

**STATE OF NEW HAMPSHIRE
OFFICE OF PROFESSIONAL
LICENSURE AND CERTIFICATION**

BOARD OF MEDICINE

**In Re: Eric Clark Welling, MD
Lic. #22389**

Docket No.: 2022-MED-025

**ORDER OF EMERGENCY
SUSPENSION - 12/08/22**

I. CASE SUMMARY/PROCEDURAL HISTORY:

On 12/07/22, the Board of Medicine (“Board”) reviewed a speed memorandum from the Physician Data Center (“PDC”) alleging that Eric Clark Welling (“Licensee”) had been emergently suspended by the Wyoming Board of Medicine for failing to comply with a Board Order intended to ensure he had substance use and mental health treatment and was able to practice safely and skillfully as a physician. Having no way of knowing the status of the Licensee’s sobriety, current compliance with treatment, and location, and his license being active in New Hampshire, the Board voted to suspend the Licensee’s license on an emergency basis pursuant to RSA 541-A:30(III), RSA 319:18-b, and N.H. Code Admin. R., Title Med 409.01(a) (“Rules”) and schedule an emergency license suspension hearing. This Notice of Emergency License Suspension Hearing follows.

II. LEGAL STANDARD:

“In cases in volving imminent danger to life or health, the board may order suspension of a license pending hearing for a period of no more than 120 days...” RSA 329:18-b. “When the board receives information indicating that a licensee has engaged in or is likely to engage in professional conduct which poses an immediate danger to life or health, the board shall issue an order pursuant to RSA 329:18-b which sets forth the alleged misconduct and immediately suspends the license for up to

120 days pending completion of an adjudicatory proceeding on the specified issues, which hearing shall be commenced within 10 days.” Rule 409.01(a).

III. EVIDENCE PRESENTED AND FINDINGS OF FACT:

A. Evidence Presented

The Board was presented with and/or considered the following evidence: Physician Data Center Practitioner Profile for the Licensee dated 11/07/22; 11/04/22 Wyoming Board of Medicine “Order of Summary Suspension of Eric C. Welling, M.D., Wyoming Physician License No. 10015A, Pending a Contested Hearing”, In the Summary Suspension Matter of : Eric C. Welling M.D., Docket No. 23-12. The Board also relied on its expertise in the field it. A review of the evidence presented, and the reasonable inferences taken there from, allows the Board to find the following facts.

B. Findings of Fact

The Licensee had his clinical privileges to practice at Davis Hospital and Medical Center in Layton, Utah suspended in September of 2021. The initial concerns were that “he had a higher than average discrepancy rate related to his use of medications, including controlled substances in his anesthesia practice... [and had] disclosed ... that he may have underlying deficits which could be the cause of his substandard performance” 11/04/22 Wyoming Order at Par. 3. After his suspension, “additional patient safety concerns were raised”, *Id.*, and the Licensee had “... not completed all the requirements of his suspension”, *Id.*, which had “... been in place for longer than 30 days.” *Id.* The Wyoming Board opened a complaint, *Id.* at par. 4, and the Licensee filed a response indicating he had “...finished his assessment at Acumen Assessments on 10/14/21, which indicated a diagnosis of Cyclothymia with Anxious Distress.” *Id.* at par. 5. After the Licensee’s response, the Board received another report involving the Licensee on 11/23/21, indicating he had requested a medical leave of absence given the recommendations and findings of his assessment. *Id.* at pars. 6 and 7. The Wyoming Board later

received a copy of the Licensee's assessment, which explained that the Licensee "would be able to safely and skillfully practice only if he followed the recommendations included on the report." *Id.* at par. 8.

Between December of 2021 and early March of 2022, the Wyoming Board investigated this matter by attempting to obtain medical records for the Licensee. Once those medical records were obtained, the Wyoming Board learned that they "indicated that Dr. Welling was going against the Acumen Assessments recommendations by changing his own medications, not participating in an intensive partial hospital or day treatment for professionals in crisis, and not taking a leave of absence as recommended until further assessment demonstrates an improvement in his thought organization on the medication." 11/04/22 Wyoming Ord. at par. 10. After further investigation into these concerns between March of 2022 and July of 2022 the Wyoming Board ordered "Alcohol, Substance and Mental Health Examination" for the Licensee. *Id.* at 15. The Licensee failed to confirm attendance and presentation for an examination as required by the Board Order. *Id.* at 16 and 17. Consequently, the Wyoming Board concluded that the Licensee "poses an imminent and immediate threat to the public health, safety, and welfare of the people of Wyoming that imperatively requires an immediate summary suspension of his Wyoming physician license. Nonetheless, the Licensee remains actively licensed in the State of New Hampshire, the Board is unaware of his whereabouts or whether he is practicing medicine within the State of N.H. in any capacity.

IV. DISCUSSION AND FINDINGS OF FACTS / CONCLUSIONS OF LAW:

The Board finds there is a reasonable basis to suspend the Licensee's New Hampshire license on an emergency basis: namely the Licensee is actively licensed in New Hampshire, the Board is unaware of his location, and appears to have serious cognitive and/or mental health or substance use issues that he is not addressing and which affect "his ability to practice safely and skillfully [as a physician]", Wyoming Order of 11/04/22 at par. 19. The Licensee's conduct on its face and the recent actions taken against the Licensee's licenses in another other state because of his conduct, demonstrate the Licensee poses an

imminent threat to the New Hampshire public health, safety, and welfare, so as to warrant immediate emergency suspension of his physician's license pursuant to RSA 541-A:30(III) and RSA 329:18-b.

V. CONCLUSION AND DECISION:

Pursuant to RSA 541-A:30(III) and 329:18-b, the Board hereby orders the immediate emergency suspension of Eric Clark Welling's license as a practicing physician, pending a follow up emergency hearing in this matter. A Notice of Emergency Hearing with an appropriate date/time shall follow forthwith.

DATED: 12/9/2022

____/s/ Nikolas Frye, Esq._____
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