

**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**

Case No. 800-2020-066737

Respondent.

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
Deputy Attorney General
4 State Bar No. 239872
600 West Broadway, Suite 1800
5 San Diego, CA 92101
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6 San Diego, CA 92186-5266
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8 *Attorneys for Complainant*

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.

19
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 2. Robert Michael Elliott, M.D. (Respondent) is represented in this proceeding by
2 attorney David R. Flyer, Esq., with Flyer & Flyer, APLC, whose address is 4120 Birch Street,
3 Suite 101, Newport Beach, CA 92660.

4 3. On or about May 16, 1975, the Board issued Physician's and Surgeon's Certificate
5 No. G 29258 to Respondent. The Physician's and Surgeon's Certificate was in full force and
6 effect at all times relevant to the charges brought in Accusation No. 800-2020-066737 and will
7 expire on March 31, 2023, unless renewed.

8 4. On or about October 27, 2021, an Interim Order of Suspension was issued
9 immediately suspending Respondent's Physician's and Surgeon's Certificate No. G 29258, and
10 prohibiting him from practicing medicine in the State of California pending a final decision on
11 this matter. Respondent remains suspended from the practice of medicine as of the date of the
12 filing of this Stipulated Surrender and Order.

13 **JURISDICTION**

14 5. On November 4, 2021, Accusation No. 800-2020-066737 was filed before the Board,
15 and is currently pending against Respondent. A true and correct copy of Accusation No. 800-
16 2020-066737 and all other statutorily required documents were properly served on Respondent on
17 November 4, 2021. A true and correct copy of Accusation No. 800-2020-066737 is attached
18 hereto as Exhibit A and incorporated by reference as if fully set forth herein.

19 **ADVISEMENT AND WAIVERS**

20 6. Respondent has carefully read, fully discussed with counsel, and fully understands the
21 charges and allegations in Accusation No. 800-2020-066737. Respondent also has carefully read,
22 fully discussed with counsel, and fully understands the effects of this Stipulated Surrender of
23 License and Order.

24 7. Respondent is fully aware of his legal rights in this matter, including the right to a
25 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
26 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
27 to the issuance of subpoenas to compel the attendance of witnesses and the production of

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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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14. The parties agree that this Stipulated Surrender of License and Order shall be null and void and not binding upon the parties unless approved and adopted by the Executive Director on behalf of the Board, except for this paragraph, which shall remain in full force and effect. Respondent fully understands and agrees that in deciding whether or not to approve and adopt this Stipulated Surrender of License and Order, the Executive Director and/or the Board may receive oral and written communications from its staff and/or the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the Executive Director, the Board, any member thereof, and/or any other person from future participation in this or any other matter affecting or involving Respondent. In the event that the Executive Director on behalf of the Board does not, in his discretion, approve and adopt this Stipulated Surrender of License and Order, with the exception of this paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party hereto. Respondent further agrees that should this Stipulated Surrender of License and Order be rejected for any reason by the Executive Director on behalf of the Board, Respondent will assert no claim that the Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Surrender of License and Order or of any matter or matters related hereto.

ADDITIONAL PROVISIONS

15. This Stipulated Surrender of License and Order is intended by the parties herein to be an integrated writing representing the complete, final and exclusive embodiment of the agreements of the parties in the above-entitled matter.

16. The parties agree that copies of this Stipulated Surrender of License and Order, including copies of the signatures of the parties, may be used in lieu of original documents and signatures and, further, that such copies shall have the same force and effect as originals.

17. In consideration of the foregoing admissions and stipulations, the parties agree the Executive Director of the Board may, without further notice to or opportunity to be heard by Respondent, issue and enter the following Order on behalf of the Board:

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ORDER

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

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

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

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

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

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

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

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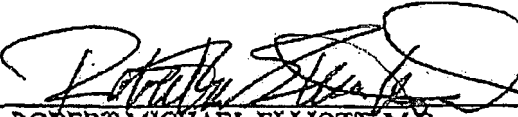


Nov. 30, 2021 5:56PM Flyer & Flyer APLC

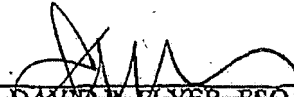
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ACCEPTANCE

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 RespondentENDORSEMENT

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,

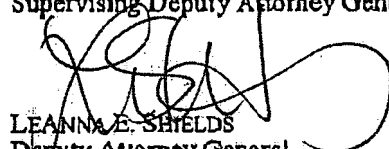
ROB BONTA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General
LEANNA E. SHIELDS
Deputy Attorney General
Attorneys for ComplainantLA2021603737
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Exhibit A

Accusation No. 800-2020-066737

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12 **DEPARTMENT OF CONSUMER AFFAIRS**
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13 In the Matter of the Accusation Against:

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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.

19
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.

3. On or about October 27, 2021, an Interim Order of Suspension was issued immediately suspending Respondent's Physician's and Surgeon's Certificate No. G 29258, and prohibiting him from practicing medicine in the State of California pending a final decision on this matter. Respondent remains suspended from the practice of medicine as of the date of the filing of this Accusation.

JURISDICTION

4. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

5. Section 2227 of the Code states:

(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

(1) Have his or her license revoked upon order of the board.

(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.

6. Section 822 of the Code states:

If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

- 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,¹ benzodiazepines,²
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

24 ¹ Opioids (e.g., hydrocodone, fentanyl, methadone, and oxycodone) are Schedule II controlled
25 substances pursuant to Health and Safety Code section 11055, subdivision (c), and are dangerous drugs
26 pursuant to Business and Professions Code section 4011. When properly prescribed and indicated, they
27 are generally used for pain management. The combination of opioids with benzodiazepines is among the
28 most common causes of death due to prescription drug overdose. The Black Box Warning for opioids
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."

² 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 System³
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 ³ 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,⁴ diazepam,⁵
2 Lorazepam,⁶ amphetamine salt combo,⁷ hydrocodone/acetaminophen,⁸ Ambien,⁹ and modafinil.¹⁰

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 ⁴ 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 ⁵ 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 ⁶ Lorazepam, brand name Ativan, is a Schedule IV controlled substance pursuant to Health and
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
17 indicated, it is commonly used to relieve anxiety.

18 ⁷ Amphetamine salt combo, brand name Adderall, is a Schedule II controlled substance pursuant
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
19 attention-deficit hyperactivity disorder and narcolepsy.
20

21 ⁸ Hydrocodone/Acetaminophen, brand name Norco, is a drug combination of hydrocodone and
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
22 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,
23 as a drug of abuse. (Drug of Abuse, DEA Resource Guide (2015 Edition), at p. 43.)

24 ⁹ Ambien is a brand name for zolpidem, a Schedule IV controlled substance pursuant to Health
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
25 indicated, it is commonly used to treat insomnia.
26

27 ¹⁰ Modafinil, brand name Provigil, is a Schedule IV controlled substance pursuant to Health and
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.
28

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;

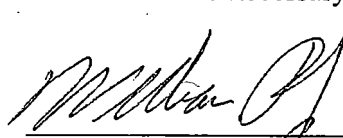
26 2. Revoking or suspending Physician's and Surgeon's Certificate No. G 29258, issued
27 to Respondent Robert Michael Elliott, M.D.;

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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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