

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

Robert Michael Elliott, M.D.

Physician's and Surgeon's  
Certificate No. G 29258

Respondent.

Case No. 800-2020-066737

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on December 22, 2021.

IT IS SO ORDERED December 15, 2021.

MEDICAL BOARD OF CALIFORNIA



For: William Prasifka  
Executive Director

Reji Varghese  
Deputy Director

1 ROB BONTA  
Attorney General of California  
2 MATTHEW M. DAVIS  
Supervising Deputy Attorney General  
3 LEANNA E. SHIELDS  
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7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

9  
10 **BEFORE THE**  
11 **MEDICAL BOARD OF CALIFORNIA**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 800-2020-066737

14 **ROBERT MICHAEL ELLIOTT, M.D.**  
3001 E. Tahquitz Canyon Way, Suite 104  
15 Palm Springs, CA 92262-6900

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

16 **Physician's and Surgeon's Certificate**  
17 **No. G 29258,**

Respondent.

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20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of  
24 California (Board). He brought this action solely in his official capacity and is represented in this  
25 matter by Rob Bonta, Attorney General of the State of California, by LeAnna E. Shields, Deputy  
26 Attorney General.

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1 documents; the right to reconsideration and court review of an adverse decision; and all other  
2 rights accorded by the California Administrative Procedure Act and other applicable laws.

3 8. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently  
4 waives and gives up each and every right set forth above.

5 **CULPABILITY**

6 9. Respondent admits the truth of each and every charge and allegation in Accusation  
7 No. 800-2020-066737, agrees that cause exists for action, and hereby surrenders his Physician's  
8 and Surgeon's Certificate No. G 29258 for the Board's formal acceptance.

9 10. Respondent understands that by signing this stipulation he enables the Board to issue  
10 an order accepting the surrender of his Physician's and Surgeon's Certificate No. G 29258  
11 without further notice to, or opportunity to be heard by, Respondent.

12 **CONTINGENCY**

13 11. Business and Professions Code section 2224, subdivision (b), provides, in pertinent  
14 part, that the Medical Board "shall delegate to its executive director the authority to adopt a ...  
15 stipulation for surrender of a license."

16 12. Respondent understands that, by signing this Stipulation, he enables the Executive  
17 Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his  
18 Physician's and Surgeon's Certificate No. G 29258 without further notice to, or opportunity to be  
19 heard by, Respondent.

20 13. This Stipulated Surrender of License and Order shall be subject to the approval of the  
21 Executive Director on behalf of the Board. The parties agree that this Stipulated Surrender of  
22 License and Order shall be submitted to the Executive Director for his consideration in the above-  
23 entitled matter and, further, that the Executive Director shall have a reasonable period of time in  
24 which to consider and act on this Stipulated Surrender of License and Order after receiving it. By  
25 signing this stipulation, Respondent fully understands and agrees that he may not withdraw his  
26 agreement or seek to rescind this stipulation prior to the time the Executive Director, on behalf of  
27 the Medical Board, considers and acts upon it.

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**ORDER**

1  
2 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 29258, issued  
3 to Respondent Robert Michael Elliott, M.D., is hereby surrendered and accepted by the Medical  
4 Board of California.

5 1. The surrender of Respondent's Physician's and Surgeon's Certificate No. G 29258  
6 and the acceptance of the surrendered license by the Board shall constitute the imposition of  
7 discipline against Respondent. This stipulation constitutes a record of the discipline and shall  
8 become a part of Respondent's license history with the Board.

9 2. Respondent shall lose all rights and privileges as a physician and surgeon in  
10 California as of the effective date of the Board's Decision and Order.

11 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was  
12 issued, his wall certificate on or before the effective date of the Decision and Order.

13 4. As required by Business and Professions Code section 823, reinstatement of  
14 Respondent's Physician's and Surgeon's Certificate No. G 29258 shall be governed by the  
15 procedures in Article 12.5 of Chapter 1 of Division 2 of the Business and Professions Code.

16 5. If Respondent ever files an application for licensure or a petition for reinstatement in  
17 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
18 comply with all the laws, regulations and procedures for reinstatement of a surrendered license in  
19 effect at the time the application or petition is filed, and all of the charges and allegations  
20 contained in Accusation No. 800-2020-066737 shall be deemed to be true, correct and fully  
21 admitted by Respondent when the Board determines whether to grant or deny the application or  
22 petition.

