

ORIGINAL

NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

In the Matter of:

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

Respondent.

CASE NO. AD 0910002

NV STATE BOARD OF
OSTEOPATHIC MEDICINE

MAR 12 2010

FILED

**STIPULATION FOR VOLUNTARY SURRENDER
OF MEDICAL LICENSE &
ORDER**

COME NOW Respondent Weldon Bond, D.O. ("Dr. Bond") and Investigative Board Member ("IBM") Scott E. Manthei, D.O., along with his counsel, Dianna Hegeduis, Board Counsel, Nevada State Board of Osteopathic Medicine, and stipulate and agree as follows:

I. RECITALS / ALLEGATIONS:

As a preamble to this Agreement, the Parties agree to the following:

- A. WHEREAS, the Board, through the IBM, ascertained certain information regarding Dr. Bond writing prescriptions without a federal Drug Enforcement Administration ("DEA") registration, inadequate medical records keeping, and possible overprescribing for a patient identified hereinafter as "J.G." The information was ascertained as a result of the Board's staff due diligence in investigating its applicants/licensees.
- B. WHEREAS, the IBM has alleged as follows: (1) The 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. Although he did not have the proper DEA registration, Dr. Bond wrote prescriptions for controlled substances during the months of August, September, October, and December 2009, as well as during January 2010, without the required registration with the DEA, and such is unprofessional conduct inasmuch as his DEA registration was expired as well as retired. (2) The IBM has further alleged that the medical records seized from the residence of Dr. Bond pertaining to patient J.G. were inadequate and did not support a need for the prescriptions written to patient

- J.G. An expert witness was retained by the Board and it was his opinion as well that the medical records were incomplete, inadequate, and did not support the prescriptions issued to patient J.G. (3) Lastly, it was the opinion of both the IBM and the expert witness that Dr. Bond was overprescribing for patient J.G. (4) The IBM did notify Dr. Bond twice in October 2009 that he was prescribing controlled substances without the proper DEA registration, yet Dr. Bond did not cease writing prescriptions for controlled substances.
- C. WHEREAS, Dr. Bond alleges that due to his medical problems, his "record keeping over the past 4 years in Nevada became less complete" and that he believes it is "prudent that [he] take a break from active medical practice and . . . [that he] will no longer treat Nevada patients, practice in Nevada, or write narcotic pain medication prescriptions." He "emphatically deny that [he] ever exchanged any thing of value much less prescriptions for any alleged photos."
- D. WHEREAS, Dr. Bond has alleged that this Licensing board and the DEA should have taken a more "pro-active role in pointing out to a physician early on what they think is in the best interest of protecting the patient rather than just pouncing on a physician down the road" The Board has counter-alleged that the DEA sent notices to the last known home residence and office addresses of Dr. Bond regarding his expiring DEA registration and the Board itself sent two notices in October 2009 to Dr. Bond warning him to cease his activities. Additionally, it is the responsibility and obligation of a physician to know the relevant laws pertaining to the practice of osteopathic medicine.
- E. WHEREAS, a formal disciplinary complaint was filed by the IBM against Dr. Bond on January 7, 2010; an amended complaint was filed by the IBM against Dr. Bond, in the same action, on January 20, 2010; and a Second Amended Complaint was filed by the IBM against Dr. Bond, in the same action, on February 19, 2010.
- F. WHEREAS, the allegations contained in the complaints against Dr. Bond include the allegations that Dr. Bond has engaged in unprofessional conduct by reason of the following acts: (a) he deceived the public by writing prescriptions 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 (21 C.F.R. §1306), 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 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.
- G. WHEREAS, the allegations contained in the complaints against Dr. Bond include the allegations that 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 has engaged in unethical conduct by violating NAC 633.350, for which discipline pursuant to NRS 633.651 as amended by the 2009 Nevada Legislature is warranted.
- H. WHEREAS, the allegations contained in the complaints against Dr. Bond include

