

ALABAMA STATE BOARD OF	)	
MEDICAL EXAMINERS,	)	
	)	BEFORE THE MEDICAL LICENSURE
Complainant,	)	COMMISSION OF ALABAMA
	)	
v.	)	
	)	CASE NO. 00-001
ELLEN A. OVSON, M. D.,	)	
	)	
Respondent.	)	

STIPULATION AND CONSENT ORDER

COME NOW, the Complainant, the Alabama State Board of Medical Examiners, and the Respondent, Ellen A. Ovson, M. D., and jointly submit the following stipulation and consent order:

STIPULATION

1. The Respondent admits the allegations in paragraphs 1, 2, and 3 of the Administrative Complaint, acknowledges the authority of the Medical Licensure Commission to exercise jurisdiction in this matter, and consents and agrees to the entry of the Consent Order contained herein. Respondent waives her right to an administrative hearing before the Medical Licensure Commission, her right to be represented at such hearing by counsel of her choice, and agrees to waive any and all rights to further notice and formal adjudication of the charges stated in the Administrative Complaint. Further, Respondent waives her right to judicial review of the Consent Order agreed to herein under applicable provisions of the Alabama Administrative Procedure Act. Respondent understands and acknowledges that the Stipulation and Consent Order, if approved and executed by the Medical Licensure Commission, shall constitute a public record under the laws of the state of Alabama.

2. The Alabama Board of Medical Examiners stipulates and agrees that the terms and

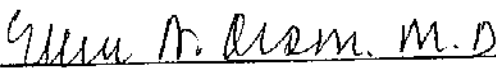
conditions of the Consent Order stated herein constitute a reasonable disposition of the charges contained in the Administrative Complaint, and that such disposition adequately protects the public's health and safety.

3. It is stipulated and agreed between the parties that this Stipulation and Consent Order be submitted to the Medical Licensure Commission of Alabama, and that such Stipulation and Consent Order are subject to the Commission's approval. It is further agreed by the Respondent that the Medical Licensure Commission shall be permitted to examine and review, prior to approval of the Stipulation, the records and documents now in the possession of the Board of Medical Examiners concerning the stipulation of facts set forth herein. It is further agreed by the Respondent that, in the event the Medical Licensure Commission shall decline to accept this Stipulation and Consent Order as a basis for the disposition of the alleged grounds for imposition for disciplinary sanctions and requires the Board of Medical Examiners to present testimony and documentary exhibits at a subsequent hearing, any admissions by the Respondent and any consideration by the Commission of the Stipulation and Consent Order and the documentary evidence referred to herein, will not be prejudicial to the rights of the Respondent to receive a fair and impartial hearing.

STIPULATED AND AGREED this 22<sup>nd</sup> day of MARCH, 2000.



Patricia E. Shaner, General Counsel  
Alabama Board of Medical Examiners



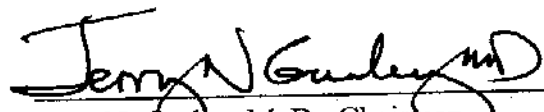
ELLEN A. OVSON, M. D.

**CONSENT ORDER**

This matter is before the Medical Licensure Commission of Alabama pursuant to an Administrative Complaint filed by the Alabama Board of Medical Examiners on January 5, 2000, and pursuant to a signed Stipulation entered into by the Board of Medical Examiners and the Respondent, Ellen A. Ovson, M. D. Based upon the Stipulation of the parties, the Commission hereby finds that Dr. Ovson was untruthful in answering question number 8 on her license renewal form for 1999, which she certified as correct and filed with the Medical Licensure Commission of Alabama. The Commission concludes, as a matter of law, that the foregoing facts constitute a violation of Ala. Code §§34-14-360(2) and (17) (1997).

Based upon the foregoing findings of fact and conclusions of law, it is the ORDER of the Medical Licensure Commission that the license to practice medicine in Alabama of the respondent, Ellen A. Ovson, M. D., is hereby REPRIMANDED. Additionally, it is the ORDER of the Medical Licensure Commission that the Respondent, Ellen A. Ovson, M. D., is hereby assessed an administrative fine in the amount of Two Thousand Five Hundred Dollars (\$2,500.00). Such fine is due and payable within ninety (90) days of the date of this Consent Order.

ORDERED this 22<sup>nd</sup> day of March, 2000.

  
Jerry N. Gurley, M. D., Chairman  
Medical Licensure Commission

ALABAMA STATE BOARD OF )  
MEDICAL EXAMINERS, )  
 )  
Complainant, )  
 )  
vs. )  
 )  
ELLEN A. OVSON, M. D. )  
 )  
Respondent. )

BEFORE THE MEDICAL LICENSURE  
COMMISSION OF ALABAMA

CASE NO. 00-001

ADMINISTRATIVE COMPLAINT

Comes now the Alabama State Board of Medical Examiners, and submits herein its sworn petition pursuant to the authority of Ala. Code §34-24-361(e)(1997) and respectfully represents to the Medical Licensure Commission the following:

1. On August 18, 1976, the Respondent, Ellen A. Ovson, M. D., was duly issued a license to practice medicine in the State of Alabama, license number 4183.
2. The Alabama Board of Medical Examiners has conducted an investigation into the medical practice of Dr. Ovson, and, based upon that investigation has concluded there exists probable cause to believe that the Respondent, Dr. Ovson, has committed the following violations of Ala. Code §34-24-360(1997):
  - a. Engaged in unprofessional conduct as defined in the Rules and Regulations of the Medical Licensure Commission, a violation of Ala. Code §34-24-360(2) (1997);  
and
  - b. Made a fraudulent or untrue statement to the Medical Licensure Commission, a violation of Ala. Code §34-24-360(17) (1997).

