



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

March 14, 1994

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Frederick Welch, M.D.
1401 Ridgeview Apartments
Danville, PA 17821

RE: License No. 134064
Effective Date: 3/21/94

Dear Dr. Welch:

Enclosed please find Order #BPMC 94-35 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X

IN THE MATTER :
OF : ORDER
FREDERICK W. WELCH, M.D. : BPMC #94-35

-----X

Upon the application of FREDERICK W. WELCH, M.D.
(Respondent) for Consent Order, which application is made a part
hereof, it is

ORDERED, that the application and the provisions thereof
are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall take effect as of the
date of the personal service of this order upon Respondent, upon
receipt by Respondent of this order via certified mail, or seven
days after mailing of this order by certified mail, whichever is
earliest.

SO ORDERED,

DATED:

7 March 1994

Charles J. Vacanti

Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X
IN THE MATTER : APPLICATION
OF : FOR
FREDERICK W. WELCH, M.D. : CONSENT
: ORDER
-----X

STATE OF Pennsylvania)
COUNTY OF ELK) ss.:

FREDERICK W. WELCH, M.D., being duly sworn, deposes and says:

1. I was authorized to practice medicine in New York State on or about March 24, 1978, by the issuance of license number 134064 by the New York State Education Department. I am currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994 from 1401 Ridgeview Apartments, Danville, Pennsylvania 17821.
2. I understand that the New York State Board for Professional Medical Conduct has charged me with Three Specifications of professional misconduct. A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as "Exhibit A."

3. I hereby make this Application to the Board and request that it be granted.
4. I admit all Factual Allegations contained in said Statement of Charges, and I admit guilt to the Third Specification of the Statement of Charges in full satisfaction of the charges against me.
5. I hereby agree to the penalty:
 - (a) that my license to practice medicine be suspended for a period of five (5) years;
 - (b) that the suspension be stayed;
 - (c) that, during the five (5) years my medical license is suspended, I will adhere to the Terms of Probation, attached hereto, made a part hereof, and marked as Exhibit "B".
6. I understand that in the event that this Application is not granted by the Board nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by

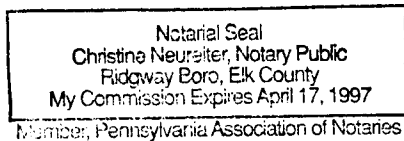
the Board pursuant to the provisions of the Public Health Law.

7. I agree that in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.
8. I agree that in the event I am charged with professional misconduct in the future, this Application for Consent Order and the admissions contained herein shall be admitted into evidence in said proceeding.
9. I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind.

✶ Frederick W. Welch, M.D.
FREDERICK W. WELCH, M.D.
RESPONDENT

Sworn to before me this
17 day of Feb., 1994.

Christine Neureiter ✶
NOTARY PUBLIC

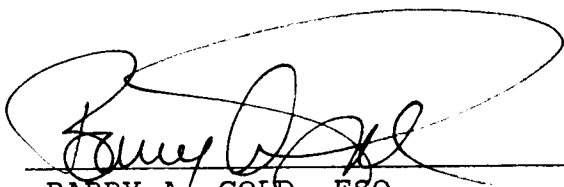


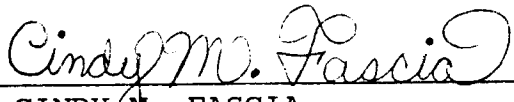
STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X
: APPLICATION
IN THE MATTER :
: FOR
OF :
: CONSENT
FREDERICK W. WELCH, M.D. :
: ORDER
-----X

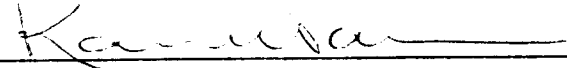
The undersigned agree to the attached Application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

Date: 2/17/94 
FREDERICK W. WELCH, M.D.
RESPONDENT

Date: February 18, 1994 
BARRY A. GOLD, ESQ.
ATTORNEY FOR RESPONDENT

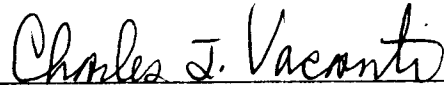
Date: February 25, 1994 
CINDY M. FASCIA
ASSOCIATE COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: March 10, 1994



KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 7 March 1994



CHARLES J. VACANTI, M.D.
CHAIRPERSON
STATE BOARD FOR
PROFESSIONAL MEDICAL CONDUCT

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X
IN THE MATTER : STATEMENT
OF : OF
FREDERICK W. WELCH, M.D. : CHARGES
-----X

FREDERICK W. WELCH, M.D., the Respondent, was authorized to practice medicine in New York State on March 24, 1978 by the issuance of license number 134064 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994 from 1401 Ridgeview Apartments, Danville, Pennsylvania 17821.

FACTUAL ALLEGATIONS

A. Respondent performed a physical examination of Patient A [identified in the Appendix] on or about September 9, 1991 at the Alexandria Bay Health Center, Alexandria Bay, New York. During the course of said examination, Respondent engaged in the following conduct:

1. Respondent, while instructing Patient A to get on the examining table and position herself for a pelvic

examination, said to Patient A, "put your treasures up here", or words to such effect.

2. Respondent, while performing a pelvic examination on Patient A, said to Patient A, "am I going to get lost in there", and "is anyone else in here", or words to such effect.
3. Respondent, while instructing Patient A to remove her bra for a breast examination, said to Patient A, "take them out", or words to such effect, referring to Patient A's breasts.
4. Respondent, after examining Patient A's breasts, placed a pen between Patient A's breasts.
5. Respondent, after placing a pen between Patient A's breasts, told the nurse attendant to look at the pen Respondent had placed between Patient A's breasts.

B. Respondent, by engaging in the conduct set forth in A.1 and/or A.2 and/or A.3 and/or A.4 and/or A.5 above, violated a term of probation imposed upon him by Order No. 9676 of the Commissioner of the New York State Education Department in that Respondent failed to "conduct himself in all ways in a manner befitting his professional status" and/or failed to "conform fully to the...professional standards of conduct imposed by law and his profession".

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

VERBAL ABUSE OR HARASSMENT

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(31) (McKinney Supp. 1993) by reason of his having willfully harassed or abused a patient verbally, in that Petitioner charges:

1. The facts in Paragraphs A and A.1, A and A.2, A and A.3, and/or A and A.5.

SECOND SPECIFICATION

PHYSICAL ABUSE OR HARASSMENT

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(31) (McKinney Supp. 1993) by reason of his having willfully harassed or abused a patient physically, in that Petitioner charges:

2. The facts in Paragraphs A and A.4, and/or A and A.5.

THIRD SPECIFICATION

VIOLATING A TERM OF PROBATION

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(29) (McKinney Supp. 1993) [formerly N.Y. Educ. Law §6509(9) and 8 NYCRR §29.1(b)(14)] by reason of his having violated a term of probation imposed on him pursuant to section two hundred thirty of the public health law, in that Petitioner charges:

3. The facts in Paragraph B.

DATED: Albany, New York
February 25, 1994

Peter D. Van Buren

PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical
Conduct

EXHIBIT B

TERMS OF PROBATION

FREDERICK W. WELCH, M.D.

1. Respondent, during the period of probation, shall conduct himself in all ways in a manner befitting his professional status and shall conform fully to the ethical and professional standards imposed by law and his profession.
2. Respondent shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 [hereafter "OPMC"] of any employment and practice, of Respondent's residence and telephone number, and of any change in Respondent's employment, practice, residence or telephone number within or without New York State.
3. Respondent shall submit to OPMC, no later than the first three months of the period of Probation, written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS with regard to said registration fees.
4. Respondent shall submit to OPMC, no later than the first two months of the period of probation, written proof that (a) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of medicine in New York State and does not desire to register and that (b) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or the Board of Regents.
5. Respondent shall cooperate with a Medical Coordinator of OPMC or other physician, designated by the Director of OPMC, who may three times during the first year of probation and two times during the second year of probation, review Respondent's practice of medicine. Such reviews may include, without limitation and at the discretion of the Medical Coordinator or other physician, interviews with Respondent, random review of Respondent's patient records, observation of Respondent's treatment of patients or any other reasonable means of reviewing Respondent's practice of medicine.
6. Respondent shall receive mental health treatment from a physician, or another mental health professional, selected by

