

IN AND BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,
STATE BOARD OF MEDICAL)
EXAMINERS,)
Plaintiff,)

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RICHARD HERBERT BURGTORF, M.D.,
Medical License No. 5901,
Defendant.

STATE BOARD
MEDICAL EXAMINERS

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Examiners en banc on January 31, 1986, at 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 the Defendant appeared by and through the Voluntary Surrender of Medical License in Lieu of Formal Hearing which he executed on October 24, 1985.

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

FINDINGS OF FACT

1. That Richard Herbert Burgtorf, M.D., holds Oklahoma Medical License No. 5901.

2. That the Board of Medical Examiners 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. During the time period of June 25, 1984, to June 3, 1985, records at the Newman Medical Center Pharmacy reveal that Defendant wrote 203 prescriptions for Nubain, Stadol and Benadryl for himself and/or his spouse, Dorothy Burgtorf, and Defendant failed to keep complete and accurate records as to the administration or dispensing of those drugs.

4. That Defendant during the period of June 25, 1984, to June 3, 1985, did personally use Nubain, Stadol and Benadryl without medical supervision and while engaged in the active practice of medicine.

5. That Defendant is at all times set forth herein part owner of the aforesaid pharmacy and therefore obtained medication for members of his family at actual cost to the pharmacy. Records at the aforesaid pharmacy indicate that Defendant's billing for his family's use at pharmacy costs are as follows:

1982	\$1,463.85
1983	1,834.99
1984	4,618.74
1985/Jan. 1 to June 1	3,145.00

That Defendant failed to keep complete and accurate records as to the administration or dispensing of these drugs.

6. During calendar year 1983 and 1984, Defendant prescribed, administered and dispensed 50% to 60% of all Schedule II drugs issued to inpatients in the Newman Medical Center Hospital by all physicians. On several occasions nurses refused to follow Defendant's orders on Schedule II I.V. injections for his inpatients.

7. During the period of time of 1984 and 1985 Defendant's outpatients would come into the hospital emergency room with an order from Defendant for Schedule II drugs when Defendant's office was closed. These prescriptions were for Schedule II injectables to be taken home and administered as needed at the discretion of the patient. This happened on numerous routine basis and more with the Defendant than any other physician.

8. During the period from January 2, 1985, through June 3, 1985, records at the Newman Medical Center Pharmacy reveal that a total of 364 prescriptions for Schedule II drugs were written by all six physicians in the clinic and filled in the pharmacy. Of this number, Defendant himself wrote 287 prescriptions for 5,566 dosage units and the other five physicians wrote only 77 prescriptions.

9. During the period from January 1, 1985, to June 4, 1985, records at the Newman Medical Center Pharmacy reveal that Defendant wrote a total of 245 prescriptions for Schedule III, IV and V drugs for 6,514 dosage units.

10. That physicians involved with the Medical Association of Georgia's Impaired Physicians Program treated Defendant from on or around July 18, 1985, to August 29, 1985, and diagnosed the Defendant as being chemical dependent and that extensive neuropsychological testing revealed that the Defendant has a significant amount of organicity secondary to his drug use.

11. That physicians at the Bellview Hospital, Milwaukee, Wisconsin, treated the Defendant from on or around August 29, 1985, to October 8, 1985, and diagnosed the Defendant as possibly suffering from Alzheimer's disease and placed Defendant in an evaluation program to determine if the presence of Alzheimer's disease could be confirmed or rejected. That Defendant left the Bellview Hospital before the evaluation was complete.

CONCLUSION OF LAW

1. That Richard Herbert Burgtorf, M.D., holding Oklahoma Medical License No. 5901, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, §509, Paragraphs 5, 11, 16 and 17, and in the following particulars, to-wit:

"5. Habitual intemperance or the habitual use of habit-forming drugs."

"11. Failure to keep complete and accurate records of purchase and disposal of controlled drugs or of narcotic drugs."

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 a result of any mental or physical condition."

Prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribing, dispensing, or administering controlled substances or narcotic drugs without medical need in accordance with published standards."

2. That Richard Herbert Burgtorf, M.D., is in violation of the Rules and Regulations promulgated by this Board, specifically Section IX, Rules 1, 2 and 3, to-wit:

"Rule 1: Indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs."

"Rule 2: Prescribing, dispensing or administering of controlled or narcotic drugs in excess of the amount considered good medical practice."

"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 Board of Medical Examiners of Oklahoma as follows:

1. That the Defendant, Richard Herbert Burgtorf, M.D., License No. 5901, should have his license revoked for the above violation and said license is hereby revoked.

DATED this 10th day of February, 1986.


MARK R. JOHNSON, M.D.
State Board of Medic

APPROVED AS TO FORM:

DANIEL J. GAMINO

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of February, 1986, I deposited in the U.S. Mails, postage prepaid thereon, a true and correct copy of the above and foregoing instrument addressed to Richard Herbert Burgtorf, M.D., Newman Medical Center, Inc.
Shattuck, Oklahoma 73858


