

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Appeal from Summary  
Suspension and Accusation Against:

Eric Clark Welling, M.D.

Physician's and Surgeon's  
Certificate No. A 48457

Respondent.

Case No. 800-2022-093097

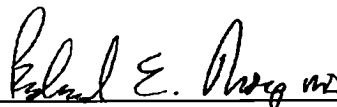
DECISION

The attached Proposed Decision is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on September 18, 2025.

IT IS SO ORDERED August 19, 2025.

MEDICAL BOARD OF CALIFORNIA



Richard E. Thorp, M.D., Chair  
Panel B

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Appeal from Summary Suspension and  
Accusation Against:**

**ERIC CLARK WELLING, M.D.,**

**Physician's and Surgeon's Certificate No. A 48457,**

**Respondent.**

**Case No. 800-2022-093097**

**OAH No. 2025060160**

**PROPOSED DECISION**

Administrative Law Judge Karen Reichmann, State of California, Office of Administrative Hearings (OAH) heard this matter on July 8, 2025, by videoconference.

Deputy Attorney General C. Hay-Mie Cho represented complainant Reji Varghese, Executive Director of the Medical Board of California.

Respondent Eric Clark Welling, M.D., appeared on his own behalf.

The record remained open for respondent to submit exhibits and for complainant to file any objections to respondent's exhibits.

On July 10, 2025, complainant submitted a request for leave to file two additional exhibits. Complainant's request was granted and respondent was provided the opportunity to submit any objections to complainant's new exhibits.

Complainant's Exhibit 10 (certification of prosecution costs) and Exhibit 11 (Board's Disciplinary Guidelines) were timely submitted and admitted into evidence, without objection.

Respondent was directed to submit his exhibits into the Case Center evidence sharing website by July 15, 2025. Information regarding Case Center and an invitation to the website had been sent to him on June 5, 2025. An additional electronic invitation to join Case Center was sent to respondent during the hearing. Respondent did not join Case Center and no documents were uploaded or sent to OAH by any other means by the July 15 deadline. Two days after this deadline, on July 17, 2025, at 7:27 p.m., respondent submitted two letters (from Scott Fielden and Dustin Mangus) into the OAH secure electronic filing system. These two letters were marked collectively as respondent's Exhibit A.

On July 22, 2025, complainant filed a letter stating that respondent had sent these two letters as well as additional materials (described by complainant as a letter from Dean Polce and reports and a letter by Mark Chase regarding respondent's participation in the physician recovery network between April 2023 and February 2024) directly to complainant. Complainant's attorney wrote that upon receiving these documents, her office again provided respondent with instructions for uploading his exhibits into Case Center. Complainant did not object to the admission of respondent's exhibits as administrative hearsay.

Exhibit A was uploaded into Case Center by the undersigned and admitted into evidence. The other documents described in complainant's letter were never submitted to OAH and could not be considered.

The record closed and the matter was submitted for decision on July 22, 2025.

## **FACTUAL FINDINGS**

### **Background and Procedural History**

1. On June 1, 2001, the Medical Board of California (Board) issued Physician's and Surgeon's Certificate Number A 48457 to respondent Eric Clark Welling, M.D. Respondent's certificate will expire on August 31, 2026, unless renewed. There has been no prior Board discipline against respondent.

2. On March 13, 2025, complainant Reji Verghese, the Board's Executive Director, acting in his official capacity, issued an order suspending respondent's certificate pursuant to Business and Professions Code section 2310, based on the suspension of respondent's license to practice medicine in Wyoming by the Wyoming Board of Medicine (WY Board).

3. On May 22, 2025, complainant filed an accusation against respondent, seeking discipline based on the WY Board's discipline of respondent's Wyoming medical license. Complainant also seeks prosecution costs.

4. Whether respondent filed a timely request for a hearing regarding the Board's suspension order or a timely Notice of Defense to the accusation was not established. At hearing, the parties stipulated to waiving any procedural requirements

and conducting the hearing on both the suspension order and the accusation, as authorized by Business and Professions Code section 2310, subdivision (h).

