

1 **NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE**

2 In the Matter of:

3 WELDON BOND, D.O., License  
4 No. 493,

5 Respondent.

CASE NO. AD 0910002

**NV STATE BOARD OF  
OSTEOPATHIC MEDICINE**

JAN 07 2010

**FILED**

7 **FORMAL ADMINISTRATIVE COMPLAINT**

8 COMES NOW the Nevada State Board of Osteopathic Medicine ("Board") by and  
9 through the Investigative Board Member ("IBM") Scott Manthei, D.O., and Deputy Executive  
10 Director Barbara Longo, and for their complaint against Weldon Bond, .D.O. ("Dr. Bond")  
11 alleges as follows:

12 General Jurisdiction

13  
14 1. That Respondent is licensed in active status to practice medicine in the State of  
15 Nevada, and at all times alleged herein, was so licensed by the Board pursuant to the  
16 provisions of Chapter 633 of the Nevada Revised Statutes and Chapter 633 of the Nevada  
17 Administrative Code.

18 2. That NRS 633.511 provides that unprofessional conduct is grounds for the  
19 initiation of disciplinary proceedings.

20 3. That NRS 633.131(1) defines "Unprofessional conduct" as follows:

21 (f) Engaging in any:

22 (1) Professional conduct which is intended to deceive or  
23 which the board by regulation has determined is unethical;

24 (2) Medical practice harmful to the public or any conduct  
25 detrimental to the public health, safety or morals which does  
26 not constitute gross or repeated malpractice or professional  
27 incompetence.

28 (g) Administering, dispensing or prescribing any controlled  
substance or any dangerous drug as defined in chapter 454  
of NRS, otherwise than in the course of legitimate  
professional practice or as authorized by law.

Nevada State Board of Osteopathic Medicine  
901 American Pacific Dr., # 180 \* Henderson, NV 89014  
(702) 732-2147

1 (m) Failure of a licensee to maintain timely, legible, accurate  
2 and complete medical records relating to the diagnosis,  
3 treatment and care of a patient.

4 4. That NAC 633.350 states that a licensee engages in "unethical conduct" if he:

5 (5) Fails to generate or create medical records relating to the  
6 diagnosis, treatment and care of a patient.

7 (6) Prescribes a controlled substance in a manner or an amount  
8 that the board determines is excessive.

9 (9) Engages in any other conduct that the Board determines  
10 constitutes unfitness to practice osteopathic medicine.

11 5. That NRS 633.151 states that the "purpose of licensing osteopathic physicians  
12 and physician assistants is to protect the public health and safety and the general welfare of  
13 the people of [the State of Nevada]. Any license issued pursuant to this chapter is a  
14 revocable privilege, and a holder of such a license does not acquire thereby any vested  
15 right."

16 6. That NRS 633.651 states, in part, as follows:

17 1. If the Board finds a person guilty in a disciplinary proceeding, it shall by  
18 order take one or more of the following actions:

19 a. Place the person on probation for a specified period or until further  
20 order of the Board.

21 b. Administer to the person a public reprimand.

22 c. Limit the practice of the person to, or by the exclusion of, one or more  
23 specified branches of osteopathic medicine.

24 d. Suspend the license of the person to practice osteopathic medicine  
25 for a specified period or until further order of the Board.

26 e. Revoke the license of the person to practice osteopathic medicine.

27 The order of the Board may contain such other terms, provisions or conditions as the  
28 Board deems proper and which are not inconsistent with law.

29 2. The Board shall not administer a private reprimand.

30 3. An order that imposes discipline and the findings of fact and conclusions of  
31 law supporting that order are public records.

32 7. Pursuant to SB 269 (Nevada Legislature 2009), NRS 633.651 was amended to  
33 include the following approved discipline:

34 a. Impose a fine not to exceed \$5,000 for each violation,

35 b. Require supervision of the practice of the person,

36 c. Require the person to perform community service without compensation,

37 d. Require the person to complete any training or educational requirements

1 specified by the Board,

2 e. Require the person to participate in a program to correct alcohol or drug  
dependence or any other impairment.

3 This additional discipline became effective October 1, 2009.

4 **COUNT ONE**  
5 **(Unprofessional Conduct / lack**  
6 **of DEA registration)**

7 8. The allegations and representations found in Paragraphs 1 through 7, inclusive,  
8 of this Complaint are incorporated herein by this reference as though such allegations were  
9 more fully set forth herein.

