter: Crowell

**MEDICAL QUALITY ASSURANCE COMMISSION**  
*Initial Review Panel*  
**Case Assignment Transmittal**

Date: SEP 03 2002

- To: \_\_\_\_\_ Legal \_\_\_\_\_, Staff Attorney  
\_\_\_\_\_ Investigations  
\_\_\_\_\_ Licensing Manager  
\_\_\_\_\_ Medical Consultant  
\_\_\_\_\_ Case Coordinator  
\_\_\_\_\_ Compliance Officer

\*\*\*\*\*

The following action was ordered by the Initial Review Panel at the SEP 03 2002 meeting:

- |   |   |
|---|---|
| _____ Close "no cause for action"                           | _____ Close with letter of concern                    |
| _____ Close "no jurisdiction"                               | _____ Close no jurisdiction. To local Medical Society |
| _____ Administrative closure                                | _____ Expert Review by _____                          |
| _____ To RCM _____  | _____ Legal Review                                    |
| <input checked="" type="checkbox"/> Close "below threshold" |   |

\_\_\_\_\_ Further investigation concerning \_\_\_\_\_

\_\_\_\_\_ Practice review with emphasis on \_\_\_\_\_

\_\_\_\_\_ Other \_\_\_\_\_

Special Instructions: \_\_\_\_\_

INITIAL REVIEW PANEL  
CASE PRESENTATION

Case Number:  
02-08-0055MD

Date: August 23, 2002  
Presented by: Bill N. Crowell, PA-C

Respondent: Philip David Welch, MD King County

Complainant: 2 - Identity - Whistleblower Regarding...

CASE SUMMARY

This case is cross-referenced with case #2002-08-0053 and case #2002-08-0054MD.

The Respondent: Is a 53-year-old Board Certified OB/GYN physician, who has been licensed in the State of Washington since January 8, 1981.

The Complainant: A former patient.

Malpractice Settlement: N/A

The Complaint: Unethical, inappropriate and abusive remarks.

***This complaint has not been investigated and is brought for threshold/jurisdiction review.***

Complaint Review: The Complainant, age 43, reports her PCP referred her to the Respondent for fertility testing on May 24, 2002. The Complainant, when asked by the Respondent what was going on with her health, notes she replied by saying she was struggling with heavy metal toxicity, and the need for chelation therapy. Whereupon the Respondent allegedly became defensive, saying he didn't necessarily believe in the type of illness or treatment she had undergone, and was quite opinionated in his remarks and beliefs, using the term "mumbo jumbo."

The Complainant goes on to say the Respondent seemed "threatened" when she told him she was aware of her own body, symptoms, cycles, and her having knowledge of same. The Complainant notes that the Respondent had a condescending attitude about the fact that she was 43 and that she "might only have a handful of good ovulations left." The Complainant states that the Respondent then went on to describe the test she had been referred for and a series of procedures she would undergo if the first test didn't work, seeming confident that she would become pregnant. When the Respondent wanted to do a pelvic exam, the Complainant states she said no, as she had just undergone one by her PCP.

The Complainant notes that after this, the Respondent seemed unable to quit focusing on her participation in natural medicine and that he badgered her, making it clear that he felt threatened by things he hadn't been trained for and didn't know much about. The Complainant notes that she did not have the test done that the Respondent ordered and wrote the Respondent a letter saying how upset she was about his unprofessional manner. Although the Complainant did not hear back from the Respondent, she notes the Respondent called her PCP saying he couldn't understand what had upset her, and that the Respondent was trying to save his face professionally, and that he really didn't care about the effect he had on her.

Prior Cases:

**#96-05-0027MD.** Medical malpractice settlement. Closed NCFA.

**INITIAL ASSESSMENT REVIEW**  
**Case Number: 02-08-0055MD**

Date: August 20, 2002  
Presented by: Bill N. Crowell, PA-C

Respondent: Philip David Welch, MD King County

Complainant: 2 - Identity - Whistleblower Regar...

