BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and Complaint

Against:

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ANDREW JACKSON WELCH, M.D.,

Respondent.

Case No. 24-5474-1

FILED

JUL 1 1 2024

NEVADA STATE BOARD OF MEDICAL EXAMINERS

COMPLAINT

The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board), by and through Donald K. White, Senior Deputy General Counsel and attorney for the IC, having a reasonable basis to believe that Andrew Jackson Welch, M.D. (Respondent) violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's charges and allegations as follows:

- Respondent was at all times relative to this Complaint a medical doctor holding an 1. active license to practice medicine in the State of Nevada (License No. 3713). Respondent was originally licensed by the Board on December 2, 1978.
 - 2. Patient A^2 was a fifty-nine (59) year-old female at the time of the events at issue.
- On July 16, 2015, Patient A presented to Desert Springs Hospital in 3. Las Vegas, Nevada after she tripped and fell resulting in an injury to her left knee and wrist. Specifically, Patient A suffered from a comminuted distal radius fracture in her left wrist.

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¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal Complaint was authorized for filing, was composed of Board members Victor M. Muro, M.D., Ms. Maggie Arias-Petrel, and Weldon Havins, M.D., J.D.

² Patient A's true identity is not disclosed herein to protect her privacy, but is disclosed in the Patient Designation served upon Respondent along with a copy of this Complaint.

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- On July 17, 2015, Respondent performed an open reduction and internal fixation 4. ("ORIF") procedure with a single cannulated screw was performed on Patient A's wrist, resulting in injury to the superficial radial sensory nerve.
- There is no record of post-operative instructions being provided to Patient A after 5. Respondent's operation. Further, the operative report is insufficient and lacks necessary details for this type of surgery.
- 6. On July 23, 2015, Patient A presented to North Texas Orthopedics, where it was determined the fracture in her wrist was inadequately reduced. A revision of the ORIF procedure originally performed by Respondent had to be completed, which included removal of the screw and splint placed by Respondent to stabilize Patient A's wrist.

COUNT I

NRS 630.301(4) - Malpractice

- 7. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- NRS 630.301(4) provides that malpractice of a physician is grounds for initiating 8. disciplinary action against a licensee.
- 9. NAC 630.040 defines malpractice as "the failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances."
- As demonstrated by, but not limited to, the above-outlined facts, Respondent failed 10. to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when he utilized the incorrect surgical procedure and/or splinting technique for Patient A's comminuted fracture on her wrist when he treated a comminuted distal radius fracture with a single compression screw fixation, injured Patient A's superficial radial nerve, and by choosing the incorrect surgical technique. Respondent did not adequately fixate or stabilize the comminuted distal radius fracture, resulting in insufficient fracture reduction and alignment at the time of surgery completion.

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11. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

COUNT II

NRS 630.3062(1)(a) - Failure to Maintain Proper Medical Records

- 12. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- NRS 630.3062(1)(a) provides that the "failure to maintain timely, legible, accurate 13. and complete medical records relating to the diagnosis, treatment and care of a patient" constitute grounds for initiating discipline against a licensee.
- 14. Respondent failed to maintain complete medical records relating to the diagnosis, treatment and care of Patient A, by failing to correctly and completely document his actions when he treated Patient A, by failing to maintain an accurate and complete operative report and failing to provide Patient A with accurate and complete discharge instructions that would have provided adequate guidance for post-operative restrictions or splint usage.
- 15. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

WHEREFORE, the Investigative Committee prays:

- That the Board give Respondent notice of the charges herein against him and give 1. him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2) within twenty (20) days of service of the Complaint;
- 2. That the Board set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);
- 3. That the Board determine what sanctions to impose if it determines there has been a violation or violations of the Medical Practice Act committed by Respondent;
- That the Board award fees and costs for the investigation and prosecution of this 4. case as outlined in NRS 622.400;
- 5. That the Board make, issue and serve on Respondent its findings of fact, conclusions of law and order, in writing, that includes the sanctions imposed; and

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6. That the Board take such other and further action as may be just and proper in these premises.

DATED this 11th day of July, 2024.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

DONALD K. WHITE

Senior Deputy General Counsel

9600 Gateway Drive Reno, NV 89521

Email: dwhite@medboard.nv.gov

Attorney for the Investigative Committee

OFFICE OF THE GENERAL COUNSEL

Nevada State Board of Medical Examiners 9600 Gateway Drive Reno, Nevada 89521 (775) 688-2559

VERIFICATION

STATE OF NEVADA)
	: SS.
COUNTY OF CLARK)

Chowdhury H. Ahsan, M.D., Ph.D, FACC, having been duly sworn, hereby deposes and states under penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered in the course of the investigation into a complaint against Respondent, he believes that the allegations and charges in the foregoing Complaint against Respondent are true, accurate and correct.

DATED this 11th day of July, 2024.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

CHOWDHURY H. AHSAN, M.D., Ph.D, FACC

Chairman of the Investigative Committee