

1 KAMALA D. HARRIS
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 MACHAELA M. MINGARDI
Deputy Attorney General
4 State Bar No. 194400
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5696
6 Facsimile: (415) 703-5480
Attorneys for Complainant
7
8
9

10 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12
13 In the Matter of the Accusation Against:

Case No. 800-2016-020859

14 **THOMAS MICHAEL EHLINGER, M.D.**

**DEFAULT DECISION
AND ORDER**

15 347 S. Pueblo Avenue
16 Ojai, CA 93023

[Gov. Code §11520]

17 Physician's and Surgeon's Certificate No.
18 G89365

19 Respondent

20 On or about May 23, 2016, an employee of the Medical Board of California (Board), sent
21 by certified mail a copy of Accusation No. 800-2016-020859, Statement to Respondent, Notice of
22 Defense in blank, Request for Discovery, and Government Code sections 11507.5, 11507.6, and
23 11507.7 to Thomas Michael Ehlinger, M.D. (Respondent) at his address of record with the Board,
24 which was 4011 Shoshonee Drive, Columbus, Ohio. The certified mail envelope was returned to
25 the Board stamped "Return to Sender. Unable to Forward." On or about June 21, 2016,
26 Respondent contacted the Board and became aware of the Accusation. On or about July 29,
27 2016, Deputy Attorney General Machaela Mingardi of the Attorney General's Office received a
28 four page Notice of Defense signed by Respondent, dated July 8, 2016.

1 (Exhibit Package, Exhibit A¹: Accusation, the related documents, Declarations of Service, and
2 Notice of Defense.)

3 On or about February 23, 2017, via regular and certified mail, Respondent was served at his
4 address of record of 347 S. Pueblo Avenue, Ojai, California, with a Notice of Hearing informing
5 him that a hearing would be held on April 6, 2017 at the Office of Administrative Hearings at
6 1515 Clay Street, Suite 206, Oakland, California. The envelopes containing the Notice of
7 Hearing were returned, marked "Return to Sender. Not deliverable as Addressed" and "No
8 Forwarding Address." (Exhibit Package, Exhibit B: Notice of Hearing and envelopes.)

9 The matter was called for hearing at the date, time and location as set forth in the Notice of
10 Hearing. Deputy Attorney General Machaela Mingardi of the Attorney General's Office
11 appeared on behalf of the Complainant Medical Board of California. There was no appearance
12 by or on behalf of Respondent. At 9:30 a.m., Administrative Law Judge Diane Schneider
13 declared the matter a default, and at the request of Complainant's counsel, the matter was
14 remanded to the agency for action under Government Code section 11520. (Exhibit Package,
15 Exhibit C: Findings and Declaration of Default; Order of Remand.)

16 FINDINGS OF FACT

17 I.

18 Complainant Kimberly Kirchmeyer is the Executive Director of the Board. The charges
19 and allegations in Accusation No. 800-2016-020859 were at all times brought and made solely in
20 the official capacity of the Board's Executive Director.

21 II.

22 On or about May 15, 2013, the Board issued Physician's and Surgeon's Certificate No.
23 G89365 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at
24 all times relevant to the charges brought herein and will expire on April 30, 2017, unless renewed.
25 (Exhibit Package, Exhibit D: Certificate of License.)

26 III.

27 ¹ The evidence in support of this Default Decision and Order is contained in the "Exhibit
28 Package."

1 On or about June 21 and June 23, 2016, Respondent was served with an Accusation,
2 alleging causes for discipline against Respondent. The Accusation and accompanying documents
3 were duly served on Respondent. Respondent filed a Notice of Defense. Respondent was served
4 with a Notice of Hearing scheduled for April 6, 2017 at the Office of Administrative Hearings.
5 There was no appearance by or on behalf of Respondent. The matter was remanded to the agency
6 for action under Government Code section 11520.

