

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

ORDER MODIFYING  
TERMS OF PROBATION

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on February 2, 1991, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, 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, without counsel, and announced ready to proceed, and was accompanied by J. Robert Dille, M.D., Medical Director, Oklahoma Department of Corrections.

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

FINDINGS OF FACT

1. That Defendant, Michael B. Beason, M.D., holds Oklahoma Medical License No. 14702.

2. That the Oklahoma 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 following notice and hearing on September 1, 1990, the Board formally accepted the Board Secretary's Order to Reinstate Defendant's Oklahoma Medical License and the Board placed the Defendant on probation for a period of five (5) years beginning on July 5, 1990, under certain enumerated terms and conditions.

4. That the Defendant is now a full-time employ of the Oklahoma Department of Corrections and works at the Lexington, Oklahoma, Assessment Center, and because of the wide range of medical responsibilities it is necessary that the Defendant supervise physician's assistants at Lexington until another full-time medical doctor is hired by the Department of Corrections.

5. That said supervision by Defendant under these special circumstances shall be specifically allowed.

6. That the Board considers patients at the infirmary at the Oklahoma Department of Corrections institution at Lexington, Oklahoma, are hospital in-patients and therefore Defendant may administer or order controlled dangerous substances for those infirmary patients.

7. That Defendant should remain on probation under terms and conditions set forth below.

#### CONCLUSIONS OF LAW

1. That the Board has jurisdiction over this matter pursuant to the Oklahoma Medical Practice Act, 59 O.S. Supp. 1990, Section 481 et seq., and by previous orders entered herein.

#### ORDER

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

1. That the Defendant, Michael B. Beason, M.D., holding Oklahoma Medical License No. 14702, should be and is hereby maintained on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years, effective July 5, 1990, 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 within 30 days of receipt of invoice from the Investigation Division of the Board the costs of investigation, prosecution and probation of this case, unless the Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- (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

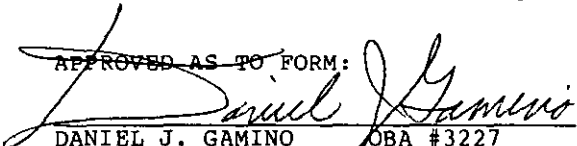
State Board of Medical Licensure and Supervision on their own motion, or on the motion of the Defendant.

3. That under the special circumstances of this case the Defendant may supervise two physician's assistants at the Lexington institution of the Oklahoma Department of Corrections until such time as an additional full-time medical doctor is hired and in place.

DATED this 14th day of February, 1991.

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

APPROVED AS TO FORM:

  
DANIEL J. GAMINO OBA #3227  
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 15 day of February, 1991, to:

MICHAEL B. BEASON, M.D.  
c/o Lexington Assessment Center  
Oklahoma Dept. of Corrections  
P.O. Box 260  
Lexington, OK 73051

