

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **ELENA V. PLUMMER, M.D.**

4 Holder of License No. 28734
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-18-0456A

**ORDER FOR LICENSE
REACTIVATION, LETTER OF
REPRIMAND AND PROBATION, AND
CONSENT TO THE SAME**

7 Elena Plummer, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for License Reactivation, Letter of
9 Reprimand and Probation; admits the jurisdiction of the Arizona Medical Board ("Board");
10 and consents to the entry of this Order by the Board.

11 **FINDINGS OF FACT**

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

14 2. Respondent is the holder of license number 28734 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-18-0456A after receiving Respondent's
17 request for license reactivation.

18 4. Respondent participated in the Board's Physician Health Program ("PHP")
19 from September 24, 2012 through September 26, 2017 pursuant to a Stipulated
20 Rehabilitation Agreement ("SRA"). Respondent successfully completed the terms and
21 conditions of the SRA and the SRA was terminated.

22 5. On November 10, 2017, Respondent was arrested and charged with
23 extreme DUI. Respondent reported the arrest to the Board on November 28, 2017.

24 6. On December 20, 2017, Respondent requested that her license be placed
25 on "Inactive with Cause" status, which the Board's Executive Director approved.

1 influence of alcohol or drugs or a similar substance while practicing medicine or to the
2 extent that judgment may be impaired and the practice of medicine detrimentally
3 affected.”).

4 **ORDER**

5 IT IS HEREBY ORDERED that:

6 Respondent’s license is reactivated upon payment of the renewal fee. Respondent is
7 placed on Probation with the following terms and conditions:

- 8 1. Respondent’s license is issued a Letter of Reprimand.
- 9 2. Respondent shall enroll and participate in the Board’s PHP for a period of
10 five (5) years.
- 11 3. Respondent shall not consume alcohol or any food or other substance
12 containing poppy seeds or alcohol.
- 13 4. Respondent shall not take any illegal drugs or mood altering medications
14 unless prescribed for a legitimate therapeutic purpose.
- 15 5. Respondent shall continue to participate in any personalized aftercare
16 programs or activities. Respondent shall report on those activities as requested by the
17 PHP, including executing any releases necessary to allow the PHP to monitor his
18 participation and communicate directly with and obtain records from the treating providers
19 for those aftercare activities. Respondent shall be responsible for all costs of aftercare,
20 including costs associated with compliance of this Board Order.
- 21 6. Respondent shall enter treatment with a PHP Contractor approved
22 psychiatrist and shall comply with any and all treatment recommendations, including taking
23 any and all prescribed medications. Respondent shall instruct the treating psychiatrist to
24 submit quarterly written reports to the PHP regarding diagnosis, prognosis, current
25 medications, recommendation for continuing care and treatment, and ability to safely

1 practice medicine. The reports shall be submitted quarterly to the PHP, the
2 commencement of which to be determined by the PHP Contractor. Respondent shall
3 provide the psychiatrist with a copy of this Order. Respondent shall pay the expenses for
4 treatment and be responsible for paying for the preparation of the quarterly reports. At the
5 expiration of one year or anytime thereafter, Respondent may submit a written request to
6 the PHP Contractor requesting termination of the requirement that Respondent remain in
7 treatment with a psychiatrist. The decision to terminate will be based in part upon the
8 treating psychiatrist's recommendation for continued care and treatment.

9 7. If recommended by PHP, Respondent shall enter treatment with a PHP
10 Contractor approved therapist and shall comply with any and all treatment
11 recommendations. Respondent shall instruct the treating therapist to submit quarterly
12 written reports to the PHP regarding diagnosis, prognosis, current medications,
13 recommendation for continuing care and treatment, and ability to safely practice medicine.
14 The reports shall be submitted quarterly to the PHP, the commencement of which to be
15 determined by the PHP Contractor. Respondent shall provide the therapist with a copy of
16 this Order. Respondent shall pay the expenses for treatment and be responsible for
17 paying for the preparation of the quarterly reports. At the expiration of one year or anytime
18 thereafter, Respondent may submit a written request to the PHP Contractor requesting
19 termination of the requirement that Respondent remain in treatment with a therapist. The
20 decision to terminate will be based in part upon the treating therapist's recommendation
21 for continued care and treatment.