**CASE SUMMARY**

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The Complainant: A former patient.

Malpractice Settlement: N/A

The Complaint: Unethical, inappropriate and abusive remarks.

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Prior Cases:

**#96-05-0027MD.** Medical malpractice settlement. Closed NCFA.

Code: 04

Notification: Yes      No ✓

Investigative Plan:

- Whistleblower waiver.
- Copy of patient medical records.
- Respondent's statement.
- BT

DEPARTMENT OF HEALTH  
HEALTH PROFESSIONS QUALITY ASSURANCE DIVISION - SECTION 5

INTAKE SHEET

Respondent Information

Case No: 02-08-0055MD Case Opened: 08/19/2002

Name: Philip David Welch, MD Lic/Cert/Reg No: MD00018862 Issued: 1/8/1981  
Address: 1101 Madison Unit 580 D.O.B.: 4/5/1949 Expires: 4/5/2003  
Seattle, WA 98104 Soc Sec No: 1 - DOH Licens...

School Attended: U of Washington; Seattle, WA Year Completed: 1978  
Specialty: Obstetrics and Gynecology Board Certified: Yes

Complainant Information

Name: 2 - Identity - Whistleblowe...  
Address: 2 - Identity - Whistleblower Regarding Health Care Provider - RCW 43.70.075(1), RCW 42.56.070(1)

Companion Case Information (other Respondent)

Respondent: Dr. Stephen Peter Markus Case Disposition: Open Reason Closed: \_\_\_\_\_  
Case No: 02-08-0053MD  
Respondent: Dr. Michael Rust Smith Case Disposition: Open Reason Closed: \_\_\_\_\_  
Case No: 02-08-0054MD

Previous Case Information (same respondent)

Case No: 96-05-0027MD Case Disposition: Closed Reason Closed: NCFA  
Complainant: Physicians Insurance Exchan

\*Steps:

A=Assess I=Investigating LR=Legal Review F=Final Action  
RM = Reviewing Member LD=Legal Drafting LS = Legal Service  
S=Settlement LP=Legal Prehearing RAG=Legal Support

RPT002 08/20/2002

EDICAL BOARD  
vic0303  
INDIVIDUAL NAME  
LAST WELCH  
FIRST PHILIP  
MIDDLE DAVID

ASSESSMENT SYSTEMS, INC.  
REAL SYSTEM  
(JR, SR, III)

08-19-02  
V2.5.74 01:02:32 PM  
REFERENCE # MD00018862  
SOC SEC NUM 1 - DOH Licensee Socia...

RESIDENCE INFORMATION  
1101 MADISON #580  
SEATTLE WA 98104

PHONE: ( ) - COUNTY: 17  
( ) - LGL ST: WA

NOTES

+--ADDITIONAL INFORMATION--+

SEX M =	MARRIED Y =
OTHER NAME	
CORP. OFFICER	=
TRUST ACCOUNT	
BIRTH PLACE	
DATE 04-05-1949	
SCHOOL CODE 430	
CE UNITS 0.00	REQD BY 04-05-2005

+-----+  
CURRENT STATUS: A D EXPIRATION DATE: 04-05-2003 FIRST ISSUE DATE: 01-08-1981  
RENEWAL STATUS: Z LAST ACTIVE DATE: - - LAST RENEWAL DATE: 03-28-2001  
COMPLAINTS O/C: 0/ 1 AUTHORITY:

2002080055  
19/4 8-19-02  
054-04-78 <sup>B/C</sup> OBO

1978 U of Washington; Seattle, WA  
Board Certified - Ob Gyn

Complainant

2 - Identity - Whistleblower Regarding Health Care Provider - RCW 43.70.075(1), RCW 42.56.070(1)