23 6. If Respondent should ever apply or reapply for a new license or certification, or  
24 petition for reinstatement of a license, by any other health care licensing agency in the State of  
25 California, all of the charges and allegations contained in Accusation No. 800-2020-066737 shall  
26 be deemed to be true, correct, and fully admitted by Respondent for the purpose of any Statement  
27 of Issues or any other proceeding seeking to deny or restrict licensure.


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**ACCEPTANCE**

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, David R. Flyer, Esq. I fully understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. G 29258. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

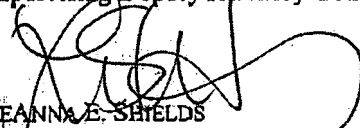
DATED: 11/30/21   
ROBERT MICHAEL ELLIOTT, M.D.  
Respondent

I have read and fully discussed with Respondent Robert Michael Elliott, M.D., the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 11/30/21   
DAVID R. FLYER, ESQ.  
Attorney for Respondent

**ENDORSEMENT**

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

DATED: 12.1.21 Respectfully submitted,  
ROB BONTA  
Attorney General of California  
MATTHEW M. DAVIS  
Supervising Deputy Attorney General  
  
LEANNA E. SHIELDS  
Deputy Attorney General  
Attorneys for Complainant

**Exhibit A**

**Accusation No. 800-2020-066737**



1 ROB BONTA  
Attorney General of California  
2 MATTHEW M. DAVIS  
Supervising Deputy Attorney General  
3 LEANNA E. SHIELDS  
Deputy Attorney General  
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11 **MEDICAL BOARD OF CALIFORNIA**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 800-2020-066737

14 **ROBERT MICHAEL ELLIOTT, M.D.**  
15 **3001 E. Tahquitz Canyon Way, Suite 104**  
**Palm Springs, CA 92262-6900**

**A C C U S A T I O N**

16 **Physician's and Surgeon's Certificate**  
17 **No. G 29258,**

Respondent.

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20 Complainant alleges:

21 **PARTIES**

22 1. William Prasifka (Complainant) brings this Accusation solely in his official capacity  
23 as the Executive Director of the Medical Board of California, Department of Consumer Affairs  
24 (Board).

25 2. On or about May 16, 1975, the Board issued Physician's and Surgeon's Certificate  
26 No. G 29258 to Robert Michael Elliott, M.D. (Respondent). The Physician's and Surgeon's  
27 Certificate was in full force and effect at all times relevant to the charges brought herein and will  
28 expire on March 31, 2023, unless renewed.



1 (a) Revoking the licentiate's certificate or license.

2 (b) Suspending the licentiate's right to practice.

3 (c) Placing the licentiate on probation.

4 (d) Taking such other action in relation to the licentiate as the licensing agency  
5 in its discretion deems proper.

6 The licensing section shall not reinstate a revoked or suspended certificate or  
7 license until it has received competent evidence of the absence or control of the  
8 condition which caused its action and until it is satisfied that with due regard for the  
9 public health and safety the person's right to practice his or her profession may be  
10 safely reinstated.

11 **SECTION 822 CAUSE FOR ACTION**

12 **(Physical and/or Mental Illness and/or Condition Affecting Competency)**

13 7. Respondent is subject to action under section 822 of the Code in that his ability to  
14 practice medicine safely is impaired due to a physical and/or mental illness and/or condition  
15 affecting competency, as more particularly alleged hereinafter.

16 8. On or about April 15, 2020, Respondent presented at Hoag Emergency Department in  
17 Irvine (Hoag-Irvine), for altered mental status and reports of multiple recent falls. According to  
18 medical records, upon arrival, Respondent's urine tested positive for opioids,<sup>1</sup> benzodiazepines,<sup>2</sup>  
19 and amphetamines. Shortly after admission, Respondent eloped from Hoag-Irvine at around 4:30  
20 p.m. that same day.

