

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

October 13, 2010

Peter William S. Grigg, M.D.
1751 Van Diest
Colorado Springs, CO 80915

RE: Case No. 10-CRF-018

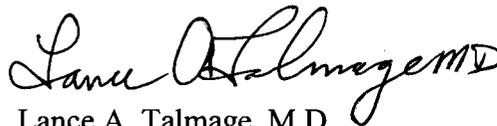
Dear Doctor Grigg:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Patricia A. Davidson, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on October 13, 2010, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board and the Franklin County Court of Common Pleas. The Notice of Appeal must set forth the Order appealed from and state that the State Medical Board's Order is not supported by reliable, probative, and substantive evidence and is not in accordance with law. The Notice of Appeal may, but is not required to, set forth the specific grounds of the appeal. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO



Lance A. Talmage, M.D.
Secretary

LAT:jam
Enclosures

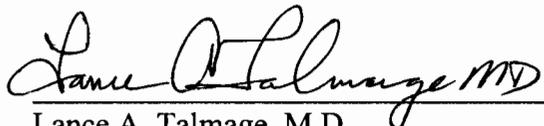
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CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Patricia A. Davidson, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on October 13, 2010, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Peter William S. Grigg, M.D., Case No. 10-CRF-018, as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.



Lance A. Talmage, M.D.
Secretary

(SEAL)

October 13, 2010

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

CASE NO. 10-CRF-018

PETE WILLIAM S. GRIGG, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on October 13, 2010.

Upon the Report and Recommendation of Patricia A. Davidson State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

The certificate of Peter W. S. Grigg, M.D., to practice allopathic medicine and surgery in the State of Ohio is hereby PERMANENTLY REVOKED.

This Order shall become effective immediately upon the mailing of the notification of approval by the Board.

(SEAL)



Lance A. Talmage, M.D.
Secretary

October 13, 2010
Date

STATE MEDICAL BOARD
OF OHIO
2010 SEP 10 PM 2:29

BEFORE THE STATE MEDICAL BOARD OF OHIO

In the Matter of *
Peter William S. Grigg, M.D., * Case No. 10-CRF-018
Respondent. * Hearing Examiner Davidson

REPORT AND RECOMMENDATION

Basis for Hearing

In a notice of opportunity for hearing dated March 10, 2010, the State Medical Board of Ohio [Board] notified Peter William S. Grigg, M.D., that it intended to determine whether to take disciplinary action against his certificate to practice allopathic medicine and surgery in Ohio. The Board alleged that Dr. Grigg had been convicted of two drug-related felonies in a federal court in Colorado and that the State Board of Medical Examiners for the State of Colorado [Colorado Board] had entered into a stipulation and order under which Dr. Grigg had relinquished his license to practice in Colorado on a non-permanent basis. The Board further alleged its authority to discipline Dr. Grigg under Ohio Revised Code Section [R.C.] 4731.22(B)(3), R.C. 4731.22(B)(9), and/or R.C. 4731.22(B)(22).

The Board received Dr. Grigg's request for hearing on March 25, 2010. (St. Ex. 1B)

Appearances

Richard Cordray, Attorney General, and Melinda R. Snyder, Assistant Attorney General, for the State. Dr. Grigg, the Respondent, did not attend the hearing and was not represented by counsel at the hearing. However, he presented his position, arguments and contentions in writing as authorized under Ohio Administrative Code Section [Rule] 4731-13-01(E).

Hearing Date: August 20, 2010.

SUMMARY OF THE EVIDENCE

All exhibits and the transcript, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

Background

1. Peter William S. Grigg, M.D., was born in 1960 in Vancouver, British Columbia. In 1988, he received his medical degree from Oral Roberts University. In 1989, the Board granted him a certificate to practice medicine and surgery in Ohio under certificate number 35.058954. From July 2000 until January 2009, Dr. Grigg practiced as an anesthesiologist with Anesthesia

Associates in Colorado Springs, Colorado, and he currently resides in Colorado Springs. (Resp. Ex. B at 3, Resp. Ex. B at p.13 of the Presentence Investigation Report; State of Ohio eLicense Center, at <<https://license.ohio.gov/lookup/default.asp>>, accessed August 20, 2010)