MEDICAL BOARD  
vic0303

ASSESSMENT SYSTEMS, INC.  
REAL SYSTEM

V2.5.74

08-19-02  
01:02:42 PM

CASE NUMBER	COMPLAINANT	COMPLAINT DATE	INVESTIGATOR	TYPE	STATUS
96050027	PHYSICIANS INSURANCE	05-18-1996			CNAG



# American Medical Association

Physicians dedicated to the health of America

Division of Survey and Data Resources  
515 North State Street  
Chicago, Illinois 60610  
<http://www.ama-assn.org/amaprofiles>



## AMA Physician Profile

**Name and Mailing Address:**

PHILIP DAVID WELCH MD  
801 BROADWAY  
SEATTLE WA 98122-4396

**Primary Office Address:**

STE 628  
801 BROADWAY  
SEATTLE WA 98122-4336

**Phone:** UNKNOWN

**Birthdate:** 04/05/1949

**Birthplace:** HARTFORD, CT UNITED STATES OF AMERICA

**Physician's Major Professional Activity:** OFFICE BASED PRACTICE

**Practice Specialties Self Designated by the Physician:**

**Primary Specialty:** OBSTETRIC & GYNECOLOGY

**Secondary Specialty:** UNSPECIFIED

**AMA membership:** NON MEMBER

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**Following Data Provided by the Primary Sources**

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**Medical School:**

UNIV OF WA SCH OF MED, SEATTLE WA 98195 (VERIFIED)

**Reported Year of Graduation:** 1978 (VERIFIED)

**Current and/or Prior Medical Training Programs Accredited by the Accreditation Council for Graduate Medical Education (ACGME):**

**Institution:** SWEDISH MED CTR

**Specialty :** GENERAL SURGERY

**State:** WASHINGTON

07/1978 - 06/1979

(VERIFIED)

**Institution:** UNIV WA MED CTR

**Specialty :** OBSTETRIC & GYNECOLOGY

**State:** WASHINGTON

07/1979 - 06/1982

(VERIFIED)

**Note:** Additional information, used for appointments and privileges, is not solicited, nor is it received from the residency program director(s). If additional information is required, please contact the program director(s).

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515 North State Street  
Chicago, Illinois 60610  
<http://www.ama-assn.org/amaprofiles>



## AMA Physician Profile

National Board of Medical Examiners (NBME) Certification Year: MD: 1979

License(s): State	MD/ DO	Date Granted	Expiration Date	Status	License Type	Last Reported
WASHINGTON	MD	01/08/1981	04/05/2003	ACTIVE	UNLIMITED	06/05/2002

Note: When the specific month and day are unknown, the date will display the default value of "01." Not all licensing boards maintain or provide full date values. Please contact the appropriate licensing board directly for this information.

### ECFMG Certification:

#### Applicant Number:

Note: The Educational Commission for Foreign Medical Graduates (ECFMG) applicant identification number does not imply current ECFMG certification status. To verify ECFMG status, contact the ECFMG Certification Verification Service in writing at P.O. Box 13679, Philadelphia, PA 19101.

### Federal Drug Enforcement Administration:

FEDERAL DEA REGISTRATION INFORMATION WAS LAST REPORTED TO THE AMA ON 06/04/2002.  
DEA REGISTRATION IS VALID THROUGH 05/31/2003.

Note: Many states require their own controlled substances registration/license.  
Please check with your state licensing authority as the AMA does not maintain this information.

### Specialty Board Certification(s):

Specialty Board Certification(s) by one or more of the 24 boards recognized by the American Board of Medical Specialties (ABMS) and the American Medical Association (AMA) through the Liaison Committee on Specialty Boards, as reported by the ABMS:

**Certifying Board:** AMERICAN BOARD OF OBSTETRICS AND GYNECOLOGY

**Certificate:** OBSTETRICS AND GYNECOLOGY

**Certificate Type:** GENERAL

**Effective:** 01/01/1985    **Expiration:** NONE REPORTED TO DATE    **Last Reported:** 02/26/2002    INITIAL

Note: For certification dates, a default value of "01" appears in the month field if data was not provided to AMA. Please contact the appropriate specialty board directly for this information.

### Medicare/Medicaid Sanction(s):

TO DATE, THERE HAVE BEEN NO SUCH SANCTIONS REPORTED TO THE AMA BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

### Other Federal Sanction(s):

TO DATE, THERE HAVE BEEN NO FEDERAL SANCTIONS REPORTED TO THE AMA BY ANY BRANCH OF THE US MILITARY, THE VETERAN'S ADMINISTRATION OR THE US PUBLIC HEALTH SERVICE.

# American Medical Association

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Division of Survey and Data Resources  
515 North State Street  
Chicago, Illinois 60610  
<http://www.ama-assn.org/amaprofiles>



## AMA Physician Profile

### Additional Information:

TO DATE, THERE IS NO ADDITIONAL INFORMATION FOR THIS PHYSICIAN ON FILE.

The content of the AMA Physician Profile is intended to assist with credentialing. Appropriate use of the AMA Physician Masterfile data contained on this Profile by an organization would meet the primary source verification requirements of the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) and the American Accreditation HealthCare Commission/URAC. The Physician Masterfile meets the National Committee for Quality Assurance (NCQA) standards for verification of medical education, residency training, board certification, DEA status, and Medicare/Medicaid sanctions.

If you note any discrepancies, please mark them on a copy of the profile and mail or fax to:

Division of Survey and Data Resources  
Attn: Physician Profile Unit  
515 N. State Street  
Chicago, IL 60610  
312 464-5199  
312 464-5900 (fax)



STATE OF WASHINGTON

DEPARTMENT OF HEALTH

1300 SE Quince St • P.O. Box 47866 • Olympia, Washington 98504-7866

September 17, 2002

Philip D. Welch, MD  
1101 Madison  
#580  
Seattle WA 98104

SUBJECT: Philip D. Welch, MD  
Case Number 02-08-0055MD

Dear Dr. Welch:

The Medical Quality Assurance Commission received a report alleging unprofessional conduct. A panel of the Commission reviewed the report and determined that it did not meet the criteria established for cases which are to be investigated. Therefore, this case has been closed.

You have the right to request any information contained in the file. However, please note that the state whistleblower law, RCW 43.70.075, prohibits disclosure of the complainant's identity in cases where a whistleblower waiver has not been obtained. Consequently, any information you might obtain through a public disclosure request would not contain specific details of the complaint. If you would like a summary of the case or other materials in the file, please submit a written request for a copy to the Medical Quality Assurance Commission, Attention: Public Disclosure, at the above address or fax to (360)236-4819.

Because the report file was closed without an investigation, the existence of this report is not releasable through the automated voice response system or in response to telephone inquiries. However, the report is subject to written public disclosure requests (RCW 18.130.095 and RCW 42.17). Even though this case has been closed, you have the right to voluntarily submit a written statement which will become part of the information provided in response to any public disclosure request.

If you have any questions, please contact me at (360)236-4792 or Lisa Pigott at (360)236-4791.

Sincerely,

  
MARYELLA JANSEN, Deputy Executive Director  
Medical Quality Assurance Commission

RPT026(C)-BThresh—CNA2





STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
1300 SE Quince St • P.O. Box 47866 • Olympia, Washington 98504-7866

September 17, 2002

2 - Identity - Whistleblower Regardin...

Dear Ms. 2 - Identity - Whist...

Thank you for your recent letter in which you expressed concerns regarding an allegation of unethical, inappropriate and abusive remarks.

A panel of the Medical Quality Assurance Commission reviewed the issues raised in your report and determined they do not meet the criteria established for cases which are to be investigated. As a result, this case has been closed.

I know this is not the decision you had hoped for, and you may want to contact another organization for assistance. Enclosed is a list of the medical societies located throughout the state of Washington. Medical societies attempt to resolve disputes between their member physicians and patients who have concerns. Dr. Welch will also be advised as required by law that this report has been closed. However, your identity will not be revealed.

Thank you for bringing this matter to our attention. If you have questions, please feel free to contact me at (360)236-4792 or Lisa Pigott at (360)236-4791.

