



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.

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: **NONE**

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**

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