7 IV.

8 The allegations of the Accusation are true as follows:

9 On February 11, 2016, the State of Washington Medical Quality Assurance Commission
10 (Washington Commission) and Respondent entered into a Stipulation to Informal Disposition
11 (Stipulation) regarding Respondent's license to practice medicine in the State of Washington.
12 The Stipulation contains allegations that Respondent has not practiced as a physician since
13 February 2014, and that he was hospitalized at an undisclosed time for a severe psychiatric
14 condition. The Stipulation alleges that upon his release from the hospital, the Washington
15 Physicians Health Program (WPHP) assisted Respondent with aftercare that included treatment
16 by both a psychiatrist and a psychologist. The Stipulation further alleges that Respondent entered
17 into a behavioral health monitoring agreement with the WPHP at the end of 2014, but shortly
18 thereafter he failed to meet with them as required. In the Stipulation, Respondent agreed to not
19 renew his expired license and to not apply to reactivate his license. Respondent informed the
20 Washington Commission that he has moved to California to pursue non-clinical employment.
21 (Exhibit Package, Exhibit A, Attachment A: Statement of Allegations and Summary of Evidence
22 and the Stipulation issued by the Washington Commission.)

23
24
25
26 //

27 //

28 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DETERMINATION OF ISSUES

Pursuant to the foregoing Findings of Fact, Respondent's conduct and the action of the Washington Commission constitute cause for discipline within the meaning of Business and Professions Code sections 2305 and/or 141.

ORDER

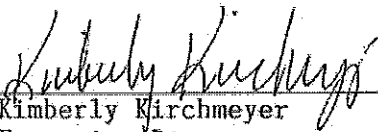
IT IS SO ORDERED that Physician's and Surgeon's Certificate No. G89365, heretofore issued to Respondent Thomas Michael Ehlinger, M.D., is **REVOKED**.

Respondent shall not be deprived of making a request for relief from default as set forth in Government Code section 11520, subdivision (c), for good cause shown. However, such showing must be made in writing by way of a motion to vacate the default decision and directed to the Medical Board of California at 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815 within seven (7) days after service of the Decision on Respondent.

This Decision shall become effective on June 23, 2017.

It is so ORDERED May 24, 2017.

MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By 
Kimberly Kirchmeyer
Executive Director

SF2016200632
41732961.doc

1 KAMALA D. HARRIS
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 MACHAELA M. MINGARDI
Deputy Attorney General
4 State Bar No. 194400
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5696
6 Facsimile: (415) 703-5480
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO May 23 20 16
BY [Signature] ANALYST

7
8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:
11 **THOMAS MICHAEL EHLINGER, M.D.**
12 4011 Shoshonee Drive,
13 Columbus, IN 47203
14 Physician's and Surgeon's Certificate
No. G 89365,
15 Respondent.

Case No. 800-2016-020859

ACCUSATION

16
17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about May 15, 2013, the Medical Board issued Physician's and Surgeon's
23 Certificate Number G 89365 to Thomas Michael Ehlinger, M.D. (Respondent). The certificate is
24 renewed and current, with an expiration date of April 30, 2017.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 sections of the California Business and Professions Code (Code) and/or other relevant statutory
28 enactment:

1 Respondent entered into a behavioral health monitoring agreement with the WPHP at the end of
2 2014, but shortly thereafter he failed to meet with them as required. In the Stipulation,
3 Respondent agreed to not renew his expired license and to not apply to reactivate his license.
4 Respondent informed the Washington Commission that he has moved to California to pursue
5 non-clinical employment. True and correct copies of the Statement of Allegations and Summary
6 of Evidence and the Stipulation issued by the Washington Commission are attached as Exhibit A.


7 5. Respondent's conduct and the action of the Washington Commission as set forth
8 in paragraph 4, above, constitutes cause for discipline pursuant to sections 2305 and/or 141 of the
9 Code.

