NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

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In the Matter of:

WELDON BOND, D.O., License No. 493,
Respondent.

CASE NO. AD 0910002

AMENDED FORMAL ADMINISTRATIVE COMPLAINT

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

General Jurisdiction

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

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

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

   (f) Engaging in any:

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

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

   (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.

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

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

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

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

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

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

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

   1. If the Board finds a person guilty in a disciplinary proceeding, it shall by order take one or more of the following actions:
      a. Place the person on probation for a specified period or until further order of the Board.
      b. Administer to the person a public reprimand.
      c. Limit the practice of the person to, or by the exclusion of, one or more specified branches of osteopathic medicine.
      d. Suspend the license of the person to practice osteopathic medicine for a specified period or until further order of the Board.
      e. Revoke the license of the person to practice osteopathic medicine.

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

   2. The Board shall not administer a private reprimand.

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

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

   a. Impose a fine not to exceed $5,000 for each violation,
   b. Require supervision of the practice of the person,
   c. Require the person to perform community service without compensation,
   d. Require the person to complete any training or educational requirements specified by the Board.
e. Require the person to participate in a program to correct alcohol or drug dependence or any other impairment.

This additional discipline became effective October 1, 2009.

COUNT ONE
(Unprofessional Conduct / lack of DEA registration)

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

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

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

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

12. Dr. Bond wrote prescriptions for controlled substances during the months of October and December, 2009, without the required registration with the DEA; and such is
unprofessional conduct inasmuch as his DEA registration expired on July 31, 2009 and was “retired” as of September 1, 2009.

13. Dr. Bond has more specifically engaged in unprofessional conduct by reason of the following acts: (a) he deceived the public by writing prescriptions during the months of August, September, October, and December 2009, for controlled substances when he did not have the DEA authority to do so; (b) by writing prescriptions without compliance with the Federal Code of Regulations during the months of August, September, October, and December 2009, he has engaged in medical conduct that is harmful and/or detrimental to the public’s health, safe, and morals, and does not comply with the standards of care and prescribing requirements for osteopathic physicians practicing in the State of Nevada; (c) by writing prescriptions during the months of August, September, October, and December 2009, without a DEA registration, Dr. Bond has violated NRS chapter 454 and the federal regulation identified herein. Based upon such unprofessional conduct as described in this paragraph, 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 TWO
(Unprofessional Conduct & Unethical Conduct re: inadequate medical records)

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

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

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

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

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

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

COUNT THREE
(Unethical Conduct/overprescribing)

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

21. Pursuant to NAC 633.350, a licensee engages in unethical conduct by prescribing controlled substances in a manner or in an amount that is excessive, as well as engages in other conduct that the Board determines is an unfitness to practice.
22. Dr. Bond has engaged in unethical conduct by prescribing controlled substances in a manner and amount that is excessive and is not supported by the inadequate and incomplete records on patient J.G.

23. 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.

24. 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)

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

26. 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.

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

28. 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.
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:

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

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

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

4. That Dr. Bond be ordered to pay fines pursuant to the recent revisions to NRS 633.651 of up to $5,000 per violation as identified herein; and
5. That the Board recover such other and further relief as the Hearing Officer deems appropriate under the circumstance against Respondent Weldon Bond, D.O.

DATED this 19th day of January, 2010.

NEVADA STATE BOARD OF
OSTEOPATHIC MEDICINE

By: [Signature]
Scott Manthei, D.O., Investigating Member of the Nevada Board of Osteopathic Medicine

Submitted by:
NEVADA STATE BOARD OF
OSTEOPATHIC MEDICINE

By: [Signature]
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