

COMMONWEALTH OF MASSACHUSETTS  
BOARD OF REGISTRATION IN MEDICINE

MIDDLESEX, ss

Adjudicatory Case No. 2019-029  
(RM-19-0282)

\_\_\_\_\_  
)  
In the Matter of )

)  
Ryan J. Welter, M.D. )  
\_\_\_\_\_

FINAL DECISION AND ORDER

This matter came before the Board for disposition on the basis of the Board of Registration in Medicine's January 28, 2021 Partial Final Decision and Order as to Findings of Fact and Conclusions of Law Only (Partial Decision), incorporating the Administrative Magistrate's October 20, 2020 Recommended Decision. After full consideration of the Partial Decision, which is attached hereto and incorporated by reference, the Parties' Memoranda on Disposition, and any Victim Impact Statement, the Board adds the following:

Sanction

As a function of this Board's obligation to protect the public health, safety, and welfare, it is proper for the Board to discipline the Respondent. See *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979).

The record reflects that the Respondent, who is board-certified in family medicine, included false and deceptive statements on the website for his hair restoration practice, with respect to his training and with respect to the training and licensure of a physician-employee, not licensed in the United States. The record reflects, too, that the Respondent engaged in conduct having the capacity to deceive or defraud by the nomenclature used by staff to refer to the unlicensed physician, by the content of the business cards the Respondent allowed the unlicensed physician to disseminate, and in the wording used on the Respondent's consent forms.

When a physician uses false and deceptive statements with respect to his training and that of his employee, the physician deprives those seeking medical care of the opportunity to make informed choices as consumers. When a physician makes a false and deceptive statement on a consent form, a patient is barred from obtaining informed consent.

There is a range of discipline the Board has imposed in cases where physicians have misstated their credentials. At one end of the spectrum, the Board has imposed censure as a sanction. See *In the Matter of Gloria Johnson-Powell, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 99-05-XX (Consent Order, March 3, 1999)(The physician testified, in multiple court proceedings, that she was board-certified when she was not. The Board identified mitigating factors: i. the lack of evidence that the physician misrepresented her credentials to the Board or any medical facility; and ii. the physician's entry into a voluntary agreement with the American Board of Psychiatry and Neurology pledging never to represent herself as board-certified.)

At the other end of the spectrum, the Board has imposed an indefinite suspension and \$10,000 fine, and required community service as the sanction and allowed the physician to petition to end the suspension upon payment of the fine, amendment of answers, and completion of community service. See *In the Matter of Michael G. Ciborski, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 99-18-XX (Consent Order, August 25, 1999)(The physician: i) falsely indicated on five license renewal applications, a health care facility reappointment application, and a health care provider insurance network application that he was certified by the American Board of Surgery; and ii) forged a board-certification certificate.)

In the middle of the spectrum are cases in which the Board has imposed a reprimand and fine. See *In the Matter of Tushar C. Patel, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2008-042 (Consent Order, November 19, 2008)(The Board imposed a reprimand and \$2,500 fine for misrepresenting board certifications on multiple renewal applications. The Board determined that the physician had undermined the integrity of the medical profession.).

In a recent case where the Board imposed reciprocal discipline on a physician who disseminated information that had the potential to mislead consumers about the credentials of their provider, the Board fined the physician \$10,000 and imposed an indefinite suspension of his medical license with the suspension stayed upon his entry into a Probation Agreement with monitoring of his license applications and advertising by a Board-approved entity. The Board also required that the physician provide documentation of his completion of CPEP's Professional/Problem Based Ethics (PROBE) course. In that case, the physician misrepresented to a health care facility the circumstances surrounding the end of his residency program; incorrectly informed a health maintenance organization that he was board-certified in a specialty when he was

not; and inaccurately claimed in an advertisement that he had received fellowship training board-certification in areas where he had not. See In the Matter of Boris Bergus, M.D., Board of Registration in Medicine, Adjudicatory Case No. 2017-004 (Final Decision and Order, June 27, 2019).

In the pending case, the Board acknowledges, as mitigating circumstances, that the Respondent: i) took measures to remediate his website and conduct, with respect to the unlicensed physician employee, prior to the Board's issuing the Statement of Allegations commencing this matter; and ii) entered a Voluntary Agreement Not to Practice in May of 2019.

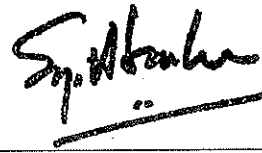
The Board hereby terminates the Respondent's Voluntary Agreement Not to Practice and INDEFINITELY SUSPENDS the Respondent's license to practice medicine. The Board immediately stays the indefinite suspension of the Respondent's license upon his entering into a Board Probation Agreement that also requires the Respondent to arrange for, and pay the costs associated with, monitoring of his credentialing applications, advertising, and media communications under his control by a Board-approved entity, such as Affiliated Monitors, Inc. The Probation Agreement shall allow the Respondent to petition for termination after two years of documented monitoring. The sanction is imposed for each violation of the law, and not a combination of any or all of them.

The Respondent shall provide a complete copy of this Final Decision and Order with all exhibits and attachments, within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which he practices medicine; any in- or out-of-state health maintenance organization with whom he has privileges or any other kind of association; any state agency, in- or out-of-state, with which he has a provider contract; any in- or out-of-state medical employer, whether or not he practices medicine there; and the state licensing boards of all states in which he has any kind of license. The Respondent shall also provide this notification to any such designated entities with which he becomes associated during the period of his suspension and probation. The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive.

The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken. The Respondent

has the right to appeal this Final Decision and Order within (30) days, pursuant to G.L. c. 30A, §§14 and 15, and G.L. c.112, §64.

Date: March 11, 2021

A handwritten signature in black ink, appearing to read "G. Abraham", written over a horizontal line.

George Abraham, M.D., M.D.  
Board Chair  
Board of Registration in Medicine