10 PRAYER

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

- 13 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 89365,
14 issued to Thomas Michael Ehlinger, M.D.;
- 15 2. Revoking, suspending or denying approval of Thomas Michael Ehlinger, M.D.'s
16 authority to supervise physician assistants, pursuant to section 3527 of the Code;
- 17 3. Ordering Thomas Michael Ehlinger, M.D., if placed on probation, to pay the Board
18 the costs of probation monitoring; and
- 19 4. Taking such other and further action as deemed necessary and proper.

20
21 DATED: May 23, 2016


22 KIMBERLY KIRCHMEYER
23 Executive Director
24 Medical Board of California
25 Department of Consumer Affairs
26 State of California
27 Complainant

28
SF2016200632
41520058.doc

EXHIBIT A

STATE OF WASHINGTON
MEDICAL QUALITY ASSURANCE COMMISSION

FILED
FEB 16 2016
Adjudicative Clerk Office

In the Matter of the License to Practice
as a Physician and Surgeon of:

No. M2016-12

THOMAS M. EHLINGER, MD
License No. MD 60351026

STATEMENT OF ALLEGATIONS
AND SUMMARY OF EVIDENCE

Respondent.

The Executive Director of the Medical Quality Assurance Commission (Commission), on designation by the Commission, makes the allegations below, which are supported by evidence contained in Commission file number 2015-4655.

1. ALLEGATIONS

1.1 On June 4, 2013, the state of Washington issued Respondent a license to practice as a Physician and Surgeon. Respondent is board certified in obstetrics and gynecology. Respondent's license expired on April 17, 2014, but is eligible for renewal.

1.2 Respondent reports that he has not practiced as a physician since February 2014. However, Respondent has current active licenses in California and Michigan. Respondent has no reported discipline from any state.

1.3 In May 2015, Washington Physicians Health Program (WPHP) reported to the Commission that Respondent became non-compliant with his WPHP monitoring agreement. As a result, WPHP could not endorse Respondent to practice medicine with reasonable safety to patients.

1.4 Respondent had been referred to WPHP after hospitalization for a severe psychiatric condition. WPHP assisted Respondent with aftercare that included treatment by both a psychiatrist and psychologist.

1.5 Respondent entered into a behavioral health monitoring agreement with WPHP at the end of 2014, and shortly thereafter, he failed to attend a WPHP appointment. Although Respondent was responsive by telephone, he failed to meet with WPHP staff as required by his monitoring agreement.

1.6 Respondent represents to the Commission that he moved to California sometime in January 2015, and pursued a non-clinical job opportunity (which he did not

ORIGINAL

obtain). Respondent also contends that he believed his WPHP monitoring agreement ended upon him moving out of Washington State.

1.7 California does not have a statewide program similar to WPHP; therefore Respondent's continued care and ability to practice safely may not be adequately monitored.

1.8 When asked about his treatment provider and psychiatric care, Respondent states that he obtained clearance to return to work from a psychiatrist in Bethesda, Maryland. This psychiatrist made a one-time psychopharmacological evaluation of Respondent, and referred Respondent to the University of California Los Angeles (UCLA) Psychiatry Department. Respondent further states that he is obtaining treatment and monitoring from UCLA. However, Respondent did not provide documentation that confirms his ongoing care and treatment by a UCLA provider.

1.9 Respondent informed the Commission that he has reached the end of his effective practice in Washington State and that he has no plans of returning to Washington. Respondent's future plans include seeking non-clinical employment in the state of California.

2. SUMMARY OF EVIDENCE

2.1 Washington Physicians Health Program client case notes dated July 25, 2014 through May 27, 2015.

2.2 Email correspondence between Respondent and the Commission dated July 7, 2015 through January 19, 2016.

3. ALLEGED VIOLATIONS

3.1 The facts alleged in Section 1, if proven, would constitute unprofessional conduct in violation of RCW 18.130.170(1) which provides in part:

RCW 18.130.170 Capacity of license holder to practice – Hearing – Mental or physical examination – Implied consent

- (1) If the disciplining authority believes a license holder may be unable to practice with reasonable skill and safety to consumers by reason of any mental or physical condition, a statement of charges in the name of the disciplining authority shall be served on the license holder and notice shall also be issued providing an opportunity for a hearing. The hearing shall be limited to the sole issues of the capacity of the license holder to practice with reasonable skill and safety. If the disciplining authority determines that license holder is unable to practice with reasonable skill and safety for one of the reasons stated in this subsection, the

ORIGINAL

disciplining authority shall impose such sanctions under RCW 18.130.160 as is deemed necessary to protect the public.