## **Wyoming Disciplinary Proceedings**

5. On November 4, 2022, the WY Board issued an Order of Summary Suspension (Summary Suspension Order) against respondent's Wyoming License. This order was based on the factual findings summarized as:

a. The WY Board received a report from the National Practitioner Data Bank (NPDB) in October 2021, stating that Davis Hospital and Medical Center (Davis) in Utah had suspended respondent's clinical privileges effective September 23, 2021. Davis placed respondent, an anesthesiologist, on a Focused Review on March 9, 2021, and on Conditional Staff Category on May 25, 2021, due to continued concerns with his drug administration, medical stewardship, and medical documentation. Respondent had demonstrated a higher-than-average discrepancy rate related to his use of medications, including controlled substances, in his anesthesia practice. On September 21, 2021, at the end of his six-month Focused Professional Practice Evaluation, respondent disclosed to the medical executive committee that he might have underlying deficits possibly causing his substandard performance.

b. On November 23, 2021, the WY Board received another NPDB report reflecting that Davis had extended the suspension of respondent's clinical privileges. The report stated that on November 15, 2021, respondent had requested an indefinite medical leave of absence due to the recommendation and findings of a neurological cognitive assessment. His request was approved.

c. On December 15, 2021, the WY Board received an assessment report by Acumen Assessments. This report stated that respondent would only be able to

practice safely and skillfully if he followed certain recommendations listed in the report. Acumen's recommendations included a trial of the drug Lamictal as a primary mood stabilizer; an intensive partial hospital or day program for professionals in crisis; a leave of absence until a future assessment demonstrated improvement in his thought organization; treatment from a local psychologist for his personality issues; and refraining from self-prescribing medications.

d. On March 2, 2022, the WY Board received medical records from respondent's physician. These records established that respondent had not complied with Acumen's recommendations by changing his own medications, not participating in an intensive program for professionals in crisis, and not taking a leave of absence until a further assessment demonstrated improvement in his thought organization.

e. On July 22, 2022, the WY Board ordered respondent to attend an Alcohol, Substance and Mental Health Examination. Respondent was directed to confirm by August 12, 2022, that he would attend the examination, and to present for the examination by September 5, 2022. Respondent did not comply with either of these deadlines.

6. Following issuance of the Summary Suspension Order, the WY Board filed a Petition and Complaint against respondent on November 23, 2022. A First Amended Petition and Complaint was filed on January 12, 2023, followed by a Second Amended Petition and Complaint on April 24, 2023.

7. A contested evidentiary hearing before the WY Board took place on June 26, 2023.

8. On December 14, 2023, the WY Board issued an Immediate Suspension Order which lifted the Summary Suspension Order, imposed an Immediate Suspension,

and imposed a fine. The Immediate Suspension Order is based on the WY Board's findings that clear and convincing evidence established that respondent failed to comply with its mental examination order; was manifestly incapacitated from practicing with reasonable skill and safety to patients and had a disability rendering him unsafe to practice; and admittedly made incorrect statements on his 2022 renewal application. The WY Board noted that multiple evaluators had found respondent not fit to practice. The WY Board found that respondent's testimony at the contested hearing was not credible and that he had not complied with the recommendations from the Acumen assessment, notwithstanding his assertions that he had.

9. The WY Board ordered that respondent is not eligible for reinstatement of his Wyoming license until he demonstrates compliance with recommendations including: 1) a mental health treatment program; 2) an established psychiatric relationship with a WY Board-approved psychiatrist; 3) an established psychotherapeutic relationship with a WY Board-approved local psychologist to work on anxiety, behavioral, and personality issues to refine his professionalism; and 4) verification that he had refrained from self-prescribing medications and prescribing medications to his friends and family members.

### **Respondent's Evidence**

10. Respondent testified that Davis suspended his clinical privileges because of discrepancies in his medical documentation. He stated that he had difficulty using the hospital's multiple electronic medical recordkeeping systems, even after additional training. He denied that he was suspected of diverting medications. He attributed the discrepancies to burnout, inadequate training, anxiety, and the mental health condition cyclothymia. He denied current use of drugs or alcohol and denied ever having a substance use disorder.

11. Respondent insisted that he followed all recommendations from the Acumen assessment. He stopped prescribing medications to himself; he had been prescribing medications to himself because he did not have a primary care physician at the time. At the advice of his physician, he started taking the medication Abilify along with an anti-depressant medication instead of Lamictal. Respondent stated that he took a six-month leave from practice, completed an intensive day program in Salt Lake City, got professional help for his mental health condition, and enrolled in a physician recovery program which is used by the Nevada State Board of Medical Examiners. Although respondent requested and was granted the opportunity to submit evidence from the Nevada program and from his treating psychiatrist, he failed to do so.

12. Respondent testified that the WY Board evidentiary hearing was unfair and that he had not been allowed to present his witnesses and letters. The WY Board's Immediate Suspension Order reflects that respondent was permitted to offer testimony and other evidence at the hearing. His post-hearing motions in Wyoming to submit additional evidence were denied.

13. Respondent has been practicing as an anesthesiologist for 37 years, mostly in hospitals. Respondent reported that he was issued an unrestricted license to practice medicine in Nevada about three and one-half years ago. He has worked at Sunrise Medical Center in Las Vegas for almost three years. He intends to work there for two to three more years. After retiring from this position, he would like to work in a locum tenens position in California. Respondent previously worked in California between 2019 and 2021.

14. Respondent submitted two letters from colleagues in Nevada.

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a. Dustin Mangus, M.D., is the Chairman of Anesthesia at Sunrise Hospital and Medical Center. He wrote on July 17, 2025, that respondent has been a full-time staff member with US Anesthesia Partners for over two years. Dr. Mangus wrote that it has been his pleasure to work directly with respondent on a regular basis, and that respondent has received high praise from nurses, physicians, other staff, and patients, for his demeanor, work ethic, and clinical practice.

b. Scott Fielden, M.D., wrote that respondent has been an exemplary partner with US Anesthesia Partners, has excellent clinical skills, is hard-working, and that there have not been any complaints about him.

15. Respondent testified that he notified the Board of the suspension of his clinical privileges by Davis in 2021, and that the Board was aware of the Wyoming Immediate Suspension Order for more than a year before seeking to suspend his certificate. He noted that his California certificate was renewed during this time, which he believes reflects the Board's tacit approval to allow him to retain his California certificate.

## **Costs**

16. Complainant requested that respondent be ordered to reimburse the Board for the reasonable costs of enforcement of this matter, in the amount of \$11,199.75. In support of this total amount, complainant submitted a Certification of Prosecution Costs which complies with the requirements of California Code of Regulations, title 1, section 1042. The costs sought are reasonable.

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## LEGAL CONCLUSIONS

### Cause for Summary Suspension

1. Business and Professions Code section 2310, subdivision (a), provides that a physician's certificate shall be automatically suspended during any time the holder of the certificate's license to practice medicine in another state has been suspended or revoked. The physician has the right to appeal that summary suspension and "have the issue of penalty heard." Unless otherwise terminated or rescinded, the suspension stays in effect for the duration of the suspension or revocation in the other state. If the other state's suspension is overturned on appeal, the suspension in California "shall automatically cease."

2. Cause existed to automatically suspend respondent's certificate pursuant to Business and Professions Code section 2310, subdivision (a), and to maintain the suspension for the duration of the suspension in Wyoming, in light of the matters set forth in Finding 8.

### Cause for Permanent Discipline

3. Complainant bears the burden of proving, by clear and convincing evidence to a reasonable certainty, that cause exists to discipline respondent's physician's and surgeon's certificate. (*Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 856.) Clear and convincing evidence is evidence that leaves no substantial doubt and is sufficiently strong to command the unhesitating assent of every reasonable mind. (*Katie V. v. Superior Court* (2005) 130 Cal.App.4th 586, 594.)

4. Business and Professions Code sections 2305 and 141 provide that the Board may discipline the certificate of a physician who has been disciplined by another

state for conduct which would be cause for discipline in California. Respondent's medical license was initially disciplined by the WY Board in a Summary Suspension Order for failure to comply with the WY Board's order that he submit to a mental health evaluation. His Wyoming license was further disciplined by the WY Board indefinitely for failure to submit to an order for a mental health evaluation, incapacity to practice medicine safely, and incorrect statements on a renewal application. The conduct underlying the WY Board's Summary Suspension Order and Immediate Suspension Order would be cause for discipline in California under Business and Professions Code sections 821, 820, and 2261. Cause for discipline has been established, in light of the matters set forth in Findings 5, 8, and 9.

### **Determination of Discipline**

5. Cause for discipline having been established, the issue is the appropriate level of discipline. In exercising its disciplinary functions, protection of the public is the Board's highest priority. (Bus. & Prof. Code, § 2229, subd. (a).) The Board is also required to take disciplinary action that is calculated to aid the rehabilitation of the physician whenever possible, as long as the Board's action is not inconsistent with public safety. (*Id.*, subds. (b), (c).)

6. The Board's Manual of Disciplinary Orders and Disciplinary Guidelines (12th ed., 2016; Cal. Code Regs., tit. 16, § 1361) provide that, in out-of-state discipline cases, the minimum level of discipline should be the same as that for a similar violation in California, and the maximum disciplinary action is revocation.

For a licensee found to be impaired due to physical or mental illness, the Guidelines recommend a minimum discipline of five years of probation with several special conditions. For a licensee who has made false statements, the Guidelines also

recommend a minimum penalty of five years of probation. Business and Professions Code section 821 provides that the Board may suspend or revoke the certificate of a licensee who fails to comply with a Board order for a mental health examination.

7. Respondent's license in Wyoming has been suspended indefinitely after the WY Board concluded that respondent is incapacitated from practicing safely and did not comply with its order for a mental health evaluation. The WY Board's findings raise serious concerns about respondent's fitness to practice and willingness to comply with directions from a licensing board. In addition, the WY Board found that respondent's testimony at the hearing in Wyoming was not credible.

Respondent's testimony at this hearing was defensive and self-serving. He did not accept responsibility for his misconduct and placed blame on others. He demonstrated a cavalier attitude towards the license discipline process here and in Wyoming. As noted above, he did not comply with specific directions regarding the submission of evidence after the record remained open upon his request, and failed to submit evidence to corroborate his testimony regarding his mental health treatment. Respondent is not currently practicing in California and has no immediate plans to return. Probation would be impractical.

Despite respondent's evidence that he has been practicing in Nevada for three years without issue, revocation is the appropriate discipline in this matter. It would not be in the public interest to permit respondent to retain his physician's and surgeon's certificate.

### **Cost Recovery**

8. Pursuant to Business and Professions Code section 125.3, a licensee found to have violated a licensing act may be ordered to pay the reasonable costs of

investigation and prosecution of a case. In *Zuckerman v. Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, the California Supreme Court set forth factors to be considered in determining the reasonableness of costs sought pursuant to statutory provisions like Business and Professions Code section 125.3. These factors include: (1) whether the licensee has been successful at hearing in getting charges dismissed or reduced; (2) the licensee's subjective good faith belief in the merits of his or her position; (3) whether the licensee has raised a colorable challenge to the proposed discipline; (4) the financial ability of the licensee to pay; and, (5) whether the scope of the investigation was appropriate in light of the alleged misconduct. No basis for cost reduction was established.

## ORDER

1. Physician's and Surgeon's Certificate Number A 48457, issued to respondent Eric Clark Welling, M.D., is revoked.
2. Should respondent's certificate be reinstated, it will be suspended during the time his license in Wyoming is suspended.
3. Respondent shall pay to the Board costs associated with its enforcement of this matter, pursuant to Business and Professions Code Section 125.3, in the amount of \$11,199.75.

DATE: 08/05/2025

*Karen Reichmann*

KAREN REICHMANN

Administrative Law Judge

Office of Administrative Hearings