- allegations that he has engaged in unethical conduct by prescribing controlled substances in a manner and in an amount that is excessive and is not supported by the inadequate and incomplete records on patient J.G.; that 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; and by engaging in such unethical conduct, 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.
- I. WHEREAS, Respondent has failed to comply with NRS 633.625, i.e., submit his fingerprints for submission to the appropriate law enforcement agencies; and based upon such statutory violation, discipline is warranted, i.e., the revocation of Respondent's osteopathic medicine license.
 - J. WHEREAS, 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.
 - K. WHEREAS, the parties have agreed to settle this matter, rather than requiring the Board to proceed with a formal disciplinary hearing.
 - L. WHEREAS, the parties understand that this document will be signed by the respective parties and will then be offered to the Board for the entire Board's approval at the next Board meeting, with the recommendation of the IBM that this matter be settled. The stipulation shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.
 - M. WHEREAS, Dr. Bond understands that the Board is free to accept or reject this stipulation and, if rejected by the Board, the formal disciplinary hearing in this matter may be rescheduled. The Board members who review this matter for approval of this stipulation may be the same members who ultimately hear the disciplinary complaint or proposed findings of fact, conclusions of law, and order, if this stipulation is not approved by the Board. Dr. Bond hereby agrees to waive any rights he might have to challenge the impartiality of the Board to hear the disciplinary complaint, or the proposed order after a full hearing, based on prior knowledge obtained by the Board through consideration of this stipulation, if after review by the Board, this stipulation is rejected. Furthermore, if the Board does not accept the stipulation, it shall be regarded as null and void.
 - N. WHEREAS, Dr. Bond acknowledges that the Board will retain jurisdiction over this matter until all terms and conditions set forth in this stipulation and Order have been met to the satisfaction of the Board.
 - O. WHEREAS, Dr. Bond acknowledges that the Board had a reasonable basis to believe that the statutes and/or regulations regulating the practice of Osteopathic Medicine in the State of Nevada were violated.
 - P. WHEREAS, in order to resolve the matter and to save further costs and expenses, Dr. Bond has elected to enter into this stipulation to resolve this matter.
 - Q. WHEREAS, Dr. Bond acknowledges that once accepted by the Board, this stipulation and all associated documentation become a matter of public record

- (with the exception of medical information related to the patient).
- R. WHEREAS, Dr. Bond has had the opportunity to obtain the advice from competent counsel of his choice concerning the terms and conditions of this stipulation and the execution thereof. No coercion has been exerted upon Dr. Bond, nor have any promises been made other than those reflected in this stipulation. Dr. Bond freely and voluntarily entered into this stipulation, motivated only by a desire to resolve the issues addressed herein. Dr. Bond has executed this Agreement only after a careful reading of it and a full understanding of all its terms.
 - S. WHEREAS, Dr. Bond is fully aware of his rights to contest the charges pending against him. These rights include: representation by an attorney at his own expense, the right to a public hearing on any charges or allegations filed, the right to confront and cross-examine witnesses called to testify against him, the right to present evidence on his own behalf, the right to compulsory process to secure the attendance of such witnesses, the right to testify on his own behalf, the right to receive written findings of fact and conclusions of law supporting the decision on the merits of the complaint and the right to obtain judicial review of the Board's decision. Should the Board accept this stipulation, Dr. Bond voluntarily waives these rights.
 - T. WHEREAS, this stipulation and Order shall be construed in accordance with the laws of the State of Nevada.
 - U. WHEREAS, this stipulation and Order contains a complete description of the agreement between the parties and it supersedes any previous agreements between the parties. All material representations, understandings and promises of the parties are contained in this stipulation. Any modifications must be set forth in writing, signed by all the parties, and approved by the Board.

II. TERMS OF THE STIPULATION:

- A. Dr. Bond acknowledges that the allegations contained in the complaints on file in this matter are true, and each act alleged is a violation of NRS and/or NAC chapters 633 and discipline is permissible under Nevada law. In exchange for the Board not pursuing an administrative action and Dr. Bond not pursuing subsequent reviews by the appropriate appellate Courts, the parties have agreed to resolve the current matter.
- B. Dr. Bond acknowledges that upon execution of this document, his Nevada osteopathic medicine license will be considered surrendered as of the date of the execution of this stipulation and that all licenses issued by the Board will be returned to the Board by Dr. Bond within fifteen (15) days of the execution of this document.
- C. The Board acknowledges and agrees that in exchange for the surrender of Dr. Bond's Nevada osteopathic medical license, the Board will vacate the disciplinary hearing scheduled for March 6 – 7, 2010 in this matter and will dismiss the other pending litigation against Dr. Bond, which was filed in November 2008, being Case No. AD 0811100.
- D. Dr. Bond acknowledges and agrees that he will not seek relicensure by this State Licensing Board for a period of ten (10) years from the date of this stipulation and that such a period of time is consistent with NRS 622A.410.

