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

In the Matter of the Accusation Against:	)	
	)	
	)	
DANNY ELLIOTT DREW, M.D.	)	**Case No. 800-2018-048971**
	)	
Physician's and Surgeon's Certificate No. A 98440	)	
	)	
Respondent	)	
	)	

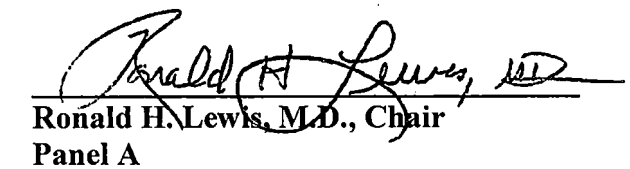
DECISION

The attached Stipulated Settlement and Disciplinary 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 September 20, 2019.

IT IS SO ORDERED: August 23, 2019.

MEDICAL BOARD OF CALIFORNIA



Ronald H. Lewis, M.D., Chair
Panel A

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Attorneys for Complainant

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

In the Matter of the Accusation Against: **DANNY ELLIOTT DREW, M.D.** **P.O. Box 1022** **110 W. Castle St., Ste. 100** **Mount Shasta, CA 96067** **Physician's and Surgeon's Certificate No. A 98440** Respondent.	Case No. 800-2018-048971 OAH No. 2019030965 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board of California (Board). She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Keith C. Shaw, Deputy Attorney General.

2. Respondent Danny Elliott Drew, M.D. (Respondent) is represented in this proceeding by attorney Adam G. Slote, Esq., Slote, Links & Boreman, LLP, One Embarcadero Center, Suite 400, San Francisco, CA 94111.

3. On or about December 29, 2006, the Board issued Physician's and Surgeon's Certificate No. A 98440 to Danny Elliott Drew, M.D. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2018-048971, and will expire on July 31, 2020, unless renewed.

JURISDICTION

4. Accusation No. 800-2018-048971 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 6, 2019. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2018-048971 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2018-048971. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2018-048971, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

11. Respondent agrees that if he ever petitions for early termination or modification of probation, or if an accusation and/or petition to revoke probation is filed against him before the Board, all of the charges and allegations contained in Accusation No. 800-2018-048971 shall be deemed true, correct and fully admitted by Respondent for purposes of any such proceeding or any other licensing proceeding involving Respondent in the State of California.

12. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

13. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

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14. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 98440 issued to Respondent Danny Elliott Drew, M.D., is revoked. However, the revocation is stayed and Respondent is placed on probation for ten (10) years on the following terms and conditions.

1. CONTROLLED SUBSTANCES - PARTIAL RESTRICTION. Respondent shall not order, prescribe, dispense, administer, or furnish any Schedule II controlled substance as defined by the California Uniform Controlled Substances Act, with the following exception: Respondent may treat acute or intermittent pain, with short acting opiates, for no more than 30 days per patient in a calendar year in an amount not to exceed 50 morphine equivalent dose (MED) per day, and must not combine benzodiazepines or muscle relaxants with Schedule II or III medications.

Respondent shall not order, prescribe, dispense, administer, furnish, or possess stimulants for any purpose, including phentermine and dextroamphetamine and amphetamine (Adderall).

Respondent shall immediately surrender his current DEA permit to the Drug Enforcement Administration for cancellation and reapply for a new DEA permit limited to those Schedules authorized by this order. Within 15 calendar days after the effective date of this Decision, Respondent shall submit proof that Respondent has surrendered Respondent's DEA permit to the Drug Enforcement Administration for cancellation and re-issuance. Within 15 calendar days after the effective date of issuance of a new DEA permit, Respondent shall submit a true copy of the permit to the Board or its designee.

2. CONTROLLED SUBSTANCES - MAINTAIN RECORDS AND ACCESS TO RECORDS AND INVENTORIES. Respondent shall maintain a record of all controlled

substances ordered, prescribed, dispensed, administered, or possessed by Respondent during probation, showing all of the following: 1) the name and address of the patient; 2) the date; 3) the character and quantity of controlled substances involved; and 4) the indications and diagnosis for which the controlled substances were furnished.

Respondent shall keep these records in a separate file or ledger, in chronological order. All records and any inventories of controlled substances shall be available for immediate inspection and copying on the premises by the Board or its designee at all times during business hours and shall be retained for the entire term of probation.

