

FILED OF RECORD

MAY 22 2024

K.B.M.L

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2161

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
KENTUCKY HELD BY DAVID M. ELLISON, M.D., LICENSE NO. 47852,
11024 DECOURSEY PIKE, LATONIA, KENTUCKY 41015

AGREED ORDER

Come now the Kentucky Board of Medical Licensure ("the Board"), acting by and through its Inquiry Panel B, and David M. Ellison, M.D., ("the licensee"), and, based upon their mutual desire to fully and finally resolve this pending investigation without an evidentiary hearing, hereby ENTER INTO the following **AGREED ORDER**:

STIPULATIONS OF FACT

The parties stipulate the following facts, which serve as the factual bases for this Agreed Order:

1. At all relevant times, David M. Ellison, M.D. ("the licensee"), was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is Internal Medicine.
3. In or around April 2022, the State of Florida Department of Health filed an administrative complaint before the Florida Board of Medicine ("Florida Board"), Case Nos. 2019-11745, -11762 and -12425, in which it charged that the licensee, while licensed and practicing medicine in the State of Florida, engaged in the following conduct in violation of Florida's Medical Practice Act:

In regard to three (3) patients (Patients T.W., A.W.1 and A.W.2), the licensee administered stem cell injections without first sufficiently evaluating and diagnosing the patients' conditions to ensure that the course of treatment was appropriate and without first referring the patients to appropriate subspecialists for evaluation or consultation. The licensee's medical records did not justify the course of treatment utilized by the licensee. The licensee failed to follow FDA guidelines pertaining to stem

cell administration and he failed to utilize fluoroscopy or ultrasound visualization during non-trigger point injections,

4. On or about January 26, 2024, the licensee executed a Voluntary Relinquishment of License in order to avoid further administrative action and expense in regard to the administrative complaint. The offer of relinquishment specifically provides that it constitutes disciplinary action and that the licensee shall never apply for license to again practice medicine in the State of Florida.
5. On or about February 20, 2024, the Florida Board of Medicine accepted and licensee's relinquishment, constituting discipline upon his license.
6. The licensee neither reported nor provided a copy of the final Florida order to this Board within ten days as required by 201 KAR 9:081.

STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this Agreed Order:

1. The licensee's Kentucky medical license is subject to regulation and discipline by the Board.
2. Based upon the Stipulations of Fact, the licensee has engaged in conduct which violates the provisions of KRS 311.595(12) and (17). Accordingly, there are legal grounds for the parties to enter into this Agreed Order.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this pending investigation without an evidentiary hearing by entering into an informal resolution such as this Agreed Order.

AGREED ORDER

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to fully and finally resolve this pending investigation

without an evidentiary hearing, the parties hereby ENTER INTO the following **AGREED ORDER**:

1. The license to practice medicine held by David M. Ellison, M.D., is hereby PLACED ON PROBATION FOR A PERIOD OF UP TO FIVE (5) YEARS, with that period of probation beginning immediately upon the filing of this Agreed Order.
2. During the effective period of this Agreed Order, the licensee's Kentucky medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS until further order of the Board:
 - a. Within one (1) year of the effective date of this Agreed Order and pursuant to KRS 311.565(1)(v), the licensee SHALL submit payment of a FINE in the amount of \$1,000.00; and
 - b. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.
3. Upon completion of the terms and conditions set forth in ¶2 above, the licensee may request and the Panel Chair may approve termination of this Agreed Order prior to the expiration of five (5) years.
4. The licensee expressly agrees that if he should violate any term or condition of this Agreed Order, the licensee's practice will constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.592 and 13B.125. The parties further agree that if the Board should receive information that he has violated any term or condition of this Agreed Order, the Panel Chair is authorized by law to enter an Emergency Order of Suspension or Restriction immediately upon a finding of probable cause that a violation has occurred, after an *ex parte* presentation of the relevant facts by the Board's General Counsel or Assistant General Counsel. If the Panel Chair should issue such an Emergency Order, the

parties agree and stipulate that a violation of any term or condition of this Agreed Order would render the licensee's practice an immediate danger to the health, welfare and safety of patients and the general public, pursuant to KRS 311.592 and 13B.125; accordingly, the only relevant question for any emergency hearing conducted pursuant to KRS 13B.125 would be whether the licensee violated a term or condition of this Agreed Order.

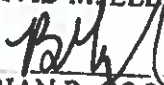
5. The licensee understands and agrees that any violation of the terms of this Agreed Order would provide a legal basis for additional disciplinary action, including revocation, pursuant to KRS 311.595(13).

SO AGREED on this 21 day of MAY, 2024.

FOR THE LICENSEE:

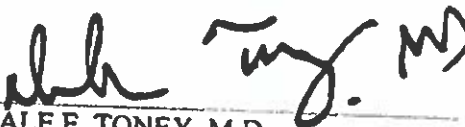


DAVID M. ELLISON, M.D.




BRIAN R. GOOD
COUNSEL FOR THE LICENSEE

FOR THE BOARD:



DALE E. TONEY, M.D.
CHAIR, INQUIRY PANEL B



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