BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

GREGORY L. ELLISON, M.D.

Holder of License No. 12426
For the Practice of Medicine
In the State of Arizona

Case No. MD-16-1568A

ORDER FOR SURRENDER OF LICENSE AND CONSENT TO THE SAME

Gregory L. Ellison, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Surrender of License; admits the jurisdiction of the Arizona Medical Board ("Board") as well as the facts stated herein; and consents to the entry of this Order by the Board.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 12426 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-16-1568A after receiving a complaint alleging that Respondent inappropriately prescribed medication to Patient #1, a female patient. The Board received a second complaint alleging that Respondent inappropriately prescribed medication to a second female patient (Patient #2), that Respondent’s controlled substance prescribing practices lacked appropriate controls to prevent abuse or diversion and that Respondent’s behavior indicated that he may also have a substances use disorder.

4. On April 10-12 and 29, 2017, Respondent presented to a Board-approved facility for a psychosexual and substance use evaluation ("Evaluation"). The evaluators
concluded that Respondent should complete an intensive, in-person professional boundaries course, and participate in 2 years of diagnostic monitoring with the Board's Physician Health Program.

5. Respondent subsequently completed a Board-approved course for professional boundaries on June 23-25, 2017.

6. In MD-12-1010A, the Board issued a Non-Disciplinary Order requiring Respondent to complete intensive, in-person continuing medical education ("CME") in controlled substance prescribing. Respondent completed the CME in October, 2014.

7. In MD-15-0820, Respondent entered into an Order for a Letter of Reprimand and Probation and Consent to the Same on October 4, 2016. The case arose out of a complaint regarding Respondent's care and treatment of a patient, alleging inappropriate prescribing of controlled substances. A Medical Consultant ("MC") who reviewed that case found that Respondent deviated from the standard of care with regard to prescribing controlled substances including benzodiazepines, opioid medications and Adderall to the patient.

8. In MD-16-1568A, a separate MC reviewed the care provided by Respondent to three additional patients. The MC's review included Patient #1, for care provided through December 6, 2016; Patient #2 for care provided through September 7, 2016; and three other patients with concurrent treatment dates. All patients reviewed were prescribed opioids, benzodiazepines and hypnotics, and all four of the patient were also prescribed Adderall.

9. The MC identified numerous deviations from the standard of care for prescribing controlled substances. The MC found that with all five patients, Respondent utilized an inadequate diagnostic approach, inappropriately prescribed opioids, benzodiazepines and
hypothesized for concurrent use and failed to use medically necessary safety measures to prevent
dependence, misuse or diversion. For the four patients prescribed Adderall, the MC found
that Respondent prescribed the medication without established a diagnosis for ADHD.

10. The MC found that Respondent's care resulted in actual harm including
iatrogenic opioid, benzodiazepines and Adderall use disorders. The MC also found that all
patients were at risk of medication overuse and death from unintentional poisoning.

11. On July 27, 2017, the Executive Director issued a confidential Interim Order for
Biological Fluid, Hair and/or Nail Testing. Respondent failed to comply with the Order.

12. On August 24, 2017, after receiving new information alleging ongoing
inappropriate use of controlled substances, the Executive Director issued a second
confidential Interim Order for Biological Fluid, Hair and/or Nail Testing. Respondent complied
with the Order and tested positive for a controlled substance.

Enforcement Administration Certificate of Registration.

14. On September 8, 2017, Respondent requested surrender of licensure based on
his retirement from the practice of medicine.

**CONCLUSIONS OF LAW**

1. The Board possesses jurisdiction over the subject matter hereof and over
Respondent.

2. The conduct and circumstances described above constitute unprofessional
conduct pursuant to A.R.S. § 32-1401(27)(q) ("Any conduct or practice that is or might be
harmful or dangerous to the health of the patient or the public.").
3. The Board possesses statutory authority to enter into a consent agreement with a physician and accept the surrender of an active license from a physician who admits to having committed an act of unprofessional conduct. ARS § 32-1451(T)(2).

ORDER

IT IS HEREBY ORDERED THAT Respondent immediately surrender License Number 12426, issued to Gregory L. Ellison, M.D. for the practice of allopathic medicine in the state of Arizona, and return his certificate of licensure to the Board.

This Order supersedes all previous consent agreements and stipulations between the Board and/or the Executive Director and Respondent, and is the final resolution of this matter.

DATED and effective this 7th day of December, 2017.

ARIZONA MEDICAL BOARD

By: Patricia E. McSorley
Executive Director

CONSENT TO ENTRY OF ORDER

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent acknowledges he has the right to consult with legal counsel regarding this matter.

2. Respondent acknowledges and agrees that this Order is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.
3. By consenting to this Order, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matter alleged, or to challenge this Order in its entirety as issued by the Board, and waive any other cause of action related thereto or arising from said Order.

4. The Order is not effective until approved by the Board and signed by its Executive Director.

5. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government regulatory agency proceeding civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

6. Although Respondent does not agree that all the Findings of Fact set forth in this Consent Agreement are supported by the evidence, Respondent acknowledges that it is the Board' position that, if this matter proceeded to formal hearing, the Board could establish sufficient evidence to support a conclusion that certain of Respondent's conduct constituted unprofessional conduct. Therefore, Respondent has agreed to enter into this Consent Agreement as an economical and practical means of resolving the issues associated with the complaint filed against Respondent. Further, Respondent acknowledges that the Board may use the evidence in its possession relating to this Consent Agreement for purposes of determining sanctions in any further disciplinary matter.
7. Upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke the consent to the entry of the Order. Respondent may not make any modifications to the document. Any modifications to this original document are ineffective and void unless mutually approved by the parties.

8. This Order is a public record that will be publicly disseminated as a formal disciplinary action of the Board and will be reported to the National Practitioner's Data Bank and on the Board's web site as a disciplinary action.

9. If the Board does not adopt this Order, Respondent will to assert as a defense that the Board's consideration of the Order constitutes bias, prejudice, prejudgment or other similar defense.

10. **Respondent has read and understands the terms of this agreement.**

[Signature]

Dated: 10/26/17

EXECUTED COPY of the foregoing mailed by U.S. Mail this 7th day of December, 2017 to:

Gregory L. Ellison, M.D.
Address of Record

Stephen W. Myers, Esq.
Mitchell Stein Carey Chapman, P.C.
One Renaissance Square
2 North Central Avenue, suite 1450
Phoenix, AZ 85004
Attorney for Respondent

ORIGINAL of the foregoing filed this 7th day of December, 2017, with:

The Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, AZ 85258

Mary Beber
Board Staff