3. EDUCATION COURSE. Within 60 calendar days of the effective date of this Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee for its prior approval educational program(s) or course(s) which shall not be less than 20 hours per year, for each year of probation. The educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or knowledge, including the prescribing of controlled substances, and shall be Category I certified. The educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. Following the completion of each course, the Board or its designee may administer an examination to test Respondent's knowledge of the course. Respondent shall provide proof of attendance for 20 hours of CME in satisfaction of this condition.

4. PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in prescribing practices approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The prescribing practices course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A prescribing practices course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

5. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in medical record keeping approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The medical record keeping course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A medical record keeping course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

6. SUCCESSFUL COMPLETION OF CENTER FOR PERSONALIZED EDUCATION FOR PHYSICIANS PLAN. In accordance with the Stipulated Order issued by the Oregon Medical Board on October 4, 2018, Respondent is required to successfully complete an

education plan, including a post-education evaluation, with the Center for Personalized Education for Physicians (CPEP). Determination as to whether Respondent successfully completed the CPEP plan is solely within the program's jurisdiction.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the CPEP plan, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

7. MONITORING - PRACTICE/BILLING. Within 30 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval as a practice monitor(s), the name and qualifications of one or more licensed physicians and surgeons whose licenses are valid and in good standing, and who are preferably American Board of Medical Specialties (ABMS) certified. A monitor shall have no prior or current business or personal relationship with Respondent, or other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Board, including but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree to serve as Respondent's monitor. Respondent shall pay all monitoring costs. Respondent's practice of medicine shall be monitored for the initial four (4) years of probation.

The Board or its designee shall provide the approved monitor with copies of the Decision(s) and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the signed statement for approval by the Board or its designee.

Within 60 calendar days of the effective date of this Decision, and continuing throughout probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall make all records available for immediate inspection and copying on the premises by the monitor at all times during business hours and shall retain the records for the entire term of probation.

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If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective date of this Decision, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. Respondent shall cease the practice of medicine until a monitor is approved to provide monitoring responsibility.

The monitor(s) shall submit a quarterly written report to the Board or its designee which includes an evaluation of Respondent's performance, indicating whether Respondent's practices are within the standards of practice of medicine and whether Respondent is practicing medicine safely, billing appropriately or both. It shall be the sole responsibility of Respondent to ensure that the monitor submits the quarterly written reports to the Board or its designee within 10 calendar days after the end of the preceding quarter.

If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior approval, the name and qualifications of a replacement monitor who will be assuming that responsibility within 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. Respondent shall cease the practice of medicine until a replacement monitor is approved and assumes monitoring responsibility.

8. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to Respondent, at any other facility where Respondent engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15 calendar days.

This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

9. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE NURSES. During probation, Respondent is prohibited from supervising physician assistants and advanced practice nurses. Respondent may petition for modification of this condition after one (1) year of probation.

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

11. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

Respondent shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

12. GENERAL PROBATION REQUIREMENTS.

Compliance with Probation Unit

Respondent shall comply with the Board's probation unit.

Address Changes

Respondent shall, at all times, keep the Board informed of Respondent's business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b).

Place of Practice

Respondent shall not engage in the practice of medicine in Respondent's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

License Renewal

Respondent shall maintain a current and renewed California physician's and surgeon's license.

Travel or Residence Outside California

Respondent shall immediately inform the Board or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days.

In the event Respondent should leave the State of California to reside or to practice, Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return.

13. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be available in person upon request for interviews either at Respondent's place of business or at the probation unit office, with or without prior notice throughout the term of probation.

14. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is defined as any period of time Respondent is not practicing medicine as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. If Respondent resides in California and is considered to be in non-practice, Respondent shall comply with all terms and conditions of probation. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice and does not relieve Respondent from complying with all the terms and conditions of probation. Practicing medicine in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.

In the event Respondent's period of non-practice while on probation exceeds 18 calendar months, Respondent shall successfully complete the Federation of State Medical Boards's Special Purpose Examination, or, at the Board's discretion, a clinical competence assessment program that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model

Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

Respondent's period of non-practice while on probation shall not exceed two (2) years.

Periods of non-practice will not apply to the reduction of the probationary term.

Periods of non-practice for a Respondent residing outside of California will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; General Probation Requirements; and Quarterly Declarations.

15. COMPLETION OF PROBATION. Respondent shall comply with all financial obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, Respondent's certificate shall be fully restored.

16. VIOLATION OF PROBATION. Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

17. LICENSE SURRENDER. Following the effective date of this Decision, if Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request to surrender his or her license. The Board reserves the right to evaluate Respondent's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its designee and Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

18. PROBATION MONITORING COSTS. Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Adam G. Slote, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 7-24-19

DANNY ELLIOTT DREW, M.D.
Respondent

I have read and fully discussed with Respondent Danny Elliott Drew, M.D., the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 7-24-19

ADAM G. SLOTE, ESQ.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

DATED: July 24, 2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General

KEITH C. SHAW
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2018-048971

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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Jul. 6 20 19
BY _____ ANALYST

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

In the Matter of the Accusation Against: **Danny Elliott Drew, M.D.** P.O. Box 1022 110 W. Castle St., Ste. 100 Mount Shasta, CA 96067 **Physician's and Surgeon's Certificate No. A 98440,** Respondent.	Case No. 800-2018-048971 **A C C U S A T I O N**

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about December 29, 2006, the Medical Board issued Physician's and Surgeon's Certificate No. A 98440 to Danny Elliott Drew, M.D. (Respondent). The Physician's and

Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2020, unless renewed.

JURISDICTION

3. 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.

A. Section 2227 of the Code provides in part that the Board may revoke, suspend for a period not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act, and may recover the costs of probation monitoring.

B. Section 2305 of the Code provides, in part, that "the revocation, suspension, or other discipline, restriction, or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter, shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state."

C. Section 141 of the Code provides:

"(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

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"(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Another State)

4. On October 4, 2018, the Oregon Medical Board issued a Stipulated Order regarding Respondent's license to practice medicine in the State of Oregon. The Stipulated Order contains the following factual findings:

a. Respondent maintained his chronic pain patients on a long-term medication schedule that included high dosages of opioids, often in combination with a benzodiazepine or Carisoprodol (Soma),[1] which subjected these patients to significant risk of cardiac arrest and respiratory depression, as well as other adverse side effects;

b. During the course of managing his chronic pain patients, Respondent failed to provide each patient with material risk notification (informed consent);

c. Respondent failed to conduct a cardiovascular examination prior to and during the treatment of patients with Methadone,[2] including ordering or reviewing an electrocardiogram (ECG);

d. Respondent failed to follow-up on positive tests revealing illegal drugs or negative urine drug screens for prescribed medications, or other evidence of aberrant drug use during the treatment plan; and

e. Respondent failed to conduct adequate physical examinations at the beginning or during the course of treatment to justify diagnoses and therapeutic decisions.

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[1] Carisoprodol (Soma), a Schedule IV controlled substance, is a muscle relaxer with sedating effects primarily used to treat muscle pain. It is an addictive substance and may cause withdrawal symptoms.

[2] Methadone is an opioid used to treat severe pain and drug addiction.

A true and correct copy of the Interim Stipulated Order issued by the Oregon Medical Board issued is attached as Exhibit A.

5. Respondent's license to practice medicine in the State of Oregon is subject to the following terms pursuant to the Stipulated Order:

a. Respondent's license is reprimanded and placed on probation for 10 years;

b. Respondent's license is suspended 15 days;

c. Respondent is prohibited from prescribing stimulants, including phentermine[3] or dextroamphetamine and amphetamine (Adderall),[4] for any purpose;

d. Respondent is prohibited from treating chronic pain[5] with any DEA scheduled medication, including intrathecal pain pumps. Respondent may only prescribe DEA scheduled medication for patients who are enrolled in hospice care or have a life expectancy of less than six months;

e. Respondent may treat acute or intermittent pain with short acting opiates for no more than 30 days per patient in a calendar year, and not exceeding a 50 morphine equivalent dose (MED) per day.

f. Respondent is required to enroll in and successfully complete an education plan, including a post-education evaluation, with the Center for Personalized Education for Physicians (CPEP);

g. Respondent must complete a pre-approved course on medical documentation;

h. Respondent's medical practice is subject to random chart audits and visits by the Oregon Medical Board without notice;

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[3] Phentermine is a medication used to promote weight loss, and side effects may include rapid or irregular heartbeat, panic, psychosis, and heart failure.

[4] Adderall, a mixture of d-amphetamine and l-amphetamine salts, is a central nervous system stimulant of the amphetamine class, and is a Schedule II controlled substance prescribed for the treatment of attention-deficit hyperactivity disorder and narcolepsy. Adderall is considered a drug of abuse by the DEA and contraindicated for patients with a history of drug abuse.

[5] The Stipulated Order defines chronic pain as pain that persists or progresses longer than 30 days.

i. Respondent must obey all federal and Oregon state laws and regulations related to the practice of medicine; and

j. Respondent stipulates that any violation of the terms of the Stipulated Order shall be grounds for further disciplinary action.

6. Respondent's conduct and the action of the Oregon Medical Board, as set forth in paragraphs 4 and 5 above, constitute cause for discipline pursuant to sections 141 and 2305 of the Code.

PRAYER

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

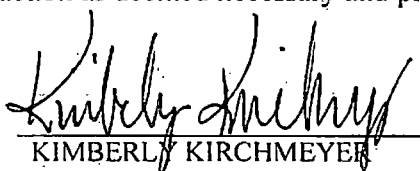
1. Revoking or suspending Physician's and Surgeon's Certificate No. A 98440, issued to Danny Elliott Drew, M.D.;

2. Revoking, suspending or denying approval of Danny Elliott Drew, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Danny Elliott Drew, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

4. Taking such other and further action as deemed necessary and proper.

DATED: February 6, 2019



KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
State of California
Complainant

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EXHIBIT A

BEFORE THE

OREGON MEDICAL BOARD

STATE OF OREGON

In the Matter of	)	
	)	
DANIEL ELLIOTT DREW, MD	)	STIPULATED ORDER
LICENSE NO. MD152952	)	

1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including physicians, in the state of Oregon. Daniel Elliott Drew MD (Licensee) is a licensed physician in the state of Oregon.

2.

On March 20, 2017, the Board issued a Complaint and Notice of Proposed Disciplinary Action (Notice) in which the Board proposed taking disciplinary action by imposing up to the maximum range of potential sanctions identified in ORS 677.205(2), to include the revocation of license, a $10,000 civil penalty, and assessment of costs, against Licensee for violations of the Medical Practice Act, to wit: ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a); ORS 677.190(13) gross or repeated acts of negligence; ORS 677.190(17) willful violation of any rule adopted by the Board; and ORS 677.190(24) prescribing controlled substances without a legitimate medical purpose or without following accepted procedures for examination of patients or for record keeping. Prior to the issuance of the Notice, on July 6, 2016, Licensee entered into an Interim Stipulated Order with the Board in which he voluntarily agreed to prescribing restrictions for chronic pain patients. On December 18, 2017, Licensee entered into a second Interim Stipulated Order in which he voluntarily agreed to voluntarily withdraw from the management of intrathecal pain pumps.

3.

Licensee's acts and conduct that violated the Medical Practice Act follow:

The Board conducted a review of Licensee's management and treatment of chronic pain patients which revealed a pattern of practice that breached the standard of care, subjected

patients to the risk of harm, and violated a Board regulation (OAR 847-015-0030), and constitutes prescribing controlled substances without a legitimate purpose or without following accepted procedures for examinations of patients or for record keeping, as described below:

- Licensee maintained his chronic pain patients on a long term medication regimen that included high dosages of opioids, often in combination with a benzodiazepine or Carisoprodol (Soma), which subjected his chronic pain patients to significant risk of cardiac arrest and respiratory depression as well as other adverse side effects.
- In the context of managing chronic pain patients, Licensee failed to provide each patient with material risk notification, as required by OAR 847-015-0030.
- Licensee failed to conduct a cardiovascular examination (to include ordering or reviewing an electrocardiogram (ECG) prior to treating patients with Methadone (Schedule II), and during the course of treatment.
- Licensee failed to follow-up on positive tests revealing illegal drugs or negative urine drug screens (UDS) for prescribed medications, or other evidence of aberrant departures from the treatment plan.
- Licensee failed to conduct adequate physical examinations at the outset of or during the course of treatment to justify diagnoses and therapeutic decisions.

4.

Licensee and the Board desire to settle this matter by entry of this Stipulated Order. Licensee understands that he has the right to a contested case hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes. Licensee fully and finally waives the right to a contested case hearing and any appeal therefrom by the signing of and entry of this Order in the Board's records. Licensee admits that he engaged in the conduct described in paragraph 3 (above) and that this conduct violated ORS 677.190(1)(a), as defined in ORS 677.188(4)(a); ORS 677.190(13); ORS 677.190(17); and ORS 677.190(24). Licensee understands that this Order is a public record and is a disciplinary action that is reportable to the National Data Bank and the Federation of State Medical Boards.

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5.

Licensee and the Board agree to resolve this matter by the entry of this Stipulated Order subject to the following terms and conditions:

5.1 Licensee is reprimanded.

5.2 Licensee's medical license is suspended for 15 calendar days effective the first day of the month following the month in which this Order becomes effective.

5.3 Licensee must pay a civil penalty of $2,500 within two years from the effective date of this Order. Licensee may make monthly installment payments with no payment, excepting the final payment, to be less than $100.

5.4 Licensee is placed on probation for 10 years. Licensee must report in person to the Board at each of its quarterly meetings at the scheduled times for a probation interview, unless otherwise directed by the Board's Compliance Officer or its Investigative Committee. In the event the Board develops protocols for conducting electronic probation interviews, interviews may be held electronically, at the Board's discretion, between Licensee and the Board's Compliance Officer (or its designee) using Board established protocols for the location and electronic transmission of the meeting. Licensee is responsible for supplying and maintaining the equipment and technology necessary for him to participate in the electronic meetings. Licensee will be notified if and when such meetings are scheduled in lieu of an in person appearance at a quarterly Board meeting. After three years of full compliance with the terms of this Order, Licensee may submit a written request to modify the duration of his probation.

5.5 Licensee must not prescribe stimulants, to include phentermine (Schedule IV) or dextroamphetamine & amphetamine (Adderall, Schedule II) for any purpose, to include weight loss or to treat attention deficit disorder or attention deficit hyperactivity disorder.

5.6 Licensee must not treat chronic pain with any DEA scheduled medications, to include intrathecal pain pumps. For the purposes of this Order, chronic pain is defined as pain that persist or progresses over a period of time greater than 30 days. Licensee may prescribe DEA scheduled medications for patients who are enrolled in hospice or have a life expectancy of

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less than six months. Licensee must certify on the written prescription that the patient is a hospice patient.

5.7 Licensee may treat acute or intermittent pain, with short acting opiates, for no more than 30 days per patient in a calendar year in an amount not to exceed 50 morphine equivalent dose (MED) per day. In addition, Licensee must not combine benzodiazepines or muscle relaxants with Schedule II or III medications.

5.8 Within 30 days of the effective date of this Order, Licensee must contract with CPEP for the development of an education plan which is focused on Licensee's family medicine practice. The cost of the development of an education plan must be borne by the Licensee. Licensee must sign all necessary releases to allow full communication and exchange of documents and reports between the Board and CPEP. Licensee must ensure CPEP submits the education plan reports directly to the Board.

5.9 Upon approval of the educational plan by the Board's Medical Director, Licensee must successfully complete the CPEP education plan, including any post-education evaluation, within 18 months from the date the educational plan is approved. All costs associated with the approved education plan must be borne by Licensee. Licensee must sign all necessary releases to allow full communication and exchange of documents and reports between the Board and CPEP. Licensee must keep the Board apprised of his compliance with the CPEP education plan throughout the duration of plan completion.

5.10 Licensee must provide the Board with written proof from CPEP upon successful completion of the approved education plan, including successful completion of any post-education evaluation, as defined above.

5.11 Within six months of the effective date of this Order, Licensee must complete a course on medical documentation that has been pre-approved by the Board's Medical Director.

5.12 After three years of continued compliance with all terms of this Order, Licensee may submit a written request to modify the terms of this Order. Granting of any modification requests rests solely with the Board. Licensee will be notified in writing if and when any modifications are granted.

5.13 The Interim Stipulated Orders of July 6, 2016, and December 18, 2017, terminate effective the date the Board Chair signs this Stipulated Order.

5.14 Licensee's medical practice is subject to random, no notice chart audits and office visits by Board designees.

5.15 Licensee must inform the Compliance Section of the Board of any and all practice sites, as well as any changes in practice address(es), employment, or practice status. Additionally, Licensee must notify the Compliance Section of any changes in contact information within 10 business days.

5.16 Licensee stipulates and agrees that this Order becomes effective the date it is signed by the Board Chair.

5.17 Licensee must obey all federal and Oregon state laws and regulations pertaining to the practice of medicine.

5.18 Licensee stipulates and agrees that any violation of the terms of this Order shall be grounds for further disciplinary action under ORS 677.190(17).

IT IS SO STIPULATED THIS 14 day of Sept, 2018.

[redacted]

DANIEL ELLIOTT DREW, MD

IT IS SO ORDERED THIS 4th day of October 2018.

OREGON MEDICAL BOARD
State of Oregon

[redacted]

K. DEAN GUBLER, DO
Board Chair