

IN AND BEFORE THE 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 B. BEASON, M.D., ) CASE NO. 89-04-844 A  
Medical License No. 14702, )  
 )  
Defendant. )

FINAL ORDER  
ON COMPLAINT OF CONTEMPT  
OF FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on February 2, 1990, at the office of the Oklahoma State Medical Association, 601 N.W. Expressway, Oklahoma City, 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 B. Beason, M.D., Defendant, appeared in person, pro se, and waived his right to legal counsel and agreed to proceed.

The Oklahoma Board of Medical Licensure and Supervision en banc heard oral argument of counsel, reviewed exhibits tendered, and being fully advised in the premises the Oklahoma Board of Medical Licensure and Supervision therefore finds and orders as follows:

FINDINGS OF FACT

1. That Defendant, Michael B. 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 June 9, 1989, following notice and hearing, Michael B. Beason, M.D., holding Oklahoma Medical License No. 14702, was placed on a period of five years probation to the Oklahoma State Board of Medical Licensure and Supervision under certain enumerated terms and conditions set out in the Final Order.

4. Said Order provided in pertinent part that as terms and conditions of the probation of five years as follows, to-wit:

(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.

5. Said Order remains in full force and effect and has not been further modified or amended by the Oklahoma Board of Medical Licensure and Supervision to date in this regard.

6. That since the imposition of the probation announced to the Defendant in open meeting on June 9, 1989, the Compliance Consultant of the Oklahoma Board of Medical Licensure and Supervision did obtain a routine urine sample from the Defendant on or around October 31, 1989. A subsequent laboratory analysis revealed that the sample was positive for Propoxyphene, a controlled dangerous substance.

7. On or around November 16, 1989, Defendant admitted that he took Darvon for a back injury prior to the time of the aforesaid fluid sample, and that Darvon was obtained by him from sample drugs and was not prescribed or authorized by Defendant's treating physician.

8. That this incident, along with the Defendant's complete history before the Board, does constitute grounds upon which the Board may reconsider its prior sanction and modify that sanction in light of this recent incident, to include possible revocation, suspension, and/or probation under additional terms and conditions as found by the Board.

9. That on or around January 30, 1990, Defendant did voluntarily travel to Charter Hospital of Dallas, 6800 Preston Road, Plano, Texas 75024, and submitted to evaluation and assessment by Michael J. Healy, M.D., Medical Director, Adult Chemical Dependency Unit. Dr. Healy made the recommendation that Dr. Beason enter a primary treatment program where the treatment facility has knowledge and experience concerning the treatment of healthcare professionals on the doctoral level.

10. The Defendant testified that he had made arrangements to voluntarily report to the in-patient treatment center located in Jackson, Mississippi, and agreed to participate in that program to its completion.

11. That the Defendant offered to voluntarily surrender his Oklahoma license as a physician and surgeon on or around February 16, 1990, with said license to be held by the Secretary of the Oklahoma Board of Medical Licensure and Supervision until such time as Dr. Beason returns to Oklahoma and provides evidence of successful completion of in-patient treatment to the satisfaction of the Board Secretary, with the Secretary then authorized to reinstate the Defendant's Oklahoma medical license under terms and conditions of a five-year probation as set forth by the Board Secretary. That until the time of his voluntary surrender of medical license, Defendant agreed to participate in the monitoring and terms of probation previously established by the Oklahoma Board of Medical Licensure and Supervision and those established and in place at his clinic of employment.

CONCLUSIONS OF LAW

1. That evidence as found above constitutes contempt of the Final Order issued herein on or around June 9, 1989, to the aforesaid Defendant.

ORDER

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

1. That the offer of the Defendant to voluntarily surrender his medical license to the Board Secretary on or around February 16, 1990, is hereby ACCEPTED.

2. That the Board Secretary shall hold the Defendant's Oklahoma license as a physician and surgeon until such time as Dr. Beason returns to Oklahoma and provides evidence of successful completion of in-patient treatment to the satisfaction of the Board Secretary. The Board Secretary is then authorized to reinstate<sup>ment</sup> Defendant's Oklahoma medical license under terms and conditions of probation as set forth and enumerated by the Board Secretary.

3. That until the aforesaid voluntary surrender of his Oklahoma Medical license to the Board Secretary, Defendant shall comply with the terms and conditions of probation previously established by the Oklahoma Board of Medical Licensure and Supervision and shall comply with all surveillance and testing by his clinic of employment.

DATED this 8 day of February, 1990.

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

Approved as to Form:

Daniel J. Gamino  
DANIEL J. GAMINO  
Daniel J. Gamino & Associates, P.C.  
3315 NW 63  
Oklahoma City, OK 73116  
(405) 840-3741  
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 12 day of February, 1990, to:

MICHAEL B. BEASON, M.D.  
921 14<sup>th</sup> Ave NW  
Medical Arts Clinic  
Ordmore OK 73401-1940

Janet L. Owens