22 8. Respondent shall promptly obtain a Primary Care Physician ("PCP") and
23 shall submit the name of the physician to the PHP Contractor in writing for approval.
24 Except in an Emergency, Respondent shall obtain medical care and treatment only from
25 the PCP and from health care providers to whom the PCP refers Respondent. Respondent

1 shall promptly provide a copy of this Order to the PCP. Respondent shall also inform all
2 other health care providers who provide medical care or treatment that Respondent is
3 participating in the PHP. "Emergency" means a serious accident or sudden illness that, if
4 not treated immediately, may result in a long-term medical problem or loss of life.

5 9. All prescriptions for controlled substances shall be approved by the PHP
6 Contractor prior to being filled except in an Emergency. Controlled substances prescribed
7 and filled in an emergency shall be reported to the PHP within 48 hours. Respondent shall
8 take no Medication unless the PCP or other health care provider to whom the PCP refers
9 Respondent prescribes and the PHP Contractor approves the Medication. Respondent
10 shall not self-prescribe any Medication. "Medication" means a prescription-only drug,
11 controlled substance, and over-the counter preparation, other than plain aspirin, plain
12 ibuprofen, and plain acetaminophen.

13 10. If recommended by the PHP Contractor, Respondent shall attend a relapse
14 prevention outpatient program for a duration and frequency recommended by the PHP
15 Contractor, unless Respondent is excused by the relapse program facilitator for good
16 cause. The relapse prevention group facilitators shall submit monthly reports to the PHP
17 regarding Respondent's attendance and progress.

18 11. If requested by the PHP and not already completed, Respondent shall attend
19 ninety 12-step meetings or other self-help group meetings appropriate for substance
20 abuse and approved by the PHP, for a period of ninety days. Upon completion of the
21 ninety meetings in ninety days, Respondent shall participate in a 12-step recovery
22 program or other self-help program appropriate for substance abuse as recommended by
23 the PHP. Respondent shall attend a minimum of three 12-step or other self-help program
24 meetings per week. Two meetings per month must be Caduceus meetings. Respondent
25 must maintain a log of all self-help meetings.

1 12. Respondent shall submit to random biological fluid, hair and/or nail testing
2 for the remainder of this Order (as specifically directed below) to ensure compliance with
3 the PHP.

4 13. Respondent shall provide the PHP Contractor in writing with one telephone
5 number that shall be used to contact Respondent on a 24 hour per day/seven day per
6 week basis to submit to biological fluid, hair, and/or nail testing to ensure compliance with
7 the PHP. For the purposes of this section, telephonic notice shall be deemed given at the
8 time a message to appear is left at the contact telephone number provided by
9 Respondent. Respondent authorizes any person or organization conducting tests on the
10 collected samples to provide testing results to the PHP Contractor. Respondent shall
11 comply with all requirements for biological fluid, hair, and/or nail collection. Respondent
12 shall pay for all costs for the testing.

13 14. Respondent shall provide the PHP Contractor with written notice of any
14 plans to travel out of state.

15 15. Respondent shall successfully complete a PHP approved 36 hour
16 alcohol/drug awareness education class.

17 16. Respondent shall immediately notify the Board and the PHP Contractor in
18 writing of any change in office or home addresses and telephone numbers.

19 17. Respondent provides full consent for the PHP Contractor to discuss the
20 Respondent's case with the Respondent's PCP or any other health care providers to
21 ensure compliance with the PHP.

22 18. The relationship between the Respondent and the PHP Contractor is a direct
23 relationship. Respondent shall not use an attorney or other intermediary to communicate
24 with the PHP Contractor on participation and compliance issues. All inquiries must be
25 directed to Board staff.

1 19. Respondent shall be responsible for all costs, including costs associated with
2 participating in the PHP, at the time service is rendered or within 30 days of each invoice
3 sent to the Respondent. An initial deposit of two (2) months PHP fees is due upon
4 entering the program. Failure to pay either the initial PHP deposit or monthly fees 60 days
5 after invoicing will be reported to the Board by the PHP Contractor and may result in
6 disciplinary action.

7 20. Respondent shall appear in person before with the PHP Contractor for
8 interviews upon request, upon reasonable notice.

9 21. Respondent shall immediately provide a copy of this Order to all employers,
10 hospitals and free standing surgery centers where Respondent currently has or in the
11 future gains or applies for employment or privileges. Within 30 days of the date of this
12 Order, Respondent shall provide the PHP with a signed statement of compliance with this
13 notification requirement. Respondent is further required to notify, in writing, all employers,
14 hospitals and free standing surgery centers where Respondent currently has or in the
15 future gains or applies for employment or privileges of a violation of this Order.

