

IN AND BEFORE THE OKLAHOMA STATE BOARD
OF MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA

FILED

SEP 15 2011

STATE OF OKLAHOMA
EX REL. THE OKLAHOMA BOARD
OF MEDICAL LICENSURE
AND SUPERVISION,

Plaintiff

v.

WILLIAM LEE WELDEN, M.D.,
LICENSE NO. 18917,

Defendant.

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 10-12-4133

VOLUNTARY SUBMITTAL TO JURISDICTION

Plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General for the State of Oklahoma and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, William Lee Welden, M.D., Oklahoma license no. 18917, who appears in person and through counsel, Chris Box, offer this Agreement effective September 15, 2011, for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on June 10, 2011, and further acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, William Lee Welden, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with him and his legal counsel.

PARTIES' AGREEMENT AND STIPULATIONS

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

Findings of Fact

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §§ 480 *et seq.*

2. Defendant, William Lee Welden, M.D., holds Oklahoma license no. 18917.

3. In or around 2004, Defendant's grandmother, Patient BPD, a resident of Wichita, Kansas, was diagnosed with dementia. Due to her declining health, she moved to Oklahoma City, Oklahoma to Windsor Manor Assisted Living Center to be closer to her daughter, Mary Welden and her grandson, Defendant. At that time, she gave her daughter, Mary Welden, power of attorney to manage her finances.

4. When Patient BPD moved to Oklahoma City, Defendant became her personal physician. As her physician, Defendant managed all of Patient BPD's health issues, including her increased dementia and pain control.

5. In 2006, Defendant began experiencing financial difficulties. He asked his grandmother, Patient BPD, who he knew suffered from dementia because he was treating her, to loan him some money. She allegedly agreed. Since Defendant's mother had power of attorney over his grandmother's finances, Defendant's mother began giving Defendant money.

6. A review of Patient BPD's bank records reflects that Defendant "borrowed" the following amounts from his grandmother:

2006	\$18,000
2007	\$60,000
2008	\$11,000
2009	\$1,000

7. Defendant admits that by 2007, his grandmother Patient BPD's dementia had worsened and in 2008, she had to be moved to a nursing home, Care Living Center in El Reno, Oklahoma.

8. Regardless of the fact that he knew that his grandmother's dementia had worsened, Defendant continued to "borrow" money from her.

9. In early 2009, the nursing home where Patient BPD resided learned that she no longer had money to pay for her care. Adult Protective Services conducted an investigation and learned that Defendant and his mother had spent all of her money and left her with a \$43,000 debt owed to the nursing home.

10. On or about December 15, 2009, Defendant was arrested and charged with six (6) counts of **FINANCIAL EXPLOITATION OF AN ELDERLY PERSON BY A CARETAKER, A FELONY**.

11. On or about August 24, 2010, Defendant plead **GUILTY** to the amended charge of six (6) counts of **OBTAINING MONEY UNDER FALSE PRETENSES, A MISDEMEANOR**. Defendant received a two (2) year deferred sentence, ordered to perform community service, pay court costs and be supervised by the District Attorney's office during the term of his deferred sentence.

12. A review of Patient BPD's medical records reflects that during the time Defendant was "borrowing" money from his grandmother, he was also acting as her physician and prescribing the following controlled dangerous substances to her:

09/21/04	Ambien #30, 3 refills
01/24/05	Ambien #90, 3 refills
11/17/05	Lomotil #60, 3 refills
06/06/06	Lorazepam #30, 1 refill
	Lorazepam #180, 3 refills
	Ambien #30, 1 refill
	Ambien #90, 3 refills

Defendant additionally wrote the following Physician Orders in his grandmother, Patient BPD's chart:

11/03/06	Ambien x 60 days
	Ativan x 60 days
	Darvocet x 60 days
	Hydrocodone x 60 days
	Lomotil x 60 days
09/17/07	Ambien x 60 days
	Ativan x 60 days
	Darvocet x 60 days
	Hydrocodone x 60 days
	Lomotil x 60 days
10/10/07	Ambien x 60 days
	Ativan x 60 days
	Darvocet x 60 days
	Hydrocodone x 60 days
	Lomotil x 60 days
11/06/07	Ambien x 60 days
	Ativan x 60 days
	Darvocet x 60 days
	Hydrocodone x 60 days
	Lomotil x 60 days

11/29/07

Ambien x 60 days
Ativan x 60 days
Darvocet x 60 days
Hydrocodone x 60 days
Lomotil x 60 days

13. During this same time, Defendant was also prescribing numerous other dangerous drugs to his grandmother to treat her dementia and other health issues.

14. Defendant is guilty of unprofessional conduct in that he:

A. Procured, aided or abetted a criminal operation in violation of 59 O.S. §509(1).

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).

C. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).

D. Confessed to a crime involving violation of the laws of this state in violation of 59 O.S. §509(7).

E. Committed any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of 59 O.S. §509(9).

F. Prescribed, sold, administered, distributed, ordered or gave any drug legally classified as a controlled dangerous substance or recognized as an addictive dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).

G. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

H. Abused the physician's position of trust by coercion, manipulation or fraudulent representation in the doctor-patient relationship in violation of OAC 435:10-7-4(44).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Based on the foregoing facts, Defendant, William Lee Welden, Oklahoma license 18917, is guilty of the unprofessional conduct set forth below:

A. Procured, aided or abetted a criminal operation in violation of 59 O.S. §509(1).

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).

C. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).

D. Confessed to a crime involving violation of the laws of this state in violation of 59 O.S. §509(7).

E. Committed any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of 59 O.S. §509(9).

F. Prescribed, sold, administered, distributed, ordered or gave any drug legally classified as a controlled dangerous substance or recognized as an addictive dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).

G. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

H. Abused the physician's position of trust by coercion, manipulation or fraudulent representation in the doctor-patient relationship in violation of OAC 435:10-7-4(44).

Order

IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

2. Defendant, William Lee Welden, M.D., Oklahoma license no. 18917, is hereby **PUBLICLY REPRIMANDED**.

3. Defendant shall pay an **ADMINISTRATIVE FINE** in the amount of ~~\$5,000.00~~ to be paid on or before November 15, 2011.

Handwritten: \$15,000.00, Nov 15, 2012, EW, MW

4. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

Dated this 15th day of September, 2011.

J. Andy Sullivan, M.D.
J. Andy Sullivan, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

AGREED AND APPROVED:

William Lee Welden MD

William Lee Welden, M.D.
License No. 18917

Gerald C. Zumwalt

Gerald C. Zumwalt, M.D.
Secretary and Medical Advisor to the
Board

Chris Box

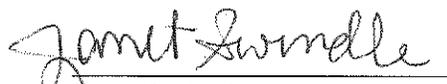
Chris Box OBA # 1012
2208 S.W. 59th Street
Oklahoma City, OK 73119

Elizabeth A. Scott

Elizabeth A. Scott, OBA #12470
Assistant Attorney General
State of Oklahoma
101 N.E. 51st Street
Oklahoma City, OK 73105

CERTIFICATE OF MAILING

I certify that on the 16 day of September, 2011, I mailed by first class mail a true and correct copy of the Voluntary Submittal to Jurisdiction to Chris Box, 2208 S.W. 59th Street, Oklahoma City, OK 73119.



Janet Swindle