21 9. On or about April 15, 2020, at around 6:30 p.m., Respondent presented at Hoag  
22 Emergency Department in Newport Beach (Hoag-NB) after suffering an episode of syncope after

23 <sup>1</sup> Opioids (e.g., hydrocodone, fentanyl, methadone, and oxycodone) are Schedule II controlled  
24 substances pursuant to Health and Safety Code section 11055, subdivision (c), and are dangerous drugs  
25 pursuant to Business and Professions Code section 4011. When properly prescribed and indicated, they  
26 are generally used for pain management. The combination of opioids with benzodiazepines is among the  
27 most common causes of death due to prescription drug overdose. The Black Box Warning for opioids  
28 states, "Concomitant opioid use with benzodiazepines... may result in profound sedation, respiratory  
depression, coma, and death; reserve concomitant use for patients with inadequate alternative treatment  
options; limit to minimum required dosage and duration."

<sup>2</sup> Benzodiazepines (e.g., lorazepam, temazepam, and diazepam) are Schedule IV controlled  
substances pursuant to Health and Safety Code section 11057, subdivision (d), and are dangerous drugs  
pursuant to Business and Professions Code section 4022. When properly prescribed and indicated, they  
are used for the management of anxiety disorders or for the short-term relief of anxiety.

1 eloping from Hoag-Irvine. According to records, Respondent again presented at Hoag-NB with  
2 altered mental status and was admitted for treatment where he remained for five days. During  
3 Respondent's stay at Hoag-NB, according to records, Respondent admitted "borrowing Adderall"  
4 from his daughter.

5 10. On or about April 16, 2020, during his stay at Hoag-NB, Respondent admitted  
6 receiving prescriptions for controlled substances from physician colleagues.

7 11. According to the Controlled Substance Utilization Review and Evaluation System<sup>3</sup>  
8 (CURES) patient activity report for Respondent, from in or around June 2015, through in or  
9 around June 2020, Respondent received and filled several prescriptions for opioids, sedatives,

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23 <sup>3</sup> The Controlled Substance Utilization Review and Evaluation System (CURES) is a program  
24 operated by the California Department of Justice (DOJ) to assist healthcare practitioners in their efforts to  
25 ensure appropriate prescribing of controlled substances, and law enforcement and regulatory agencies in  
26 their efforts to control diversion and abuse of controlled substances. (Health & Saf. Code, § 11165.)  
27 California law requires dispensing pharmacies to report to the DOJ the dispensing of Schedule II, III, and  
28 IV controlled substances as soon as reasonably possible after the prescriptions are filled. (Health & Saf.  
Code, § 11165, subd. (d).) It is important to note that the history of controlled substances dispensed to a  
specific patient based on the data contained in CURES is available to a healthcare practitioner who is treating  
that patient. (Health & Saf. Code, § 11165.1, subd. (a).)

1 amphetamines, and benzodiazepines, including, but not limited to, carisoprodol,<sup>4</sup> diazepam,<sup>5</sup>  
2 Lorazepam,<sup>6</sup> amphetamine salt combo,<sup>7</sup> hydrocodone/acetaminophen,<sup>8</sup> Ambien,<sup>9</sup> and modafinil.<sup>10</sup>

3 12. Based upon evaluations performed by Hoag-NB physicians, Respondent was  
4 diagnosed with, among other things, major depression, alcohol use disorder, sedative hypnotics  
5 use disorder, opioid use disorder and mild cognitive impairment.

6 13. On or about July 7, 2020, Respondent agreed to submit to mental and physical  
7 evaluations by Board-appointed physicians pursuant to Business and Professions Code section  
8 820.

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11 <sup>4</sup> Carisoprodol, brand name Soma, is a Schedule IV controlled substance pursuant to 21 C.F.R. §  
12 1308.14, and a dangerous drug pursuant to Business and Professions Code section 4022. When properly  
prescribed and indicated, it is used as a muscle relaxant.

13 <sup>5</sup> Diazepam is a Schedule IV controlled substance pursuant to Health and Safety Code section  
14 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions Code section 4022.  
Diazepam is a long-acting benzodiazepine. When properly prescribed and indicated, it is used to treat  
15 anxiety, seizures and muscle spasms.

16 <sup>6</sup> Lorazepam, brand name Ativan, is a Schedule IV controlled substance pursuant to Health and  
17 Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions  
Code section 4022. It belongs to a group of drugs called benzodiazepines. When properly prescribed and  
indicated, it is commonly used to relieve anxiety.