10 9. The Drug Enforcement Agency ("DEA") registration for Dr. Bond expired July  
11 31, 2009. Notice was sent by the DEA to Dr. Bond's last known address of 2881 So. Valley  
12 View, Suite 17, Las Vegas, Nevada, on June 10, 2009, reminding Dr. Bond of his need to  
13 renew his registration. When Dr. Bond did not renew his registration, a delinquency notice  
14 was sent to the Valley View address on August 7, 2009, by the DEA once again reminding  
15 Dr. Bond that his registration expired on July 31, 2009, and that his DEA registration, No.  
16 BB1354733, would be "retired" effective September 1, 2009.

17 10. Pursuant to 21 C.F.R. §1306, a physician is required to not only have a  
18 controlled substance/dangerous drug registration in the state in which the physician is  
19 prescribing, but the physician must also have a registration with the DEA. Satisfying one  
20 portion of the two requirements is insufficient for purposes of writing prescriptions for  
21 controlled substances.  
22

23 11. Dr. Bond wrote prescriptions for controlled substances during the months of  
24 August and September, 2009, without the required registration with the DEA, and such is  
25 unprofessional conduct inasmuch as his DEA registration expired on July 31, 2009, and was  
26 "retired" as of September 1, 2009.

27 12. Dr. Bond has more specifically engaged in unprofessional conduct by reason of  
28 the following acts: (a) he deceived the public by writing prescriptions during the months of

1 August and September, 2009, for controlled substances when he did not have the DEA  
2 authority to do so; (b) by writing prescriptions without compliance with the Federal Code of  
3 Regulations during the months of August and September, 2009, he has engaged in medical  
4 conduct that is harmful and/or detrimental to the public's health, safe, and morals, and does  
5 not comply with the standards of care and prescribing requirements for osteopathic  
6 physicians practicing in the State of Nevada; (c) by writing prescriptions during the months of  
7 August and September, 2009, without a DEA registration, Dr. Bond has violated NRS  
8 chapter 454 and the federal regulation identified herein. Based upon such unprofessional  
9 conduct as described in this paragraph, discipline is warranted pursuant to NRS 633.511(1)  
10 and such discipline is set forth in NRS 633.651 as amended by the 2009 Nevada  
11 Legislature.  
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14 **COUNT TWO**  
15 **(Unprofessional Conduct & Unethical Conduct**  
16 **re: inadequate medical records)**

17 13. The allegations and representations found in Paragraphs 1 through 12,  
18 inclusive, of this Complaint are incorporated herein by this reference as though such  
19 allegations were more fully set forth herein.

20 14. Records were confiscated from Dr. Bond's home, office on Valley View, and  
21 storage unit shared with another physician located at the Valley View address, on a patient  
22 with the initials of J.G. Such is the medical records file on this patient and consist of six  
23 pages. One page identified the patient with the patient's date of birth, with no other  
24 information or notations. The second page contains notes of various ailments and current  
25 prescriptions, in all likelihood, as related by the patient. This page contains no notations  
26 regarding any testing or further examinations required of patient J.G. to substantiate any  
27 alleged ailments and/or need for prescriptions. The remaining four (4) pages contain  
28 photocopies of five (5) prescriptions and/or authorization to fill/refill.

15. Records from the Nevada State Board of Pharmacy for the time period 2008

1 through the current date/year reveal that Dr. Bond has prescribed for patient J.G. as early as  
2 January 2008; however, the medical records confiscated from Dr. Bond are woefully  
3 inadequate and incomplete with respect to any diagnosis, prognosis, confirmation/proof of  
4 any alleged ailments or injuries, results of any lab work, results of any Xrays-Cat Scans-MRI  
5 and no evidence that any has been requested of patient J.G. by Dr. Bond, results of any other  
6 testing or examination, no records from prior treating physicians or prior treating facilities, and  
7 there are no reports of any specific visit or examination conducted on any date which would  
8 support the need for the prescriptions provided to patient J.G.

9 16. Pursuant to NRS 629.051, physicians are required to retain records for a  
10 minimum of five (5) years.

11 17. Based upon the inadequate and incomplete medical records on patient J.G., Dr.  
12 Bond has engaged in unprofessional conduct by violating NRS 633.131(m); and discipline  
13 pursuant to NRS 633.651 as amended by the 2009 Nevada Legislature is warranted.

14 18. Based upon the inadequate and incomplete medical records on patient J.G., Dr.  
15 Bond has engaged in unethical conduct by violating NAC 633.350; and discipline pursuant to  
16 NRS 633.651 as amended by the 2009 Nevada Legislature is warranted.

