

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

FILED

OCT 3 2005

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 05-05-2978

GREGORY GENE BEAM, R.C.,)
LICENSE NO. 61,)

Defendant.)

COMPLAINT

COMES NOW the Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, Gregory Gene Beam, R.C., alleges and states as follows:

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of respiratory care practitioners in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* and 2026 *et seq.*

2. In or around 1991, Defendant was charged with Driving Under the Influence (DUI).

3. On or about October 23, 1995, Defendant submitted his initial Application for an Oklahoma Respiratory Care license. On his application, Defendant was asked the following question:

"Have you ever been charged with or convicted of a felony or any crime directly or indirectly related to the practice of your profession?"

In response to this question, Defendant answered "No."

4. In or around 1995, Defendant obtained inpatient treatment for substance abuse at Valley Hope.

5. In or around 1998, Defendant obtained inpatient treatment for substance abuse at Valley Hope.

6. In or around 1998, Defendant was caught forging a prescription for Lortab.

7. In or around 2000, Defendant was treated for substance abuse at Valley Hope.

8. In or around May 2003, Defendant was treated for substance abuse at the Betty Ford Center.

9. In or around June and July 2003, Defendant was treated for substance abuse at the night program at Valley Hope.

10. On or about June 10, 2005, Defendant presented an original prescription to the CVS Pharmacy #6234 in Edmond, Oklahoma for fifty (50) Lortab 10mg. with two (2) refills. The prescription was in the name of "Rich Davis" and was purportedly signed by Theodore Ruff, M.D. Defendant represented himself as "Rich Davis" and obtained the medication. The signature on the prescription was not that of Dr. Ruff, nor was it authorized by him.

11. On or about June 16, 2005, Defendant, posing as "Rich Davis", attempted to pick up one of the refills authorized by the prescription set forth above. After the prescription was filled and the medication obtained by Defendant, he was arrested by the DEA.

12. At the time of his arrest by the DEA, Defendant admitted that he had purchased the Lortab using a forged prescription.

13. A review of the pharmacy records of Wal-Mart, CVS and Walgreens reveals that approximately five-thousand five hundred (5,500) dosage units of Lortab or Hydrocodone were illegally obtained by Defendant by forging the signatures of Theodore Ruff, M.D. or Richard Donner, M.D. Defendant obtained the drugs for his personal use under the names "Jim Davis", "Bill Myers", "Steve Smith" and "Rich Davis."

14. On or about June 17, 2005, the DEA filed a criminal complaint against Defendant in the case styled, **United States of America v. Gregory Gene Beam**, Case No. CR-05-125-R, in the United States District Court for the Western District of Oklahoma, wherein Defendant was charged with violation of 21 U.S.C. §843(a)(3), knowingly and intentionally acquiring and obtaining possession of a controlled substance by misrepresentation, fraud, forgery and deception.

15. On or about July 5, 2005, Defendant entered a Petition to Enter Plea of Guilty to the charges against him. Defendant is awaiting sentencing at this time.

16. Defendant is guilty of unprofessional conduct in that he:


- A. Is unfit or incompetent by reason of negligence, habits, or other causes of incompetency in violation of 59 O.S. §2040(2).
- B. Is addicted to, or has improperly obtained, possessed, used or distributed habit-forming drugs or narcotics in violation of 59 O.S. §2040(4) and OAC 435:45-5-3(a)(1) and (2).
- C. Is guilty of dishonest or unethical conduct in violation of 59 O.S. §2040(5).
- D. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, agreement or order of the Board in violation of 59 O.S. §2040(9) and OAC 435:45-5-3(24).
- E. Engaged in conduct which potentially or actually jeopardizes a patient's life, health, or safety in violation of OAC 435:45-5-3(3).
- F. