

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **ELLEN T. OLSON, M.D.**

4 Holder of License No. 40418
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-21-0190A

**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

7 **INTERIM CONSENT AGREEMENT**

8 Ellen T. Olson, M.D. ("Respondent") elects to permanently waive any right to a
9 hearing and appeal with respect to this Interim Consent Agreement for Practice Restriction
10 and consents to the entry of this Order by the Arizona Medical Board ("Board").

11 **INTERIM FINDINGS OF FACT**

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

14 2. Respondent is the holder of License No. 40418 for the practice of allopathic
15 medicine in the State of Arizona.

16 3. The Board initiated case number MD-21-0190A after receiving notification
17 from the Board's Physician Health Program ("PHP") Contractor that Respondent tested
18 positive for a controlled substance in violation of a Board Order for monitoring.

19 4. Respondent's license is subject to terms and conditions of probation
20 pursuant to an Order for Letter of Reprimand and Probation; and Consent to the Same
21 issued in MD-17-1162A ("Board Order"). The Board Order prohibited Respondent from
22 taking any controlled substance unless prescribed by a treating physician, and approved
23 by the PHP except in emergency.

24 5. Additionally, the Board Order states in part:
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1 In the event of a chemical dependency relapse by Respondent or
2 Respondent's use of controlled substances or alcohol in violation of this
3 Order, Respondent shall promptly enter into an Interim Consent Agreement
4 for Practice Restriction that requires, among other things, that Respondent
5 not practice medicine until such time as Respondent successfully completes
long-term inpatient treatment designated by the PHP Contractor and obtains
affirmative approval from the Executive Director, in consultation with the Lead
Board Member and Chief Medical Consultant, to return to the practice of
medicine.

6 6. On March 5, 2021 the PHP Contractor notified Board staff that Respondent's
7 most recent urine drug screen was positive for a controlled substance, and that
8 Respondent admitted to a single incident of use shortly before the test. Based on the test
9 and Respondent's admission, the Contractor recommended that Respondent stop
10 practicing and present for treatment.

11 7. The aforementioned information was presented to the investigative staff, the
12 medical consultant and the lead Board member. All reviewed the information and concur
13 that the interim consent agreement to restrict Respondent's practice is appropriate.

14 8. The investigation into this matter is pending and will be forwarded to the
15 Board promptly upon completion for review and action.

16 **INTERIM CONCLUSIONS OF LAW**

17 1. The Board possesses jurisdiction over the subject matter hereof and over
18 Respondent.

19 2. Pursuant to A.R.S. § 32-1405(C)(25) the Executive Director has authority to
20 enter into a consent agreement when there is evidence of danger to the public health and
21 safety.

22 3. Pursuant to A.A.C. R4-16-504, the Executive Director may enter into an
23 interim consent agreement when there is evidence that a restriction is needed to mitigate
24 imminent danger to the public's health and safety. Investigative staff, the Board's medical
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1 consultant and the lead Board member have reviewed the case and concur that an interim
2 consent agreement is appropriate.

3 **INTERIM ORDER**

4 IT IS HEREBY ORDERED THAT:

5 1. Respondent is prohibited from engaging in the practice of medicine in the
6 State of Arizona as set forth in A.R.S. § 32-1401(22) until Respondent applies to the
7 Executive Director and receives permission to do so.

8 2. Respondent may request, in writing, release and/or modification of this
9 Interim Consent Agreement. Respondent's request must be accompanied by information
10 demonstrating that Respondent is safe to practice medicine. The Executive Director, in
11 consultation with and agreement of the lead Board member and the Chief Medical
12 Consultant, has the discretion to determine whether it is appropriate to release
13 Respondent from this Interim Consent Agreement.

14 3. The Board retains jurisdiction and may initiate new action based upon any
15 violation of this Interim Consent Agreement, including, but not limited to, summarily
16 suspending Respondent's license.

17 4. Because this is an Interim Consent Agreement and not a final decision by
18 the Board regarding the pending investigation, it is subject to further consideration by the
19 Board. Once the investigation is complete, it will be promptly provided to the Board for its
20 review and appropriate action.

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1 5. This Interim Consent Agreement shall be effective on the date signed by the
2 Board's Executive Director.

