

IN AND BEFORE THE OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)
)
Plaintiff,)
v.)
)
MICHAEL BRITTON BEASON, M.D.) CASE NO. 89-04-844
Medical License No. 14702)
)
Defendant.)

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on the 9th day of June, 1989, at the Doubletree Inn at Warren Place, 6100 South Yale, Tulsa, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and Michael Britton Beason, M.D., appeared in person and counsel, Mona S. Lambird, Attorney, appeared by announcement.

The Board of Medical Licensure and Supervision en banc heard testimony and reviewed exhibits and being fully advised in the premises, the Board of Medical Licensure and Supervision therefore finds as follows:

FINDINGS OF FACT

1. That Defendant, Michael Britton Beason, M.D., holds Oklahoma Medical License No. 14702.
2. That the Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
3. That on or around December, 1988, Defendant began using Hydrocodone controlled dangerous substance, to include Vicodin, Lortab 7, and Histussin, which are all habit-forming drugs, without medical need.
4. That on or around April 6, 1989, Defendant's employer, Medical Arts Clinic, Inc., Ardmore, Oklahoma, placed Defendant under a probation for an indefinite period of time under conditions that Defendant's body fluids would be screened twice a week by the employer, and that the Defendant would take no medications unless prescribed by another physician who the Defendant must advise that he had a chemical abuse problem.

CONCLUSIONS OF LAW

1. That Michael Britton Beason, M.D., holding Oklahoma Medical License No. 14702, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 509, Paragraphs 5 and 16, to-wit:
"5. Habitual intemperance or the habitual use of habit-forming drugs."

"16. The inability to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as the result of any mental or physical condition."

2. That Michael Britton Beason, M.D., is in violation of the Rules and Regulations promulgated by this Board, specifically Section IX, Rule 3, to-wit:

"Rule 3: The habitual or excessive use of any drug which impairs the ability to practice medicine with reasonable skill and safety to the patient."

ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Medical Licensure and Supervision as follows:

1. That the Defendant, Michael Britton Beason, M.D., Oklahoma Medical License No. 14702, should be and is hereby placed on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years, beginning June 9, 1989, under the following terms and conditions:

- (a) During the period of probation Defendant will not prescribe, administer or dispense any controlled and dangerous substance with the exception that the Defendant may administer/order controlled and dangerous substances to hospital in-patients only.
- (b) During the period of probation Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need and Defendant shall have an affirmative duty to inform any physician treating him of Defendant's previous use of controlled dangerous substances and alcohol.
- (c) During the period of probation Defendant will not prescribe, administer or dispense any medication for his personal use, to specifically include controlled dangerous substances.
- (d) During the period of probation Defendant will abstain from consuming alcohol or any substance, licit or illicit, specifically including, but not limited to, controlled dangerous substances, which would adversely affect his ability to practice medicine and surgery as interpreted by the Oklahoma State Board of Medical Licensure and Supervision.
- (e) During the period of probation Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of any investigator or other agent representing the Oklahoma State Board of Medical Licensure and Supervision, and Defendant will pay for testing and analysis of those specimens.

- (f) During the period of probation Defendant will continue active participation in support programs operated through the Physician Recovery Committee of the Oklahoma State Medical Association and any psychological counseling, as recommended by the Board or any representative thereof.
- (g) During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.
- (h) Defendant shall appear before the Board en banc or a designated member thereof whenever requested to do so.
- (i) During the period of probation Defendant will submit to the Investigative Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.
- (j) Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigative Division of the Board the costs of investigation, prosecution and probation of this case.
- (k) That violation of any the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.
- (l) That Defendant gives blanket permission to the Oklahoma State Board of Medical Licensure and Supervision to obtain all otherwise confidential information pertaining to the Defendant's physical, mental, emotional conditions as observed by colleagues, family members, professionals or associates to include hospital personnel and patients.
- (m) Defendant shall advise the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision of all physicians who have treated him within the last five (5) years, including their address and telephone number and a summary of the treated illness, and Defendant shall sign a release allowing Investigators of the State Board to obtain and review those records kept by those physicians relating to that care and treatment.
- (n) During the period of probation Defendant shall notify any hospital where he holds staff privileges or clinic or group where he practices of the terms and conditions of this Board Order and supply a copy thereof.

2. That the jurisdiction of the Board in this individual proceeding will continue in this matter until the terms and conditions of probation are modified or lifted by the Oklahoma State Board of Medical Licensure and Supervision on their own motion, or on the motion of the Defendant.

3. The Defendant further agrees that failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma Medical License, after additional due notice and hearing.

DATED this 13th day of ~~June~~^{JULY 6th}, 1989.

Gerald C. Zumwalt
GERALD C. ZUMWALT, M.D., Secretary
State Board of Medical Licensure
and Supervision

APPROVED AS TO FORM;

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 13 day of ~~June~~^{JULY 6th}, 1989, to:

MONA S. LAMBIRD
Attorney at Law
500 W. Main
Oklahoma City, OK 73102

Janet L Owens