Criminal Conviction

2. On January 6, 2009, an Indictment was filed in *United States v. Peter W.S. Grigg*, Criminal Case No. 1:09-cr-0012, in the U.S. District Court for the District of Colorado. Dr. Grigg was charged with multiple violations of federal law relating to the unlawful distribution of controlled substances outside the scope of medical practice, Oxycodone and a street drug known as “Ecstasy.” (St. Ex. 2)
3. On August 14, 2009, Dr. Grigg signed a plea agreement regarding the charges against him. (Resp. Ex. B)
4. On August 21, 2009, an Information was filed in the federal criminal action, presenting two counts of drug-related offenses, and a third count presenting the government’s forfeiture allegations.¹ The case number was slightly modified to 1:09-cr-0012-REB. Under the plea agreement, the Indictment would be dismissed. (Resp. Ex. B at 1, Resp. Ex. B at Part A ¶2)
5. Count One of the Information charged that Dr. Grigg knowingly and intentionally distributed, dispensed, and possessed with intent to distribute and dispense, a mixture and substance containing Oxycodone, a Schedule II controlled substance, outside the scope of professional practice and not for a legitimate medical purpose, in violation of 21 U.S.C. §§ 822(b), and 841(a)(1) and (b)(1)(C). (Resp. Ex. B)

Count Two of the Information charged that Dr. Grigg knowingly and intentionally distributed and possessed with intent to distribute a mixture or substance containing 3,4-Methylenedioxy-methamphetamine (MDMA), commonly known as “Ecstasy,” a Schedule I controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C). (Resp. Ex. B)
6. On August 21, 2009, Dr. Grigg entered a plea of guilty to Counts One and Two of the Information, each of which is a Class C felony. (Resp. Ex. B at p. 1; Resp. Ex. B at Part A, ¶ 3)
7. In a Presentence Investigation Report, a court officer provided a narrative description of Dr. Grigg’s criminal conduct, explaining that Dr. Grigg had met with undercover agents on more than one occasion and had sold them illegal drugs and illegal prescriptions for controlled substances. The report described Dr. Grigg’s family situation, physical condition, mental and emotional health, and history of substance abuse. Among other things, the officer noted that Dr. Grigg had reportedly experienced a major depressive episode aggravated by post-traumatic stress disorder, together with opioid and alcohol dependence disorders with co-morbid mood and anxiety disorders. In addition, the presentence report includes numerous letters to the

¹The Information, as well as the plea agreement (which provides a detailed description of Dr. Grigg’s criminal conduct), is attached to the Presentence Investigation Report, which is Respondent’s Exhibit B.

court in support of Dr. Grigg, and Dr. Grigg's letter to the federal judge, telling his story and apologizing for his criminal conduct. (Resp. Ex. B)

8. On November 30, 2009, the court filed its Judgment. The court stated that Dr. Grigg had pleaded guilty to Counts One and Two of the Information, and that the Indictment was dismissed. Although the Judgment was not filed until November 30, 2009, the court noted that the date of imposition of judgment was November 19, 2009. (St. Ex. 3)²
9. In sentencing Dr. Grigg, the court imposed terms and conditions including the following:
 - Home detention for 180 days with electronic monitoring, with payment of the costs by the defendant as directed;
 - A program of testing and/or treatment for drug and alcohol abuse, including abstention from alcohol or other intoxicants, and payment of testing costs as directed, until released from the program;
 - A program of mental-health treatment, with costs paid by the defendant as directed, until released from the program;
 - 150 hours of community service;
 - Terms for probation and supervision; and
 - Forfeiture of assets and property related to the criminal conduct, including \$17,000 in cash found in the defendant's briefcase and home, more than fifty gold coins such as Krugerrands, and weapons including two Smith and Wesson handguns, a .357 magnum revolver, two Glock 40 handguns, and several rifles.

(St. Ex. 3; Resp. Ex. B at Part A, ¶ 4) The court noted that the sentence was below the guideline range for reasons including the defendant's substantial assistance to the government and other factors. (St. Ex. 3)

Action by the Colorado Board

10. In January 2009, following the Indictment, Dr. Grigg entered into an interim agreement with the Colorado Board under which he agreed, among other things, that he would not perform any act requiring a license issued by the Colorado Board. (St. Ex. 4)

² There is a discrepancy between the language in Count 2 in the Information and the court's recitation of Count 2 in its Judgment. The court, apparently relying on an error in the presentence report, stated that Count 2 included a violation of 21 U.S.C. § 822(b), whereas only Count 1 cited that statutory violation. The plea agreement signed by Dr. Grigg includes the same discrepancy.