16 22. In the event Respondent resides or practices as a physician in a state other
17 than Arizona, Respondent shall participate in the rehabilitation program sponsored by that
18 state's medical licensing authority or medical society. Respondent shall cause the
19 monitoring state's program to provide written quarterly reports to the PHP Contractor
20 regarding Respondent's attendance, participation, and monitoring. The monitoring state's
21 program and Respondent shall immediately notify the PHP Contractor if Respondent is
22 non-compliant with any aspect of the monitoring requirements or is required to undergo
23 any additional treatment.

24 23. The PHP Contractor shall immediately notify the Board if Respondent is non-
25 compliant with any aspect of this Order or is required to undergo any additional treatment.

1 24. In the event of a violation of A.R.S. § 32-1401(27)(f) by Respondent or
2 Respondent's use of drugs or alcohol in violation of the Order, Respondent's license shall
3 be **summarily suspended pending a hearing for revocation**. In the alternative,
4 Respondent may **SURRENDER HER LICENSE** if she agrees in writing to being impaired
5 by alcohol or drug abuse. A.R.S. § 32-1452(G).

6 25. Respondent shall obey all state, federal and local laws, all rules governing
7 the practice of medicine in Arizona, and remain in full compliance with any court ordered
8 criminal probation, payments and other orders.

9 26. Prior to the termination of Probation, Respondent must submit a written
10 request to the Board for release from the terms of this Order. Respondent's request for
11 release will be placed on the next pending Board agenda, provided a complete submission
12 is received by Board staff no less than 30 days prior to the Board meeting. Respondent's
13 request for release must provide the Board with evidence establishing that she has
14 successfully satisfied all of the terms and conditions of this Order. The Board has the sole
15 discretion to determine whether all of the terms and conditions of this Order have been
16 met or whether to take any other action that is consistent with its statutory and regulatory
17 authority.

18 27. This Order supersedes any and all Consent Agreements previously entered
19 into by Respondent and the Board regarding this matter.

20 28. The Board retains jurisdiction and may initiate new action against
21 Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(s).

22 DATED AND EFFECTIVE this 23rd day of August, 2018.

23 ARIZONA MEDICAL BOARD

24 By Patricia E. McSorley

25 Patricia E. McSorley
Executive Director

1 **CONSENT TO ENTRY OF ORDER**

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

5 2. Respondent acknowledges and agrees that this Order is entered into freely
6 and voluntarily and that no promise was made or coercion used to induce such entry.

7 3. By consenting to this Order, Respondent voluntarily relinquishes any rights
8 to a hearing or judicial review in state or federal court on the matters alleged, or to
9 challenge this Order in its entirety as issued by the Board, and waives any other cause of
10 action related thereto or arising from said Order.

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

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

19 6. Upon signing this agreement, and returning this document (or a copy
20 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the
21 entry of the Order. Respondent may not make any modifications to the document. Any
22 modifications to this original document are ineffective and void unless mutually approved
23 by the parties.

24 7. This Order is a public record that will be publicly disseminated as a formal
25 disciplinary action of the Board and will be reported to the National Practitioner's Data

1 Bank and on the Board's web site as a disciplinary action.

2 8. If any part of the Order is later declared void or otherwise unenforceable, the
3 remainder of the Order in its entirety shall remain in force and effect.

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

7 10. Any violation of this Order constitutes unprofessional conduct and may result
8 in disciplinary action. A.R.S. § § 32-1401(27)(s) ("Violating a formal order, probation,
9 consent agreement or stipulation issued or entered into by the board or its executive
10 director under this chapter") and 32-1451.

11 **11. Respondent has read and understands the conditions of probation.**

12 
13 _____
ELENA V. PLUMMER, M.D.

DATED: 8/7/2018

14
15 EXECUTED COPY of the foregoing mailed
this 23rd day of August, 2018 to:

16 Elena V. Plummer, M.D.
17 ADDRESS OF RECORD

18 ORIGINAL of the foregoing filed
19 this 23rd day of August, 2018 with:

20 Arizona Medical Board
1740 West Adams, Suite 4000
21 Phoenix, Arizona 85007

22 
Board staff