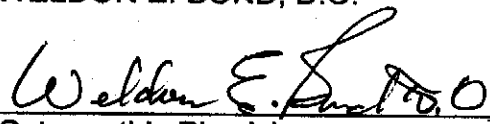
- Dr. Bond understands that he will be required to satisfy all statutory requirements for the renewal and/or application for relicensing.
- E. Dr. Bond acknowledges and agrees that prior to seeking relicensure by this State Licensing Board, he will take at least ten (10) credits of continuing medical educational classes in medical records keeping, the contents/sufficiency of the records, and/or the retention thereof. Dr. Bond will need to provide the proof of the same to the Board at the time he seeks relicensure.
- F. Dr. Bond acknowledges and agrees that upon seeking relicensure by this State Licensing Board, he will have obtained the appropriate registration with the DEA as well as with the appropriate state pharmacy board. Upon seeking relicensure by this State Licensing Board, Dr. Bond will provide the proof of both the valid DEA registration and the valid state pharmacy board certification.
- G. Dr. Bond further acknowledges and agrees that upon seeking relicensure by this State Licensing Board, he will not practice medicine in his residence but will have secured an office for the medical practice.
- H. Dr. Bond agrees to pay the sum of Fourteen Thousand Dollars (\$14,000.00) as the fine imposed for having violated NRS and NAC chapters 633, and said amount includes reimbursement to the Board for its fees and costs incurred in the investigation and prosecution of this matter. Such amount shall be payable in monthly installments of \$100.00 each with the first payment being due on the 1st day of May, 2010, and a like payment being due on the 1st day of each month thereafter until said amount is paid in full. Should Respondent's financial situation improves, this monthly payment amount will increase; and the Board has the right to review Dr. Bond's IRS yearly tax returns to verify the Respondent's financial situation. Should Respondent sell any real estate currently in his possession, Respondent agrees that at least fifty percent (50%) of the balance due and owing shall be paid immediately.
- I. Should Dr. Bond fail to satisfy and pay the indebtedness of \$14,000.00 in a timely manner as discussed herein, Dr. Bond understands and agrees that he will be considered in default of this stipulation and order, and this document will be null and void, with the Respondent receiving credit for payments made to date. The Board may take whatever action it deems appropriate, including but not limited to reducing the balance to judgment pursuant to NRS chapter 353C and the reinstatement of the disciplinary actions against Dr. Bond. Dr. Bond understands and agrees that this amount must be paid to the Board prior to seeking the reinstatement of his Nevada Osteopathic medicine license.
- J. The Respondent, Dr. Bond, agrees to bear his own fees and costs, including the fees and expenses of his own attorney(s) if applicable.
- K. This stipulation and Order shall inure to the benefit of and be binding upon each of the parties hereto and their respective heirs, personal representatives, assigns and successors in interest of each party.
- L. This stipulation and Order shall be construed in accordance with the laws of the State of Nevada.
- M. This stipulation for the surrender of Dr. Bond's osteopathic medicine license consists of ~~seven (7)~~ *eight (8)* pages and embodies the entire agreement between the

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Board and the osteopathic physician. It may not be altered, amended or modified without the expressed consent of the parties, and any subsequent alteration, amendment, or modification shall be in writing and subject to approval by the Board.

- N. In consideration for the execution of this Agreement, Dr. Bond hereby releases and forever discharges the State of Nevada, the Board of Osteopathic Medicine, its Hearing Officer, and the Nevada State Attorney General's Office (as counsel for the Board and the Hearing Officer), and each of their representatives, investigators, and employees, in their individual and representative capacity (collectively the State of Nevada Agencies) from any and all manner of actions, causes of actions, suits, debts, judgments, executions, claims, and demands whatsoever known or unknown, in law and in equity, that he may have had, now has, may have had, or claim to have against any and all of the persons and entities named in this paragraph arising out of, or by reason of, the investigation of the allegations raised in this matter, including those noted in the administrative complaints on file herein, and other matters relating thereto.
- O. Dr. Bond, for himself, his heirs, executors, administrators, successors and assigns, hereby agrees to indemnify and hold harmless the State of Nevada, the Nevada State Board of Osteopathic Medicine, the Nevada Attorney General's office and each of their members, agents and employees in their individual and representative capacities against any and all claims, suits, demands, actions, debts, damages, costs, charges, and expenses, including court costs and attorney's fees against any persons or entities as well as all liability, losses, and damages of any nature whatsoever that the persons and entities named in this paragraph shall have or may at any time sustain or suffer by reason of this investigation, the administrative complaints filed herein, this settlement or its administration.
- P. This document may be prepared in multiple counterparts. Each counterpart, whether it be originally typed, a carbon, photocopy, facsimile or other type of copy, shall be deemed an original hereof if executed by each of the Parties hereto.
- Q. LASTLY, by executing this agreement, Respondent Physician hereby expressly, knowingly, and intentionally waive the 21-working days notice requirement pursuant to Nevada's Open Meeting Laws and acknowledges that this stipulation shall be on the agenda for the Board's approval in the month of April, 2010.