In addition, the court stated in its Judgment that Count 2 involved distribution of MDMA "outside the scope of legitimate medical practice," but that language does not appear in the Information. Indeed, MDMA is a Schedule I controlled substance for which there is currently no accepted medical use in the U.S. See U.S. Dept. of Justice, DEA Office of Diversion Control, Drugs and Chemicals of Concern, at <http://www.dea.diversion.usdoj.gov/drugs_concern/mdma/mdma.htm>, accessed August 27, 2010.

The final judgment of the court is controlling, and the discrepancy is not material to the Board's consideration of the present issues. It is undisputed that Dr. Grigg pleaded guilty to and was convicted of two felony offenses based on his admitted conduct involving unlawful distribution of controlled substances.

11. Effective November 20, 2009, Dr. Grigg entered into a final agreement with the Colorado Board, set forth in a “Final Stipulation and Agency Order,” which included the following:
 7. Respondent specifically admits and the Panel finds that:
 - a. Respondent is an anesthesiologist.
 - b. Respondent has a mental or physical disability which render him unsafe to practice medicine with reasonable skill and safety to patients;
 - c. Respondent used Vicodin and OxyContin regularly, without medical justification;
 - d. Respondent used opioids during working hours;
 - e. Respondent possessed, dispensed, and/or prescribed habit-forming drugs and controlled substances other than in the course of legitimate professional practice;
 - f. Respondent dispensed Oxycodone, a schedule II controlled substance other than in the course of legitimate professional practice;
 - g. Respondent dispensed 3,4-methylenedioxyamphetamine (commonly known as Ecstasy or MDMA), a schedule I controlled substance; and
 - h. Respondent pleaded guilty to and was convicted of two felony counts relating to the possession and distribution of controlled substances within the State and District of Colorado.

* * *

RELINQUISHMENT OF LICENSE

10. * * * Respondent’s license to practice medicine in the State of Colorado issued by the Board is deemed relinquished. * * *
11. Respondent agrees not to apply for renewal, reinstatement or reactivation of his license, or to apply for a new license issued by the Board within two years of the effective date of this Order.
12. After two years from the effective date of this Order, Respondent may apply to reinstate his license and resume the active practice of medicine * * *. Such request shall be accompanied by a report from the Colorado Physician’s Health Program (“CPHP”) indicating that Respondent is safe to practice medicine.
13. If the Panel grants Respondent’s request to reinstate his license, the Panel may, at its discretion, require Respondent to fulfill additional requirements that the Panel deems necessary to protect the public health, safety, and welfare. * * * Additionally, Respondent shall be required to complete an educational assessment by the Center for Personalized Education for Physicians (“CPEP”)

prior to resuming the active practice of medicine. Respondent understands that the Panel will consider this CPEP assessment in determining Respondent's eligibility for licensure. Respondent shall also be required to demonstrate continued competency pursuant to [Colorado law]. * * *

14. Respondent understands and agrees that if he applies to reinstate his license, the Panel may, at its discretion, deny such application.

(St. Ex. 5)

Evidence Presented by Dr. Grigg

12. Dr. Grigg presented his position and arguments in writing for the Board to consider. The Hearing Examiner marked the Respondent's documents as Exhibits A through C, and admitted them into the record:

Respondent's Exhibit A: Letter from Dr. Grigg setting forth his position, contentions, and arguments to the Board (quoted below) and also providing a list of the documents submitted.

Respondent's Exhibit B: Presentence Investigation Report and Addendum to Presentence Investigation Report in *U.S. v. Grigg*, including attachments such as the Information, plea agreement, and letters to the court in support of Dr. Grigg.

Respondent's Exhibit C: Defendant's Response to Presentence Report in *U.S. v. Grigg*, submitted to the court in October 2009, including a comprehensive statement of Dr. Grigg's position on the sentencing issues. The attachments include:

- additional letters in support of Dr. Grigg;
- a May 2009 report to the Colorado Board from Jay Shore, M.D., of the Colorado Physician Health Program, concluding that Dr. Grigg was not safe to practice medicine due to opioid and alcohol dependence with co-morbid mood and anxiety disorders;
- an August 2009 report from Dr. Shore in which he reviewed Dr. Grigg's treatment, concluded that Dr. Grigg was still not safe to practice medicine, and recommended inpatient treatment;
- documents from the Genesis Center for alcohol/drug treatment, noting that an initial assessment of Dr. Grigg had revealed "classic symptoms of alcohol and drug dependency as found in DSM IV";
- a report by Mark H. Wilmot, Ph.D., stating his diagnostic impression of Major Depressive Disorder, Post-traumatic Stress Disorder, Impulse Control Disorder NOS, Circadian Rhythm Disorder, Alcohol Abuse, and Opioid Abuse, and also noting "Rule Out Breathing-related Sleep Disorder";