18 <sup>7</sup> Amphetamine salt combo, brand name Adderall, is a Schedule II controlled substance pursuant  
19 to Health and Safety Code section 11055, subdivision (d), and a dangerous drug pursuant to Business and  
Professions Code section 4022. When properly prescribed and indicated, it is commonly used to treat  
20 attention-deficit hyperactivity disorder and narcolepsy.

21 <sup>8</sup> Hydrocodone/Acetaminophen, brand name Norco, is a drug combination of hydrocodone and  
22 acetaminophen. Hydrocodone is a Schedule II controlled substance pursuant to Health and Safety Code  
section 11055, subdivision (b), and a dangerous drug pursuant to Business and Professions Code section  
23 4022. It belongs to a group of drugs called opioids. When properly prescribed and indicated, it is  
commonly used to treat moderate to severe pain. The DEA has identified opioids, such as hydrocodone,  
as a drug of abuse. (Drug of Abuse, DEA Resource Guide (2015 Edition), at p. 43.)

24 <sup>9</sup> Ambien is a brand name for zolpidem, a Schedule IV controlled substance pursuant to Health  
25 and Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to Business and  
Professions Code section 4022. Ambien is a benzodiazepine analog. When properly prescribed and  
26 indicated, it is commonly used to treat insomnia.

27 <sup>10</sup> Modafinil, brand name Provigil, is a Schedule IV controlled substance pursuant to Health and  
28 Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions  
Code section 4022. When properly prescribed and indicated, it is commonly used to treat narcolepsy.

1 14. On or about July 7, 2020, Respondent voluntarily provided a urine sample which  
2 tested positive for benzodiazepines and alcohol metabolites.

3 15. On or about August 10, 2020, Respondent participated in a mental evaluation  
4 performed by Board-appointed psychiatrist, Markham Kirsten, M.D. (Dr. Kirsten), who is board  
5 certified in psychiatry.

6 16. Based upon his review of Respondent's medical records and an estimated 80-minute  
7 videoconference with Respondent, Dr. Kirsten concluded Respondent suffers from alcohol use  
8 disorder, mild to moderate; sedative use disorder, moderate; opioid use disorder, moderate; and  
9 stimulant use disorder, mild.

10 17. According to Dr. Kirsten, Respondent suffers from a mental illness and/or condition,  
11 such that Respondent is unable to practice medicine safely, and permitting him to continue  
12 practicing medicine will endanger the public health, safety, or welfare.

13 **DISCIPLINARY CONSIDERATIONS**

14 18. To determine the degree of discipline, if any, to be imposed on Respondent,  
15 Complainant alleges that on or about February 28, 2008, in a prior disciplinary action titled, *In the*  
16 *Matter of the Accusation Against Robert Michael Elliott, M.D.*, before the Medical Board of  
17 California, in Case No. 16-2002-130448, Respondent's Physician's and Surgeon's Certificate No.  
18 G 29258 was revoked, with revocation stayed, and placed on 35 months' probation, for  
19 disciplinary actions taken by out-of-state medical licensing boards in Illinois, Massachusetts and  
20 Oregon. That decision is now final and is incorporated by reference as if fully set forth herein.

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
23 and that following the hearing, the Medical Board of California issue a decision:

24 1. Taking any action as authorized by section 822 of the Code, as the Board, in its  
25 discretion, deems necessary and proper;

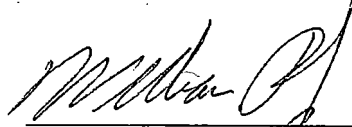
26 2. Revoking or suspending Physician's and Surgeon's Certificate No. G 29258, issued  
27 to Respondent Robert Michael Elliott, M.D.;

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- 3. Revoking, suspending or denying approval of Respondent Robert Michael Elliott, M.D.'s authority to supervise physician assistants and advanced practice nurses;
- 4. Ordering Respondent Robert Michael Elliott, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
- 5. Taking such other and further action as deemed necessary and proper.

DATED: NOV 04 2021

  
\_\_\_\_\_  
WILLIAM PRASIFKA  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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