Sincerely,  
COPY

MARYELLA JANSEN, Deputy Executive Director  
Medical Quality Assurance Commission

Enclosure: Medical Societies listing

RPT038-BelowC—CNA2



## **NOTICE**

WAC 246-15-030, procedures for filing, investigation, and resolution of whistleblower complaints.

(1)(b) Instructs that staff will affix a permanent cover to the letter of complaint or other form of notice in the complaint file, noting the statutory citation concerning protecting the identity of the complainant.

(3)(c) Ensure upon case closure, that the permanent cover affixed in subsection (1)(c) of this section will remain.

RCW 43.70 provides that the identity of a whistleblower who complains in good faith to the Department of health about the improper quality of care by a health care provider as defined in RCW 43.72.010 **shall remain confidential**.

Pursuant to the above RCW and WAC it is staff's duty to see that the complainant's name or any information which may identify the complainant is not disclosed.

## **NOTICE**

**Report Form**  
Department of Health  
Medical Quality Assurance Commission  
Attention: Intake Coordinator  
P.O. Box 47866  
Olympia, WA 98504-7866  
Fax: (360) 586-4573

**RECEIVED**  
AUG 19 2002  
INVESTIGATIONS

Web Page: <http://www.doh.wa.gov/hsqa/hpqad/MQAC/default.htm>

Your Name:

Address:

City:  State:  Zip:

Phone: Work  Home

**Report Information**

Please complete the following information concerning the physician or physician assistant whom you wish to report. Please supply as much information as you can on this form. Insufficient information will delay the processing of your report. Thank you.

Name of Physician(s)  
or Physician Assistant(s): Philip D. Welch, m.d.

Address: 801 Broadway Suite 628  
Seattle wa 98122

Date or time period you received treatment, service, or other:  
24 May 02

Have you discussed your report with the physician or his/her office/business?  
Yes  No

My regular physician referred me to Dr. Welch for a consultation for a medical test. Dr. Welch began our appointment by asking me what I thought was going on with my health. I responded with a brief comment related to my health history, indicating my struggles with heavy metal toxicity and the need for chelation therapy, (a treatment familiar in the Naturopathic Medicine world.) Dr. Welch immediately seemed defensive about my remarks, stating that he didn't necessarily believe in the type of illness or treatment I had undergone. He spent a great deal of time speaking in a very opinionated manner about his beliefs. He used the term, "mumbo jumbo" to refer to Naturopathic and Chinese Medicine, the types of medicine I told him I participated in and had gained benefit from. I found his manner quite disruptive and unnecessary to the focus of my appointment and tried to redirect the focus back to the reason why I had come.

Dr. Welch continued to relate to me in the same manner for the rest of our time together. As we began to discuss the subject of my fertility and possible need for fertility testing, Dr. Welch made several inappropriate and insensitive remarks. He clearly did not take me seriously when I told him about my awareness of my own body, cycles and symptoms. He told me that my observations of symptoms in my body "don't mean anything" and that I am "too sensitive". He made these remarks on the heels of saying that if scientific tests hadn't proven anything, my symptoms may not be valid. He seemed threatened by my having any knowledge that he didn't have or hadn't proven himself. I began to become flustered with Dr. Welch's arrogant and authoritarian attitude and again tried to redirect the focus back to the test. At this point, Dr. Welch took control of the conversation by interrupting me and saying, "You know...you *are* 43..." I told him I was aware of this and that I had faith in my ability to get pregnant. He ignored me and went on to talk about how fertility drops significantly after age 40, and with this comment he made a dramatic swooping gesture with his hand, from high to low. He went on to tell me how it is "common to see women over 40" who didn't mean to get pregnant because they didn't think they could. He then told me he had just come from performing a pregnancy termination on a 46 year old woman. He seemed very pleased with himself and his remark had the air of pride and like he had just made some really important point to me. I found these remarks unethical, totally inappropriate and abusive. I again told him I had faith things would work out for me and he responded by telling me I "might only have a handful of good ovulations left".