- attendance sheets for Dr. Grigg's attendance at Alcoholics Anonymous;
- documents regarding the Colorado conviction of Dr. Grigg's father-in-law for assaulting Dr. Grigg's daughters;
- documents regarding a juvenile-court judgment against Dr. Grigg's son for harming his younger sister, Dr. Grigg's daughter;
- documents regarding a drug/alcohol treatment center, including a 2009 letter stating that the center does not offer inpatient treatment but would admit Dr. Grigg to its residential program;
- documents from a medical center regarding Dr. Grigg's knee surgery;
- a letter regarding Dr. Grigg's application for a plumbing apprenticeship program;
- the DEA's Order of Immediate Suspension of Registration in January 2009; and
- letters regarding Dr. Grigg's completion of community-service hours.

13. In an August 2010 letter, Dr. Grigg set forth the following requests for the Board's consideration:

It is my sincere hope that the State Medical Board of Ohio will see the unique factors which formed a "perfect storm" for me, which led to my criminal behavior. It is also my hope that the State Medical Board of Ohio additionally will see that I have continued to seek appropriate treatment for my medical and mental health needs such that I can eventually be fully restored to the condition and judgment necessary to practice medicine. In that regard, I am pleased to report that I recently received my 18-month sobriety chip from AA. I am quite proud of that accomplishment as it represents a huge step in my recovery.

I am proposing that I surrender my license for now and that the State Medical Board of Ohio allow me the opportunity to re-apply to practice medicine after the expiration of two years. During the interim, I will continue to utilize that time to meet my obligations to the court and to become fully rehabilitated. I would fully expect that upon making application to resume practice, I must demonstrate to the State Medical Board of Ohio, through competent and timely evaluations, that I am fully fit to resume the practice of medicine. It would be strictly be up to the State Medical Board of Ohio at that time to determine whether I am qualified and to determine whether to grant me a new license to practice medicine in the State of Ohio.

My request here is the same request made of the State of Colorado and that request was approved by the State of Colorado's medical board. I am not seeking anything more from the State of Ohio beyond what the State of Colorado has already approved.

Your courtesies, cooperation and attention to this matter are greatly appreciated.

(Resp. Ex. A)

FINDINGS OF FACT

1. On November 20, 2009, Peter William S. Grigg, M.D., entered into an agreed order with the Board of Medical Examiners for the State of Colorado. Pursuant to this agreed order, titled "Stipulation and Final Agency Order," Dr. Grigg relinquished his Colorado medical license and agreed not to seek relicensure for at least two years. In the Colorado agreed order, Dr. Grigg specifically admitted that:
 - a. He has a mental or physical disability that renders him unsafe to practice medicine.
 - b. He used Vicodin and OxyContin regularly, without medical justification.
 - c. He used opioids during working hours.
 - d. He possessed, dispensed, and/or prescribed habit-forming drugs and controlled substances other than in the course of legitimate professional practice.
 - e. He dispensed Oxycodone, a schedule II controlled substance, other than in the course of legitimate professional practice.
 - f. He dispensed 3,4-Methylenedioxymethamphetamine, commonly known as MDMA or Ecstasy, a Schedule I controlled substance.
2. On August 21, 2009, in the United States District Court for the District of Colorado, Dr. Grigg entered a plea of guilty to two Class C felony drug offenses, and judgment was imposed on November 19, 2009. On November 30, 2009, the court filed a Judgment in *United States v. Grigg*, Case No. 1:09-cr-0012-REB, stating that Dr. Grigg was adjudicated guilty of
 - one count of Distribution and Unlawful Possession with Intent to Distribute a Mixture and Substance Containing Oxycodone, a Schedule II Controlled Substance, Outside the Scope of Legitimate Medical Practice, in violation of 21 U.S.C. §§ 822(b), and 841(a)(1) and (b)(1)(C); and
 - one count of Distribution and Unlawful Possession with Intent to Distribute a Mixture and Substance Containing 3,4-Methylenedioxymethamphetamine, a Schedule I Controlled Substance, Outside the Scope of Legitimate Medical Practice, in violation of 21 U.S.C. §§ 822(b), and 841(a)(1) and (b)(1)(C).