4. NOTICE TO RESPONDENT

4.1 The Commission has determined that this case may be appropriate for resolution through a Stipulation to Informal Disposition pursuant to RCW 18.130.172(2). A proposed Stipulation to Informal Disposition is attached, which contains the disposition the Commission believes is necessary to address the conduct alleged in this Statement of Allegations and Summary of Evidence.

4.2 If Respondent agrees that the disposition imposed by the Stipulation to Informal Disposition is appropriate, Respondent should sign and date the Stipulation to Informal Disposition and return it within fourteen (14) days to the Medical Quality Assurance Commission at P.O. Box 47866, Olympia, Washington 98504-7866.

4.3 If Respondent does not agree that the terms and conditions contained in the Stipulation to Informal Disposition are appropriate, Respondent should contact Phi Ly, for the Medical Quality Assurance Commission, P.O. Box 47866, Olympia, Washington 98504-7866, or by phone (360) 236-2783 or email Phi.Ly@doh.wa.gov within fourteen (14) days.

4.4 If Respondent does not respond within fourteen (14) days, the Commission will assume Respondent has declined to resolve the allegations by means of a Stipulation to Informal Disposition.

4.5 If Respondent declines to resolve the allegations by means of a Stipulation to Informal Disposition pursuant to RCW 18.130.172(2), the Commission may proceed to formal disciplinary action against Respondent by filing a Statement of Charges, pursuant to RCW 18.130.172(3).

//

//

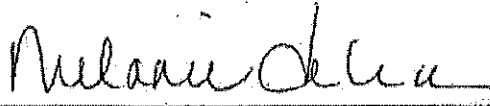
//

//

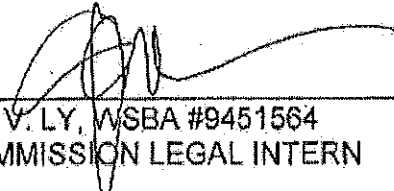
4.6 The cover letter enclosed with this Statement of Allegations and Summary of Evidence was mailed to the name and address currently on file for Respondent's license. Respondent must notify, in writing, the Commission if Respondent's name and/or address changes.

DATED: February 1, 2016.

STATE OF WASHINGTON
MEDICAL QUALITY ASSURANCE COMMISSION


MELANIE DE LEON
EXECUTIVE DIRECTOR

PRESENTED BY:


PHI V. LY, WSBA #9451564
COMMISSION LEGAL INTERN


LAWRENCE J. BERG, WSBA #22334
SUPERVISING ATTORNEY



I declare that this is a true and accurate copy of the original on file with the Washington State Department of Health.

Medical Quality Assurance Commission


Michael J. Kramer

3-11-16
Date

STATE OF WASHINGTON
MEDICAL QUALITY ASSURANCE COMMISSION

In the Matter of the License to Practice
as a Physician and Surgeon of:

THOMAS M. EHLINGER, MD
License No. MD60351026

Respondent.

No. M2016-12

**STIPULATION TO INFORMAL
DISPOSITION**

Pursuant to the Uniform Disciplinary Act, Chapter 18.130 RCW, the Medical Quality Assurance Commission (Commission) issued a Statement of Allegations and Summary of Evidence (Statement of Allegations) alleging the conduct described below. Respondent does not admit any of the allegations. This Stipulation to Informal Disposition (Stipulation) is not formal disciplinary action and shall not be construed as a finding of unprofessional conduct or inability to practice.