WELDON E. BOND, D.O.



Osteopathic Physician
Nevada License No. 493

Dated: 3/4/2010

NEVADA STATE BOARD OF
OSTEOPATHIC MEDICINE

NEVADA STATE BOARD OF
OSTEOPATHIC MEDICINE

BY: [Signature]
By Scott E. Manthei, D.O.
Investigating Board Member

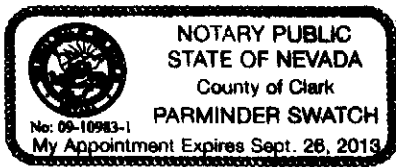
[Signature]
Dianna Hegeduis, Executive Director -
Board Counsel

Dated: 03-08-2010

Dated: 3-5-2010

ACKNOWLEDGEMENT

On this the 4TH day of MARCH, 2010, the said WELDON E. BOND, D.O., personally appeared before me, a notary public, and signed the above document, freely and voluntarily, under no duress.



[Signature]
Notary Public

ORDER OF THE BOARD

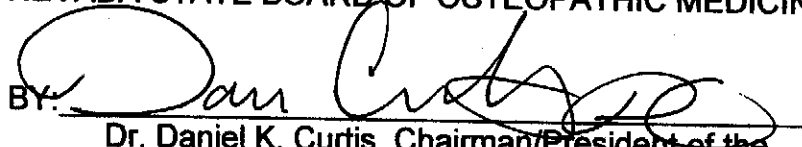
IT IS SO ORDERED.

IT IS FURTHER ORDERED that should Dr. Bond fail to comply with any terms or conditions of this STIPULATION FOR THE SURRENDER OF HIS LICENSE AND ORDER, Dr. Bond will be in breach of this stipulation and order; and the foregoing stipulation will be null and void. The Board may take whatever action it deems appropriate, including but not limited to proceeding with this instant administrative action against Dr. Bond, reinstate the other disciplinary action against Dr. Bond, being Case No. AD0811100, and/or commence the collection of any amounts due pursuant to this stipulation and order. Should this stipulation become null and void by Dr. Bond's failure to comply with terms or conditions of this document, the Board may not only pursue an administrative action against Dr. Bond, but the Board may also seek the

maximum fees, fines, and costs

DATED this 11th day of MARCH, 2010.

NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

BY: 

Dr. Daniel K. Curtis, Chairman/President of the Board

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**

MAR 12 2010

FILED

6 **WRITTEN NOTICE OF ENTRY OF ORDER APPROVING VOLUNTARY**
7 **SURRENDER OF MEDICAL LICENSE**

8 **NOTICE IS HEREBY GIVEN** that the Nevada State Board of Osteopathic Medicine
9 has approved the stipulation for voluntary surrender of the medical license of Weldon E.
10 Bond, D.O., being Nevada License No. 493, and has entered an order regarding the same. A
11 file-stamped copy of the Stipulation and Order is attached hereto.
12

13 DATED THIS 12 day of March, 2010.

14 NEVADA STATE BOARD OF
15 OSTEOPATHIC MEDICINE

16 By

Dianna Hegeduis

17 Dianna Hegeduis, Executive Director-Board
18 Counsel

19 901 American Pacific Dr., Unit 180
20 Henderson, NV 89014

21 **CERTIFICATE OF MAILING / PROOF OF SERVICE**

22 I hereby certify that on the 12th day of March, 2010, I served a copy of the foregoing
23 document with attachment upon Respondent Weldon Bond, D.O., by sending a true and
24 complete copy thereof by U.S. Mail, addressed to Respondent at his last known addresses,
25 postage thereon prepaid, addressed as follows:

26 Dr. Weldon Bond
27 8490 Willow Mist Drive
28 Las Vegas, NV 89147

Dr. Weldon Bond
2881 S. Valley View, #17
Las Vegas, NV 89102

Michelle L. [Signature]
An employee of the Nevada State Board of
Osteopathic Medicine

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