CONCLUSIONS OF LAW

1. The guilty plea and judicial finding of guilt as set forth above in Finding of Fact 2, individually and/or collectively, constitute a "plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony," as that language is used in R.C. 4731.22(B)(9).

2. Dr. Grigg's acts, conduct, and/or omissions as set forth above in Findings of Fact 1 and 2, individually and/or collectively, constitute "[s]elling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug," as that language is used in R.C. 4731.22(B)(3).
3. Further, the Colorado Board's order as set forth above in Finding of Fact 1 constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery * * * in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that language is used in R.C. 4731.22(B)(22).

RATIONALE FOR THE PROPOSED ORDER

In Ohio, a physician's conviction for drug-related felonies involving the distribution of controlled substances would ordinarily result in a permanent revocation of his license to practice medicine. In this matter, the mitigating circumstances presented by Dr. Grigg have been carefully considered, such as his chemical dependence and psychiatric disorders, for which he is apparently pursuing treatment.

Nonetheless, for several reasons, the Hearing Examiner is convinced that a permanent revocation of Dr. Grigg's Ohio license is the appropriate sanction. First, this is *not* a case in which a physician broke the law to obtain drugs to assuage his chemical dependency. Here, Dr. Grigg was essentially a drug-dealer. He sold drugs to gain wealth. He was involved in distributing a "street drug." He accumulated substantial cash, gold, and other property.

In addition, a permanent revocation of the Ohio license would not deprive Dr. Grigg of the potential to return to medical practice some day if he can successfully rehabilitate himself. Dr. Grigg and his family have lived in Colorado for many years, and the Colorado Board has provided an avenue by which Dr. Grigg may return to the practice of medicine in Colorado.

A non-permanent revocation of the Ohio license is not recommended. As noted above, the nature of the crimes warrants the permanent loss of the privilege of practicing medicine in this state, and the Hearing Examiner has found no persuasive reason to expend further public resources in considering a future application from Dr. Grigg.

Further, the Hearing Examiner is mindful that no discipline may be based on the evidence of impairment that Dr. Grigg presented, because the notice of opportunity for hearing did not include allegations under R.C. 4731.22(B) regarding impairment. However, the recommended discipline in this case was not based on, or increased by, any consideration of the evidence regarding Dr. Grigg's various disorders. On the contrary, the evidence regarding impairment was considered only as a mitigating factor that could weigh against a permanent revocation.

PROPOSED ORDER

It is hereby ORDERED that:

The certificate of Peter W. S. Grigg, M.D., to practice allopathic medicine and surgery in the State of Ohio is hereby PERMANENTLY REVOKED.

This Order shall become effective immediately upon the mailing of the notification of approval by the Board.



Patricia A. Davidson
Hearing Examiner

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
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EXCERPT FROM THE DRAFT MINUTES OF OCTOBER 13, 2010

REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Suppan announced that the Board would now consider the Reports and Recommendations, and the Proposed Findings and Proposed Order appearing on its agenda.

Dr. Suppan whether each member of the Board had received, read and considered the hearing records; the Findings of Fact, Conclusions of Law, Proposed Orders, and any objections filed in the matters of: Peter William S. Grigg, M.D.; Michael M. McClellan, M.D.; Justin Fredric Weiss, M.D.; Donald D. Woodard, M.D.; Taira Lynn Woodroffe, M.D.; and David K. Zipfel, M.D. A roll call was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Mr. Morris	- aye
	Dr. Ramprasad	- aye

Dr. Suppan asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Suppan	- aye
	Dr. Madia	- aye
	Dr. Talmage	- aye
	Mr. Morris	- aye
	Dr. Ramprasad	- aye

Dr. Suppan noted that, in accordance with the provision in section 4731.22(F)(2), Ohio Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member. However, Dr. Talmage and Mr. Albert may vote on the matter of Taira Lynn Woodroffe, M.D., as that case is not disciplinary in nature and only

Dr. Suppan reminded all parties that no oral motions may be made during these proceedings.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

.....
PETER WILLIAM S. GRIGG, M.D.
.....

Dr. Madia moved to approve and confirm Ms. Davidson's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Peter William S. Grigg, M.D. Mr. Hairston seconded the motion.

.....
A vote was taken on Dr. Madia's motion to approve and confirm:

ROLL CALL:

Dr. Strafford	- aye
Mr. Hairston	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Suppan	- aye
Dr. Madia	- aye
Dr. Talmage	- abstain
Mr. Morris	- aye
Dr. Ramprasad	- aye

The motion carried.