3. In support of the allegations of the violations of Ala. Code §§34-24-360(2) and (17), the Board alleges that Dr. Ovson was untruthful in answering questions on the Medical Licensure Commission's license renewal form for 1999. Specifically, Dr. Ovson was treated for alcohol dependence from March 17, 1998, through April 19, 1998. Dr. Ovson signed the 1999 license renewal form on October 14, 1998, and certified that all the information on the form was correct. Question number 8 on the 1999 license renewal form asks the question "Do you currently have any mental or physical condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or mental, emotional or nervous disorder condition) which in any way currently affects or, if untreated, could affect, your ability to practice in a competent and professional manner?" According to a definition on the form, the term "currently" covers a two-year period. Dr. Ovson answered "no" to Question number 8 on the form. The Board alleges that Dr. Ovson's answer to Question number 8 on the form was an untrue statement.

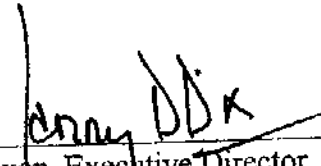
Wherefore, the foregoing premises considered, the Alabama Board of Medical Examiners respectfully requests that the Medical Licensure Commission take jurisdiction of this Administrative Complaint, set a hearing, and order that the Respondent, Ellen A. Ovson, M. D., appear and answer the allegations contained in the Administrative Complaint, in accordance with the rules and regulations of the Medical Licensure Commission. Further, the Board requests that, at the conclusion of the hearing, the Medical Licensure Commission issue a reprimand to Dr. Ovson and assess an administrative fine in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) and/or take such other actions as the Commission may deem appropriate based upon the evidence presented for its consideration.

This Administrative Complaint is executed for and on behalf of the Alabama State Board of Medical Examiners by its Executive Director pursuant to the instructions of the Board as contained in its resolution of December 15, 1999, a copy of which is attached hereto and incorporated herein.

EXECUTED this 5<sup>th</sup> day of January, 2000.

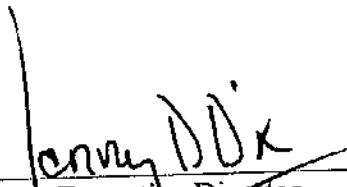


Patricia E. Shaner, Esquire, Attorney for the  
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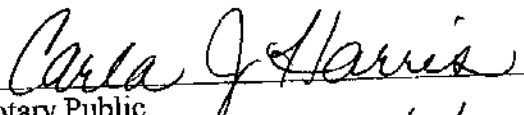
  
\_\_\_\_\_  
Larry D. Dixon, Executive Director

STATE OF ALABAMA )  
 )  
MONTGOMERY COUNTY )

Before me, the undersigned, personally appeared Larry D. Dixon, who, being by me first duly sworn, deposes and says that he, in his capacity as Executive Director of the Alabama Board of Medical Examiners, has executed the contents of the foregoing complaint and affirms that the contents thereof are true and correct to the best of his knowledge, information and belief.

  
\_\_\_\_\_  
Larry D. Dixon, Executive Director  
Alabama State Board of Medical Examiners

SWORN TO AND SUBSCRIBED before me this 5<sup>th</sup> day of January, 2000.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 10/1/03

STATE OF ALABAMA            )  
  )  
MONTGOMERY COUNTY        )

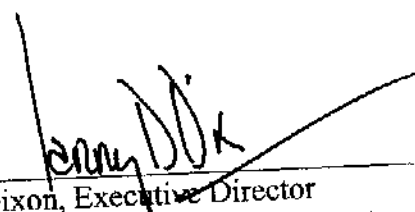
**A F F I D A V I T**

Before me, the undersigned, personally appeared Larry D. Dixon, Executive Director of the Alabama State Board of Medical Examiners, who, being by me first duly sworn, deposes and says as follows:

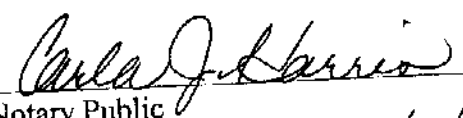
The Alabama State Board of Medical Examiners session on December 15, 1999, a quorum of the members of the Board being present, conducted an investigation into the medical practice of Ellen A. Ovson, M.D., and at the conclusion of the discussion, the Board adopted the following resolution:

Ellen A. Ovson, M.D., Chelsea. The Credentials Committee recommended filing an Administrative Complaint with the Medical Licensure Commission seeking a reprimand and a fine for falsifying her 1999 license renewal by not indicating her prior treatment of alcoholism. The motion was adopted.

I further certify that the foregoing resolution was adopted by the Alabama State Board of Medical Examiners on the 15<sup>th</sup> day of December, 1999.

  
\_\_\_\_\_  
Larry D. Dixon, Executive Director  
Alabama State Board of Medical Examiners

SWORN TO AND SUBSCRIBED before me this 5<sup>th</sup> day of January, 2000.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 10/1/03