

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130

General Correspondence Address: Post Office Box 30250, New Orleans, LA 70190-0250

www.lsbme.org



Telephone: (504) 568-6820

FAX: (504) 568-8893

Writer's Direct Dial:

Ext. _____

BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

NUMBER: 03-A-006

IN THE MATTER OF:

MICHAEL ELLIS, M.D.

(CERTIFICATE NO. 008777)

OPINION AND RULING

This matter comes before the Board pursuant to an Administrative Complaint charging Respondent, Michael Ellis, M. D., with various violations of the Medical Practice Act. In conformance with the terms of R. S. 37:1285.1, the matter was heard before a panel of the Board, constituting less than a quorum, consisting of Drs. Laborde, President, and Amusa, whose conclusions and recommendations were submitted to the entire Board, along with the evidence in the case, for review. Dr. Laborde and Dr. Amusa did not participate in the final decision. We have reviewed the entire record, as well as the recommendations and conclusions of the hearing panel, and are unanimously of the following opinion.

The record reveals that in February, 2002, Dr. Ellis was retained as a locum tenens pathologist at Forrest General Hospital in Hattiesburg, MS. He was to provide coverage while the full time pathologist was on week end vacation, and to assist at other times with the pathology case load. While on duty he reviewed ninety-three biopsy slides. These slides were submitted for a second, and in some cases, a third opinion, and eight of the slides were found to have severe or gross discrepancies. As a result, Dr. Ellis's privileges at the Forrest General Hospital were terminated, and the Mississippi State Board of Medical Licensure was notified.

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The slides were reviewed again for a hearing before the Mississippi Board. The reviewing physician found that in seven of the cases, Respondent had failed to meet the standard of care. He concluded as follows:

“In these cases, Dr. Ellis made diagnoses of malignancy or invasive malignancy. In our review and in the review of others, they showed only benign tissue or in case S02-1095 showed papillary in-situ urothelial carcinoma but no invasive carcinoma. Dr. Ellis consistently and inexplicably diagnosed benign conditions as malignant. These are serious errors that should not be made by a competent pathologist at any level of experience. If I am being asked whether he is still competent to practice pathology, on the basis of this review, I have to say that he is not...”.

The slides were also reviewed by the weekly staff conference of the University of Mississippi School of Medicine Department of Pathology, which concurred in the above findings.

The Mississippi Board concluded that Respondent was guilty of practicing medicine in such a manner as to impose an immediate threat to the public, professional in-competency in the practice of medicine, and unprofessional conduct. Dr. Ellis was indefinitely prohibited from practicing medicine in the State of Mississippi.

Although properly notified, Dr. Ellis failed to appear for the hearing in this case, either in person or through counsel.

He is charged, in the Administrative Complaint herein, with several violations of the Medical Practice Act.

First, he is charged with professional or medical in-competency, in violation of R. S. 37:1285A(12);

Second, he is charged with continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state, in violation of R. S. 37:1285A(14); and

Third, he is charged with violating R. S. 37:1285A(29), which provides that the Board may take action against the license of a physician based upon action taken against his license

in another state.


Based on the uncontradicted evidence in the record before us, we find that the Respondent is clearly guilty of the charges against him. Accordingly, the following sanctions are imposed.

1. The license of Michael Ellis, M. D., to practice medicine in the State of Louisiana, as evidenced by Certificate No. 008777, is hereby suspended indefinitely, and shall remain so suspended until such time as he can demonstrate that he holds a full and unrestricted license to practice medicine in the State of Mississippi.

2. Respondent shall pay all costs of this proceeding.

New Orleans, Louisiana, this 20th day of October, 2003.

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BY: ELMO J. LABORDE, M.D., PRESIDENT

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