State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.
Executive Director

(614) 466-3934
med.ohio.gov

March 10, 2010

Case number: 10-CRF- 018

Peter William S. Grigg, M.D.
12644 Highland Oaks Place
Colorado Spring, CO. 80921-1000

Dear Doctor Grigg:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about November 20, 2009, the State Board of Medical Examiners for the State of Colorado [Colorado Board], entered into a Stipulation and Final Agency Order [Colorado Order], whereby you relinquished your Colorado medical license and agreed not to seek relicensure for at least two years. A copy of the Colorado Order is attached hereto and incorporated herein.

In the Colorado Order, you specifically admitted that:

- (a) You have a mental or physical disability which renders you unsafe to practice medicine.
- (b) You used Vicodin and OxyContin regularly, without medical justification.
- (c) You used opioids during working hours.
- (d) You possessed, dispensed, and/or prescribed habit-forming drugs and controlled substances other than in the course of legitimate professional practice.
- (e) You dispensed Oxycodone, a schedule II controlled substance, other than in the course of legitimate professional practice.

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- (f) You dispensed 3,4- Methylenedioxyamphetamine (commonly known as Ecstasy or MDMA), a Schedule I controlled substance.

- (2) On or about November 19, 2009, in the United States District Court, District of Colorado [U.S. District Court for Colorado], you pled guilty to and were found guilty of one count of Distribution and Unlawful Possession with Intent to Distribute a Mixture and Substance Containing Oxycodone, a Schedule II Controlled Substance, Outside the Scope of Legitimate Medical Practice, a felony, in violation of 21 U.S.C. §§ 822(b), 841(a)(1), and (b)(1)(C); and one count of Distribution and Unlawful Possession with Intent to Distribute a Mixture and Substance Containing 3,4- Methylenedioxyamphetamine, a Schedule I Controlled Substance, Outside the Scope of Legitimate Medical Practice, a felony, in violation of 21 U.S. C. §§ 822(b), 841(a)(1), and (b)(1)(C).

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute “[s]elling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug,” as those clauses are used in Section 4731.22(B)(3), Ohio Revised Code.

Further, the facts as alleged in paragraph (2) above, individually and/or collectively, constitutes “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony,” as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

Further, the Colorado Order as alleged in paragraph (1) above, constitutes “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is

Peter William S. Grigg, M.D.

Page 3

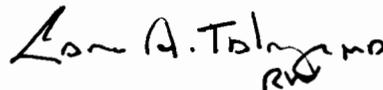
permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink that reads "Lance A. Talmage" with a stylized "RW" or "RD" monogram below the name.

Lance A. Talmage, M.D.
Secretary

LAT/SRS/flb
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3069 5375
RETURN RECEIPT REQUESTED

cc: Philip W. Ogden, Esq.
219 E. Vermijo
Colorado Springs, Colorado 80903-2117

CERTIFIED MAIL #91 7108 2133 3936 3069 5368
RETURN RECEIPT REQUESTED

BEFORE THE STATE BOARD OF MEDICAL EXAMINERS
STATE OF COLORADO

CASE NO. 2009-002275-B

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE LICENSE TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF **PETER W.S. GRIGG, M.D.**, LICENSE NUMBER **38817**.

Respondent.

IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel B ("Panel") of the Colorado State Board of Medical Examiners ("Board") and Peter W.S. Grigg, M.D. ("Respondent") as follows:

JURISDICTION AND CASE HISTORY

1. Respondent was licensed to practice medicine in the state of Colorado on July 13, 2000, and was issued license number 38817, which Respondent has held continuously since that date.
2. The Panel and the Board have jurisdiction over Respondent and the subject matter of these proceedings.
3. On January 20, 2009, Respondent entered into an Interim Cessation of Practice Agreement ("Interim Agreement") in lieu of summary. This Stipulation and Final Agency Order, upon becoming effective, shall supersede the Interim Agreement
4. On or about July 17, 2009, the Panel reviewed case number 2009-002275-B and thereupon referred the matter to the Attorney General pursuant to Section 12-36-118(4)(c)(IV), C.R.S., for disciplinary proceedings.
5. It is the intent of the parties and the purpose of this Stipulation and Final Agency Order ("Order") to provide for a settlement of all matters set forth in case number 2009-002275-B, without the necessity of holding a formal disciplinary hearing. This Order constitutes the entire agreement between the parties, and there are no other agreements or promises, written or oral, which modify, interpret, construe or affect this Order.
6. Respondent understands that:
 - a. Respondent has the right to be represented by an attorney of the Respondent's choice and Respondent is represented by counsel;