17  
18 **COUNT THREE**  
**(Unethical Conduct/overprescribing)**

19 19. The allegations and representations found in Paragraphs 1 through 18,  
20 inclusive, of this Complaint are incorporated herein by this reference as though such  
21 allegations were more fully set forth herein.

22 20. Pursuant to NAC 633.350, a licensee engages in unethical conduct by  
23 prescribing controlled substances in a manner or in an amount that is excessive, as well as  
24 engages in other conduct that the Board determines is an unfitness to practice.

25 21. Dr. Bond has engaged in unethical conduct by prescribing controlled  
26 substances in a manner and amount that is excessive and is not supported by the  
27 inadequate and incomplete records on patient J.G.  
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22. Dr. Bond has engaged in unethical conduct by prescribing controlled substances to patient J.G. without conducting physical examinations and/or ordering tests to confirm any diagnosis and/or prognosis, and indicates an unfitness to practice osteopathic medicine in the State of Nevada.

23. By engaging in the unethical conduct identified in this Count, discipline is warranted pursuant to NRS 633.511(1) and such discipline is set forth in NRS 633.651 as amended by the 2009 Nevada Legislature.

**COUNT FOUR**  
**(Fees & Costs Due to the Nevada Board)**

24. The allegations and representations found in Paragraphs 1 through 23, inclusive, of this Complaint are incorporated herein by this reference as though such allegations were more fully set forth herein.

25. NRS 622.400(1) states that a "regulatory body [such as this Board] may recover from a person reasonable attorney's fees and costs that are incurred by the regulatory body as part of its investigative, administrative and disciplinary proceedings against the person if the regulatory body" either enters a final order or enters into a settlement agreement.

26. Based upon the above-cited statutory authority, fees and costs incurred by the Board in its investigation of this matter are warranted.

27. Based upon Dr. Bond's violations of various provisions of NRS and NAC chapters 633, the Board is entitled to reimbursement of its fees and costs incurred in the investigation of this matter in the amount of \$15,000.00.

**PRAYER**

WHEREFORE, the Investigative Board Member, Scott Manthei, D.O., of the Board of Osteopathic Medicine and Barbara Longo, Deputy Executive Director of the Board, pray as follows:

Nevada State Board of Osteopathic Medicine  
901 American Pacific Dr., Suite 180; Henderson, NV 89014  
(702) 732-2147

1           1.     That the Nevada State Board of Osteopathic Medicine appoint a hearing officer  
2 in this matter and that such hearing officer conduct a hearing on this Complaint as provided  
3 by statute;

4           2.     That, pursuant to NRS 633.651, Respondent, Weldon Bond, D.O., be publicly  
5 reprimanded and/or the license of Respondent, Weldon Bond, D.O., be revoked, suspended,  
6 limited to a specified branch of osteopathic medicine, or placed on probation with conditions  
7 and terms as the Nevada State Board of Osteopathic Medicine may deem just and proper  
8 and which are not inconsistent with law;


9           3.     That Respondent, Weldon Bond, D.O., be ordered to (a) pay all reasonable  
10 investigative fees incurred by the Board and attorney's fees and costs incurred during the  
11 investigation as well as (b) pay all Board investigative and attorneys' fees and costs incurred  
12 during the administrative and disciplinary proceedings;

13           4.     That Dr. Bond be ordered to pay fines pursuant to the recent revisions to NRS  
14 633.651 of up to \$5,000 per violation as identified herein; and

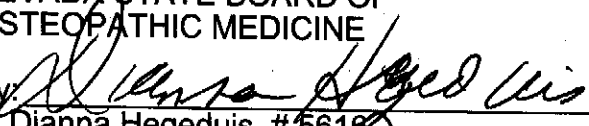
15           5.     That the Board recover such other and further relief as the Hearing Officer  
16 deems appropriate under the circumstance against Respondent Weldon Bond, D.O.

17           DATED this 5<sup>th</sup> day of January, 2010.

19           NEVADA STATE BOARD OF  
20           OSTEOPATHIC MEDICINE

21           By:   
22           Scott Manthei, D.O., Investigating  
23           Member of the Nevada Board of  
24           Osteopathic Medicine

23           Submitted by:  
24           NEVADA STATE BOARD OF  
25           OSTEOPATHIC MEDICINE

26           By:   
27           Dianna Hegeduis, # 5618  
28           Board Counsel  
            901 American Pacific Rd., Suite 180  
            Henderson, NV 89014  
            (702) 732-2147  
            Attorney for Investigating Board Member

1-7-2010