I was stunned by his treatment of me. I should have walked out, but I feel he had effectively silenced me for the moment, which is what I think he wanted to achieve. Dr. Welch spoke for a while then of his "game plan" for my fertility. He suggested the test I had come to consult with him about and went on to describe a series of procedures he would prescribe if the first test didn't work. He



seemed confident that he would make sure I became pregnant.

Dr. Welch asked me if I wanted a pelvic exam. I told him I didn't need one. He kept suggesting it, indicating a couple of times that he didn't want me to "feel cheated". I told him I had only come to discuss the test and that my doctor had given me a pelvic exam. He suggested that he might find something she hadn't and proceeded to demonstrate a mock pelvic exam in the air with his hands. He seemed unable to let it go and I felt pressured, but I kept with my adamant "no".

As the appointment ended, after 40 minutes, Dr. Welch still seemed unable to stop focussing on his original skepticism of my participation in natural medicine. He knew this, because he acknowledged to me that he was still talking about it. I was just trying to ignore him and gather my things so I could get out of there. As we walked out in to the hall, Dr. Welch began to lecture me with great emotion about how "...science took us out of the Dark Ages"... He went on and on. I finally told him again that I had no argument with the validity of science and allopathic medicine and found it valuable. I assured him that my participation in natural medicine was not a discount of his medical practices, that each had much to offer and that I valued what I was doing because it had saved my life. It should not have been necessary for me to have this conversation with Dr. Welch, but he was badgering me in the hallway and I felt I had to do something to get him off my back so I could leave.

This entire experience was really upsetting for me. I left feeling so violated and angry and then I was in tears. This is a vulnerable time and issue in my life, and he succeeded in making me more anxious with his negative and disempowering comments. It felt to me that he did it to boost his own ego to make himself feel powerful and like he was the authority who would make everything happen with the power of his knowledge. It seemed his arrogance made it necessary for him to do all he could to disempower me to make me dependant on him so he could feel powerful. It was clear that he felt threatened by things he hadn't been trained for and didn't know that much about and he used my appointment time to try to make himself feel better through discounting everything I said to him.

I did not have the test done by Dr. Welch because of the way he treated me and had to find another Ob/Gyn to consult with for the test. This caused a delay of several weeks. I wrote a letter to him telling him how his behavior had made me feel and giving him some feedback about his unprofessional behavior. Dr. Welch called my physician to try and tell her he couldn't understand what he had said to upset me, though I had reiterated it to him in my letter, but he did not call me. I feel he was trying to save face professionally and didn't really care about his effect on me. My doctor said she will never refer to him again.

Redaction Summary ( 16 redactions )

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2 Privilege / Exemption reasons used:

1 -- "DOH Licensee Social Security Number - RCW 42.56.350(1)" ( 2 instances )

2 -- "Identity - Whistleblower Regarding Health Care Provider - RCW 43.70.075(1), RCW 42.56.070(1)" ( 14 instances )

8

Page 2, Identity - Whistleblower Regarding Health Care Provider - RCW 43.70.075(1), RCW 42.56.070(1), 1 instance  
Page 4, Identity - Whistleblower Regarding Health Care Provider - RCW 43.70.075(1), RCW 42.56.070(1), 1 instance  
Page 6, DOH Licensee Social Security Number - RCW 42.56.350(1), 1 instance  
Page 6, Identity - Whistleblower Regarding Health Care Provider - RCW 43.70.075(1), RCW 42.56.070(1), 2 instances  
Page 7, DOH Licensee Social Security Number - RCW 42.56.350(1), 1 instance  
Page 7, Identity - Whistleblower Regarding Health Care Provider - RCW 43.70.075(1), RCW 42.56.070(1), 1 instance  
Page 13, Identity - Whistleblower Regarding Health Care Provider - RCW 43.70.075(1), RCW 42.56.070(1), 2 instances  
Page 15, Identity - Whistleblower Regarding Health Care Provider - RCW 43.70.075(1), RCW 42.56.070(1), 7 instances