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STATE MEDICAL BOARD
OF OHIO

b. Respondent has the right to a formal disciplinary hearing pursuant to section 12-36-118(5), C.R.S.;

c. By entering into this Order, Respondent is knowingly and voluntarily giving up the right to a hearing, admits the facts contained in this Order, and relieves the Panel of its burden of proving such facts;

d. Respondent is knowingly and voluntarily giving up the right to present a defense by oral and documentary evidence, and to cross-examine witnesses who would testify on behalf of the Panel;

e. Respondent is knowingly and voluntarily waiving the right to seek judicial review of this Order.

7. Respondent specifically admits and the Panel finds that:

a. Respondent is an anesthesiologist.

b. Respondent has a mental or physical disability which render him unsafe to practice medicine with reasonable skill and safety to patients;

c. Respondent used Vicodin and OxyContin regularly, without medical justification;

d. Respondent used opioids during working hours;

e. Respondent possessed, dispensed, and/or prescribed habit-forming drugs and controlled substances other than in the course of legitimate professional practice;

f. Respondent dispensed Oxycodone, a schedule II controlled substance other than in the course of legitimate professional practice;

g. Respondent dispensed 3,4-methylenedioxymethamphetamine (commonly known as Ecstasy or MDMA), a schedule I controlled substance; and

h. Respondent pled guilty to and was convicted of two counts of felony relating to the possession and distribution of controlled substances within the State and District of Colorado.

8. Respondent admits and the Panel finds that the conduct set forth above constitutes unprofessional conduct pursuant to Sections 12-36-117(1)(f), (g), (h), (i), (o), and (x) C.R.S., which states:

(1) "Unprofessional conduct" as used in this article means:

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(f) Any conviction of an offense of moral turpitude, a felony, or a crime that would constitute a violation of this article. For purposes of this paragraph (f), "conviction" includes the entry of a plea of guilty or nolo contendere or the imposition of a deferred sentence.

(g) Administering, dispensing, or prescribing any habit-forming drug or any controlled substance as defined in section 12-22-303(7), other than in the course of legitimate professional practice;

(h) Any conviction of violation of any federal or state law regulating the possession, distribution, or use of any controlled substance, as defined in section 12-22-303(7), and, in determining if a license should be denied, revoked, or suspended, or if the licensee should be placed on probation, the board shall be governed by section 24-5-101, C.R.S. For purposes of this paragraph (h), "conviction" includes the entry of a plea of guilty or nolo contendere or the imposition of a deferred sentence.

(i) Habitual intemperance or excessive use of any habit-forming drug or any controlled substance as defined in section 12-22-303(7);

(o) Such physical or mental disability as to render the licensee unable to perform medical services with reasonable skill and with safety to the patient; and

(x) Prescribing, distributing, or giving to a family member or to oneself except on an emergency basis any controlled substance as defined in section 18-18-204, C.R.S., or as contained in schedule II of 21 U.S.C. sec. 812, as amended.

9. Based upon the above paragraphs 7 and 8, the Panel is authorized by Section 12-36-118(5)(g)(III), C.R.S. to order conditions upon Respondent's practice that it deems appropriate.

RELINQUISHMENT OF LICENSE

10. Commencing on the effective date of this Order, Respondent's license to practice medicine in the State of Colorado issued by the Board is deemed relinquished. Following relinquishment of Respondent's license, Respondent shall perform no act requiring a license issued by the Board, nor shall Respondent perform any act in any other location pursuant to the authority of a license to practice medicine granted by the state of Colorado.

11. Respondent agrees not to apply for renewal, reinstatement or reactivation of his license, or to apply for a new license issued by the Board within two years of the effective date of this Order.

12. After two years from the effective date of this Order, Respondent may apply to reinstate his license and resume the active practice of medicine, as set forth in sections 12-36-123

and 24-34-102(8)(d), C.R.S. Such request shall be accompanied by a report from the Colorado Physician's Health Program ("CPHP") indicating that Respondent is safe to practice medicine.