3 DATED this 19th day of March, 2021.

4 ARIZONA MEDICAL BOARD

5 By Patricia E. McSorley
6 Patricia E. McSorley
7 Executive Director

8 RECITALS

9 Respondent understands and agrees that:

10 1. The Board, through its Executive Director, may adopt this Interim Consent
11 Agreement, or any part thereof, pursuant to A.R.S. § 32-1405(C)(25) and A.A.C. R4-16-
12 504.

13 2. Respondent has read and understands this Interim Consent Agreement as
14 set forth herein, and has had the opportunity to discuss this Interim Consent Agreement
15 with an attorney or has waived the opportunity to discuss this Interim Consent Agreement
16 with an attorney. Respondent voluntarily enters into this Interim Consent Agreement and
17 by doing so agrees to abide by all of its terms and conditions.

18 3. By entering into this Interim Consent Agreement, Respondent freely and
19 voluntarily relinquishes all rights to an administrative hearing on the matters set forth
20 herein, as well as all rights of rehearing, review, reconsideration, appeal, judicial review or
21 any other administrative and/or judicial action, concerning the matters related to the
22 Interim Consent Agreement.

23 4. Respondent understands that this Interim Consent Agreement does not
24 constitute a dismissal or resolution of this matter or any matters that may be currently
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1 pending before the Board and does not constitute any waiver, express or implied, of the
2 Board's statutory authority or jurisdiction regarding this or any other pending or future
3 investigations, actions, or proceedings. Respondent also understands that acceptance of
4 this Interim Consent Agreement does not preclude any other agency, subdivision, or
5 officer of this State from instituting civil or criminal proceedings with respect to the conduct
6 that is the subject of this Interim Consent Agreement. Respondent further does not
7 relinquish Respondent's rights to an administrative hearing, rehearing, review,
8 reconsideration, judicial review or any other administrative and/or judicial action,
9 concerning the matters related to a final disposition of this matter, unless Respondent
10 affirmatively does so as part of the final resolution of this matter.

11 5. Respondent acknowledges and agrees that upon signing this Interim
12 Consent Agreement and returning it to the Board's Executive Director, Respondent may
13 not revoke Respondent's acceptance of this Interim Consent Agreement or make any
14 modifications to it. Any modification of this original document is ineffective and void unless
15 mutually approved by the parties in writing.

16 6. Respondent understands that this Interim Consent Agreement shall not
17 become effective unless and until it is signed by the Board's Executive Director.

18 7. Respondent understands and agrees that if the Board's Executive Director
19 does not adopt this Interim Consent Agreement, Respondent will not assert in any future
20 proceedings that the Board's consideration of this Interim Consent Agreement constitutes
21 bias, prejudice, prejudgment, or other similar defense.
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1 8. Respondent understands that this Interim Consent Agreement is a public
2 record that may be publicly disseminated as a formal action of the Board, and that it shall
3 be reported as required by law to the National Practitioner Data Bank.

4 9. Respondent understands that this Interim Consent Agreement does not
5 alleviate Respondent's responsibility to comply with the applicable license-renewal
6 statutes and rules. If this Interim Consent Agreement remains in effect at the time
7 Respondent's allopathic medical license comes up for renewal, Respondent must renew
8 the license if Respondent wishes to retain the license. If Respondent elects not to renew
9 the license as prescribed by statute and rule, Respondent's license will not expire but
10 rather, by operation of law (A.R.S. § 32-3202), become suspended until the Board takes
11 final action in this matter. Once the Board takes final action, in order for Respondent to be
12 licensed in the future, Respondent must submit a new application for licensure and meet
13 all of the requirements set forth in the statutes and rules at that time.

14 10. Respondent understands that any violation of this Interim Consent
15 Agreement constitutes unprofessional conduct under A.R.S. § 32-1401(27)(s) ("[V]iolating
16 a formal order, probation, consent agreement or stipulation issued or entered into by the
7 board or its executive director under this chapter.").

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ELLEN T. OLSON, M.D.

DATED: 3/15/21

1 EXECUTED COPY of the foregoing e-mailed
this 19th day of March, 2021 to:

2 Ellen T. Olson, M.D.
3 Address of Record

4 ORIGINAL of the foregoing filed
this 19th day of March, 2021 with:

5 Arizona Medical Board
6 1740 West Adams, Suite 4000
7 Phoenix, Arizona 85007

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9 _____
Board staff

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