1. ALLEGATIONS

1.1 On June 4, 2013, the state of Washington issued Respondent a license to practice as a Physician and Surgeon. Respondent is board certified in obstetrics and gynecology. Respondent's license expired on April 17, 2014, but is eligible for renewal.

1.2 Respondent reports that he has not practiced as a physician since February 2014. However, Respondent has current active licenses in California and Michigan. Respondent has no reported discipline from any state.

1.3 In May 2015, Washington Physicians Health Program (WPHP) reported to the Commission that Respondent became non-compliant with his WPHP monitoring agreement. As a result, WPHP could not endorse Respondent to practice medicine with reasonable safety to patients.

1.4 Respondent had been referred to WPHP after hospitalization for a severe psychiatric condition. WPHP assisted Respondent with aftercare that included treatment by both a psychiatrist and psychologist.

1.5 Respondent entered into a behavioral health monitoring agreement with WPHP at the end of 2014, and shortly thereafter, he failed to attend a WPHP

appointment. Although Respondent was responsive by telephone, he failed to meet with WPHP staff as required by his monitoring agreement.

1.6 Respondent represents to the Commission that he moved to California sometime in January 2015, and pursued a non-clinical job opportunity (which he did not obtain). Respondent also contends that he believed his WPHP monitoring agreement ended upon him moving out of Washington State.

1.7 , California does not have a statewide program similar to WPHP; therefore Respondent's continued care and ability to practice safely may not be adequately monitored.

1.8 When asked about his treatment provider and psychiatric care, Respondent states that he obtained clearance to return to work from a psychiatrist in Bethesda, Maryland. This psychiatrist made a one-time psychopharmacological evaluation of Respondent, and referred Respondent to the University of California Los Angeles (UCLA) Psychiatry Department. Respondent further states that he is obtaining treatment and monitoring from UCLA. However, Respondent did not provide documentation that confirms his ongoing care and treatment by a UCLA provider.

1.9 Respondent informed the Commission that he has reached the end of his effective practice in Washington State and that he has no plans of returning to Washington. Respondent's future plans include seeking non-clinical employment in the state of California.

2. STIPULATION

2.1 The Commission alleges that the conduct described above, if proven, would constitute a violation of RCW 18.130.170(1).

2.2 The parties wish to resolve this matter by means of a Stipulation to Informal Disposition (Stipulation) pursuant to RCW 18.130.172(1).

2.3 Respondent agrees to be bound by the terms and conditions of this Stipulation.

2.4 This Stipulation is of no force and effect and is not binding on the parties unless and until it is accepted by the Commission.

2.5 If the Commission accepts the Stipulation it will be reported to the National Practitioner Data Bank (45 CFR Part 60), the Federation of State Medical Boards' Physician Data Center and elsewhere as required by law.

2.6 The Statement of Allegations and this Stipulation are public documents. They will be placed on the Department of Health web site, disseminated via the Commission's electronic mailing list, and disseminated according to the Uniform Disciplinary Act (Chapter 18.130 RCW). They are subject to disclosure under the Public Records Act, Chapter 42.56 RCW, and shall remain part of Respondent's file according to the state's records retention law and cannot be expunged.

2.7 The Commission agrees to forego further disciplinary proceedings concerning the allegations.

2.8 Respondent agrees to successfully complete the terms and conditions of this informal disposition.

2.9 A violation of the provisions of Section 3 of this Stipulation, if proved, would constitute grounds for discipline under RCW 18.130.180 and the imposition of sanctions under RCW 18.130.160.

3. INFORMAL DISPOSITION

The Commission and Respondent stipulate to the following terms.

3.1 **Agreement Not to Renew or Reactivate.** Respondent's Washington license is currently expired. Respondent agrees not to renew or attempt to renew his license during the three-year renewal period which ends on April 17, 2017. Respondent further agrees that subsequent to the three-year renewal period that he will not file an application to reactivate his license.

3.2 **Obey Laws.** Respondent must obey all federal, state and local laws and all administrative rules governing the practice of the profession in Washington.

3.3 **Costs.** Respondent must assume all costs of complying with this Stipulation.