13. If the Panel grants Respondent's request to reinstate his license, the Panel may, at its discretion, require Respondent to fulfill additional requirements that the Panel deems necessary to protect the public health, safety, and welfare. These requirements may include, but are not limited to, submitting to a mental and/or physical examination and/or evaluation by physicians designated by the Board, a probationary period, treatment monitoring, an educational assessment, and practice monitoring. Additionally, Respondent shall be required to complete an educational assessment by the Center for Personalized Education for Physicians ("CPEP") prior to resuming to the active practice of medicine. Respondent understands that the Panel will consider this CPEP assessment in determining Respondent's eligibility for licensure. Respondent shall also be required to demonstrate continued competency pursuant to section 24-34-102(8)(d)(II), C.R.S., and any related Board rules and/or policies, and shall also be required to comply with any other statutory or regulatory requirement related to reinstatement. The parties agree that the Panel's decision regarding such application and requirements shall be made at the sole discretion of the Panel. Respondent waives the right to appeal the Panel decision on additional requirements.

14. Respondent understands and agrees that if he applies to reinstate his license, the Panel may, at its discretion, deny such application.

OTHER TERMS

15. The terms of this Order were mutually negotiated and determined.

16. Both parties acknowledge that they understand the legal consequences of this Order; both parties enter into this Order voluntarily; and both parties agree that no term or condition of this Order is unconscionable.

17. All costs and expenses incurred by Respondent to comply with this Order shall be the sole responsibility of Respondent, and shall in no way be the obligation of the Board or Panel.

18. So that the Board may notify hospitals of this agreement pursuant to Section 12-36-118(13), C.R.S., Respondent presently holds privileges at the following hospitals:

Memorial Hospital, Prater Park, Brizgall Surgery Center, Colorado Springs Surgery Center, Digestive Disease Endoscopy Center, Colorado Springs Health Partners, Premier Surgery Center

19. This Order and all its terms shall have the same force and effect as an order entered after a formal hearing pursuant to section 12-36-118(5)(g)(III), C.R.S., except that it may not be appealed. This Order and all its terms also constitute a valid board order for purposes of Section 12-36-117(1)(u), C.R.S.

20. This Order shall be admissible as evidence at any future hearing before the Board.

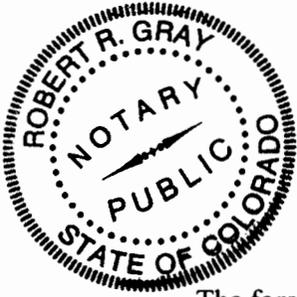
21. Invalidation of any portion of this Order by judgment or court order shall in no way affect any other provision, which shall remain in full force and effect.

22. During the pendency of any action arising out of this Order, the obligations of the parties shall be deemed to be in full force and effect and shall not be tolled.

23. This Order shall be effective upon approval by the Panel and signature by a Panel member or other authorized person. Respondent acknowledges that the Panel may choose not to accept the terms of this Order and that if the Order is not approved by the Panel and signed by a Panel member or other authorized person, it is void.

24. Upon becoming effective, this Order shall be open to public inspection and shall be publicized pursuant to the Board's policies and procedures. Additionally, this Order shall be reported to the Federation of State Medical Boards, the National Practitioner Data Bank/Healthcare Integrity and Protection Data Bank and as otherwise required by law.

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Peter W. Grigg
PETER W.S. GRIGG, M.D.

The foregoing was acknowledged before me this 29th day of October, 2009 by Peter W.S. Grigg, M.D., in the County of EL PASO, State of COLORADO.

[Signature]
NOTARY PUBLIC
June 5, 2012
Commission expiration date

[Signature]

THE FOREGOING ~~Interim Cessation of Practice~~ Agreement is approved and effective this 20th day of November, 2009.

FOR THE COLORADO STATE BOARD OF
MEDICAL EXAMINERS
INQUIRY PANEL B

[Signature]

APPROVED AS TO FORM:

FOR THE RESPONDENT:

[Signature]

ALLEN C. GASPER, *31255
128 South Tejon, Suite 100
Colorado Springs, CO 80903
Telephone: (719) 227-7779
*Counsel for Respondent

FOR THE BOARD OF MEDICAL
EXAMINERS:

JOHN W. SUTHERS
Attorney General

[Signature]
CHARMAINE C. ROSE, 39109*

Assistant Attorney General
Business and Licensing Section
Attorneys for the Colorado Board of Medical
Examiners, Inquiry Panel B
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Denver, Colorado 80203
Telephone: (303) 866-5268
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*Counsel of Record