

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

Case No. MD-16-1568A

3 **GREGORY L. ELLISON, M.D.**

**ORDER FOR SURRENDER
OF LICENSE AND CONSENT
TO THE SAME**

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

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

11 **FINDINGS OF FACT**

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

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

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

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24 4. On April 10-12 and 29, 2017, Respondent presented to a Board-approved
25 facility for a psychosexual and substance use evaluation ("Evaluation"). The evaluators

1 concluded that Respondent should complete an intensive, in-person professional boundaries
2 course, and participate in 2 years of diagnostic monitoring with the Board's Physician Health
3 Program.

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

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

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

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

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

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

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

10 12. On August 24, 2017, after receiving new information alleging ongoing
11 inappropriate use of controlled substances, the Executive Director issued a second
12 confidential Interim Order for Biological Fluid, Hair and/or Nail Testing. Respondent complied
13 with the Order and tested positive for a controlled substance.
14

15 13. On September 7, 2017, Respondent voluntarily surrendered his Drug
16 Enforcement Administration Certificate of Registration.

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

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20 **CONCLUSIONS OF LAW**

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

23 2. The conduct and circumstances described above constitute unprofessional
24 conduct pursuant to A.R.S. § 32-1401(27)(q) ("Any conduct or practice that is or might be
25 harmful or dangerous to the health of the patient or the public.").

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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
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.

1 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to a
2 hearing or judicial review in state or federal court on the matter alleged, or to challenge this
3 Order in its entirety as issued by the Board, and waive any other cause of action related
4 thereto or arising from said Order.
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6 4. The Order is not effective until approved by the Board and signed by its
7 Executive Director.

8 5. All admissions made by Respondent are solely for final disposition of this matter
9 and any subsequent related administrative proceedings or civil litigation involving the Board
10 and Respondent. Therefore, said admissions by Respondent are not intended or made for
11 any other use, such as in the context of another state or federal government regulatory agency
12 proceeding civil or criminal court proceeding, in the State of Arizona or any other state or
13 federal court.
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15 6. Although Respondent does not agree that all the Findings of Fact set forth in
16 this Consent Agreement are supported by the evidence, Respondent acknowledges that it is
17 the Board' position that, if this matter proceeded to formal hearing, the Board could establish
18 sufficient evidence to support a conclusion that certain of Respondent's conduct constituted
19 unprofessional conduct. Therefore, Respondent has agreed to enter into this Consent
20 Agreement as an economical and practical means of resolving the issues associated with the
21 complaint filed against Respondent. Further, Respondent acknowledges that the Board may
22 use the evidence in its possession relating to this Consent Agreement for purposes of
23 determining sanctions in any further disciplinary matter.
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1 7. Upon signing this agreement, and returning this document (or a copy thereof) to
2 the Board's Executive Director, Respondent may not revoke the consent to the entry of the
3 Order. Respondent may not make any modifications to the document. Any modifications to
4 this original document are ineffective and void unless mutually approved by the parties.
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6 8. This Order is a public record that will be publicly disseminated as a formal
7 disciplinary action of the Board and will be reported to the National Practitioner's Data Bank
8 and on the Board's web site as a disciplinary action.

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

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

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15 
16 GREGORY L. ELLISON, M.D.

Dated: 10/26/17

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

19 Gregory L. Ellison, M.D.
20 Address of Record
21 Stephen W. Myers, Esq.
22 Mitchell Stein Carey Chapman, P.C.
23 One Renaissance Square
24 2 North Central Avenue, suite 1450
25 Phoenix, AZ 85004
Attorney for Respondent

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

The Arizona Medical Board

1 9545 East Doubletree Ranch Road
2 Scottsdale, AZ 85258

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4 *Mary Baber*
5 _____
6 Board Staff

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