3.4 **Disclosure to Employer.** Respondent will provide a copy of this Stipulation to his employer, and ensure that the employer understands the cause for this Stipulation and the Commission decision in this case.

3.5 **Change of Address.** Respondent must inform the Commission and the Adjudicative Clerk Office in writing of changes in his business or home address within thirty (30) days of such change.

3.6 **Effective Date.** The effective date of this Stipulation to Informal Disposition is the date the Adjudicative Clerk Office places the signed Stipulation into

the U.S. mail. If required, Respondent shall not submit any fees or compliance documents until after the effective date of this Stipulation.

4. COMPLIANCE WITH SANCTION RULES

4.1 The Commission applies WAC 246-16-800, *et seq.*, to determine appropriate sanctions for unprofessional conduct by a license holder as defined in RCW 18.130.180, but not to actions taken pursuant to RCW 18.130.170.

4.2 Respondent has informed the Commission that he no longer wishes to practice medicine in Washington State, and that he moved to California to pursue employment in a non-clinical settlement and to obtain ongoing medical treatment. The Commission does not wish to frustrate Respondent's efforts in seeking employment. Respondent's agreement to not renew or reactivate his Washington medical license is adequate in protecting the public.

5. RESPONDENT'S ACCEPTANCE

I, THOMAS M. EHLINGER MD, Respondent, certify that I have read this Stipulation to Informal Disposition in its entirety; that my counsel, if any, has fully explained the legal significance and consequence of it; that I fully understand and agree to all of it; and that it may be presented to the Commission without my appearance. If the Commission accepts the Stipulation to Informal Disposition, I understand that I will receive a signed copy.

THOMAS M. EHLINGER, MD
RESPONDENT

DATE

WSBA#
ATTORNEY FOR RESPONDENT

DATE

//

//

//

the U.S. mail. If required, Respondent shall not submit any fees or compliance documents until after the effective date of this Stipulation.

4. COMPLIANCE WITH SANCTION RULES

4.1 The Commission applies WAC 246-16-800, *et seq.*, to determine appropriate sanctions for unprofessional conduct by a license holder as defined in RCW 18.130.180, but not to actions taken pursuant to RCW 18.130.170.

4.2 Respondent has informed the Commission that he no longer wishes to practice medicine in Washington State, and that he moved to California to pursue employment in a non-clinical settlement and to obtain ongoing medical treatment. The Commission does not wish to frustrate Respondent's efforts in seeking employment. Respondent's agreement to not renew or reactivate his Washington medical license is adequate in protecting the public.

5. RESPONDENT'S ACCEPTANCE

I, THOMAS M. EHLINGER MD, Respondent, certify that I have read this Stipulation to Informal Disposition in its entirety; that my counsel, if any, has fully explained the legal significance and consequence of it; that I fully understand and agree to all of it; and that it may be presented to the Commission without my appearance. If the Commission accepts the Stipulation to Informal Disposition, I understand that I will receive a signed copy.

Thomas M. Ehlinger, MD
THOMAS M. EHLINGER, MD
RESPONDENT

Feb 10, 2016
DATE

WSBA#
ATTORNEY FOR RESPONDENT

DATE

//

//

//

ORIGINAL

6. COMMISSION'S ACCEPTANCE

The Commission accepts this Stipulation to Informal Disposition. All parties shall be bound by its terms and conditions.

DATED: 2/11, 2016.

STATE OF WASHINGTON
MEDICAL QUALITY ASSURANCE COMMISSION

Theresa Winslow
PANEL CHAIR

PRESENTED BY:

[Signature]
PHI V. LY, WSBA #9451564
COMMISSION LEGAL INTERN

[Signature]
LAWRENCE J. BERG, WSBA #22334
SUPERVISING ATTORNEY



I declare that this is a true and accurate copy of the original on file with the Washington State Department of Health, Medical Quality Assurance Commission
[Signature]
Michael J. Krangel
3-11-16
Date

ORIGINAL