BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

ELENA V. PLUMMER, M.D.

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

Case No. MD-18-0456A

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

Elena Plummer, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for License Reactivation, Letter of Reprimand and Probation; admits the jurisdiction of the Arizona Medical Board ("Board"); 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 28734 for the practice of allopathic medicine in the State of Arizona.

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

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

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

6. On December 20, 2017, Respondent requested that her license be placed on "Inactive with Cause" status, which the Board's Executive Director approved.
7. Respondent completed residential treatment at a substance abuse treatment facility on March 16, 2018. On May 21, 2018, Respondent successfully completed an intensive outpatient treatment program ("IOP"), Respondent subsequently met with the Board's PHP Contractor who determined that Respondent is safe to return to the practice of medicine subject to her participation in PHP for a period of five years.

8. On May 15, 2018, Respondent requested reactivation of her medical license.

9. Board staff stated that according to the Board's three-strike policy, this is Respondent's "second strike."

CONCLUSIONS OF LAW

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

2. The Board has received substantial evidence supporting the Findings of Fact described above and said findings require the Board to either refer the matter for formal hearing to revoke Respondent's license or reactivate Respondent's license and place Respondent on probation for five years with restrictions necessary to assure public safety. A.R.S. § 32-1452(F).

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(a) ("Violating any federal or state laws or rules and regulations applicable to the practice of medicine."). Specifically, Respondent's conduct violated A.R.S. § 32-3208(A) ("A health professional who has been charged with a misdemeanor involving conduct that may affect patient safety or a felony after receiving or renewing a license or certificate must notify the health professional's regulatory board in writing within ten working days after the charge is filed.").

4. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(f) ("A pattern of using or being under the
influence of alcohol or drugs or a similar substance while practicing medicine or to the extent that judgment may be impaired and the practice of medicine detrimentally affected.

ORDER

IT IS HEREBY ORDERED that:

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

1. Respondent's license is issued a Letter of Reprimand.

2. Respondent shall enroll and participate in the Board's PHP for a period of five (5) years.

3. Respondent shall not consume alcohol or any food or other substance containing poppy seeds or alcohol.

4. Respondent shall not take any illegal drugs or mood altering medications unless prescribed for a legitimate therapeutic purpose.

5. Respondent shall continue to participate in any personalized aftercare programs or activities. Respondent shall report on those activities as requested by the PHP, including executing any releases necessary to allow the PHP to monitor his participation and communicate directly with and obtain records from the treating providers for those aftercare activities. Respondent shall be responsible for all costs of aftercare, including costs associated with compliance of this Board Order.

6. Respondent shall enter treatment with a PHP Contractor approved psychiatrist and shall comply with any and all treatment recommendations, including taking any and all prescribed medications. Respondent shall instruct the treating psychiatrist to submit quarterly written reports to the PHP regarding diagnosis, prognosis, current medications, recommendation for continuing care and treatment, and ability to safely
practice medicine. The reports shall be submitted quarterly to the PHP, the
commencement of which to be determined by the PHP Contractor. Respondent shall
provide the psychiatrist with a copy of this Order. Respondent shall pay the expenses for
treatment and be responsible for paying for the preparation of the quarterly reports. At the
expiration of one year or anytime thereafter, Respondent may submit a written request to
the PHP Contractor requesting termination of the requirement that Respondent remain in
treatment with a psychiatrist. The decision to terminate will be based in part upon the
treating psychiatrist's recommendation for continued care and treatment.

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

8. Respondent shall promptly obtain a Primary Care Physician ("PCP") and
shall submit the name of the physician to the PHP Contractor in writing for approval.
Except in an Emergency, Respondent shall obtain medical care and treatment only from
the PCP and from health care providers to whom the PCP refers Respondent. Respondent
shall promptly provide a copy of this Order to the PCP. Respondent shall also inform all
other health care providers who provide medical care or treatment that Respondent is
participating in the PHP. "Emergency" means a serious accident or sudden illness that, if
not treated immediately, may result in a long-term medical problem or loss of life.

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

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

11. If requested by the PHP and not already completed, Respondent shall attend
ninety 12-step meetings or other self-help group meetings appropriate for substance
abuse and approved by the PHP, for a period of ninety days. Upon completion of the
ninety meetings in ninety days, Respondent shall participate in a 12-step recovery
program or other self-help program appropriate for substance abuse as recommended by
the PHP. Respondent shall attend a minimum of three 12-step or other self-help program
meetings per week. Two meetings per month must be Caduceus meetings. Respondent
must maintain a log of all self-help meetings.
12. Respondent shall submit to random biological fluid, hair and/or nail testing for the remainder of this Order (as specifically directed below) to ensure compliance with the PHP.

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

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

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

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

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

18. The relationship between the Respondent and the PHP Contractor is a direct relationship. Respondent shall not use an attorney or other intermediary to communicate with the PHP Contractor on participation and compliance issues. All inquiries must be directed to Board staff.
19. Respondent shall be responsible for all costs, including costs associated with participating in the PHP, at the time service is rendered or within 30 days of each invoice sent to the Respondent. An initial deposit of two (2) months PHP fees is due upon entering the program. Failure to pay either the initial PHP deposit or monthly fees 60 days after invoicing will be reported to the Board by the PHP Contractor and may result in disciplinary action.

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

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

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

23. The PHP Contractor shall immediately notify the Board if Respondent is non-compliant with any aspect of this Order or is required to undergo any additional treatment.
24. In the event of a violation of A.R.S. § 32-1401(27)(f) by Respondent or Respondent's use of drugs or alcohol in violation of the Order, Respondent's license shall be **summarily suspended pending a hearing for revocation**. In the alternative, Respondent may **SURRENDER HER LICENSE** if she agrees in writing to being impaired by alcohol or drug abuse. A.R.S. § 32-1452(G).

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

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

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

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

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

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 she 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 matters alleged, or to challenge this Order in its entirety as issued by the Board, and waives 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. 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.

7. 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
8. If any part of the Order is later declared void or otherwise unenforceable, the remainder of the Order in its entirety shall remain in force and effect.

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

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

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

_ELENA V. PLUMMER, M.D._

DATED: _8/7/2018_

EXECUTED COPY of the foregoing mailed this _23rd_ day of _August_, 2018 to:

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

ORIGINAL of the foregoing filed this _23rd_ day of _August_, 2018 with:

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

_Board staff_