Respondent and previously approved in writing by the Office of Professional Medical Conduct. Respondent shall receive mental health treatment from said mental health professional at least once every two weeks, and more frequently if said mental health professional deems it necessary. Said mental health professional shall submit quarterly reports to the Office of Professional Medical Conduct certifying that Respondent is complying with treatment, and setting forth Respondent's progress. If Respondent drops out of treatment, said mental health professional shall notify the Office of Professional Medical Conduct immediately. If Respondent drops out of treatment, it will be considered a violation of probation. If Respondent is unable to attend any scheduled appointment for mental health treatment, he must notify both his treatment professional and the Supervisor of the Probation Unit of OPMC or her designee in advance of any such appointment, and shall obtain the approval of the Probation Supervisor or her designee to miss any such appointment. If Respondent has two unauthorized absences in a row, or two unauthorized absences in any 30 day period, it shall be deemed a violation of his probation. Said mental health professional shall report any missed appointments immediately in writing to the Office of Professional Medical Conduct.

7. Respondent shall continue mental health treatment for as long as said mental health professional deems such treatment to be necessary. If the treatment professional determines that treatment is no longer necessary, he or she shall notify the Office of Professional Medical Conduct, in writing, prior to any termination of Respondent's treatment. The treatment professional shall set forth in writing the basis for his/her opinion that treatment is no longer necessary, and shall set forth in writing Respondent's progress in therapy.
8. If, during the five year period of his probation, Respondent practices medicine in New York State, he must comply with the following terms:
 - a. Any hospital, medical practice, or other facility in New York State by which Respondent is to be employed, whether as a locum tenens physician or in any other capacity, must be informed in writing by Respondent that he is on probation with the Office of Professional Medical Conduct, and any such hospitals, medical practices, or other facilities must receive a copy of this Consent Agreement.
 - b. Any hospital, medical practice or other facility in New York State which employs Respondent during the period of his probation must submit quarterly reports to the Office of Professional Medical Conduct regarding the quality of Respondent's medical practice. If Respondent's employment with any such employer is of less than one month duration, or is locum tenens employment, the reports must be submitted on a monthly basis. If any patient complaints

are made regarding Respondent, whether said complaints involve alleged inappropriate verbal comments or inappropriate physical contact made by Respondent or relate to the quality of medical treatment rendered by Respondent, the hospital, medical practice or facility must immediately notify OPMC in writing regarding any such complaints.

- c. The terms set forth in paragraphs 8(a) and 8(b) apply to any employment of Respondent within New York State, whether said employment is secured by Respondent himself, or whether Respondent is placed by an employment agency or physician referral service. Respondent shall be responsible for making certain that the hospital, medical practice or facility is notified.
9. During the period of his probation, Respondent shall remain drug and alcohol free. Respondent's sobriety will be monitored by a health care professional or treatment program who shall be selected by Respondent and approved in advance by the Office of Professional Medical Conduct. Said sobriety monitor shall be made familiar with Respondent's history of chemical dependence, and with this Consent Agreement and its terms of probation. Said monitor shall not be a personal friend of Respondent. Said monitor shall see Respondent at least once a month. Said monitor shall direct Respondent to submit to unannounced tests of blood, breath and/or urine for the presence of drugs or alcohol and shall report to the Office of Professional Medical Conduct within twenty-four (24) hours if at any time Respondent refuses such a test, or if such a test is positive. Said monitor shall submit quarterly reports to OPMC either certifying Respondent's compliance or detailing his failure to comply. Said reports shall include the results of all body fluid and breath tests for drugs and alcohol performed during that quarter.
10. Respondent shall assume and bear all costs related to compliance with the Terms of Probation.
11. Respondent, so long as there is full compliance with every term herein, may practice his profession in accordance with the Terms of Probation; provided, however, that upon receipt of evidence of noncompliance with or violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized by the Public Health Law.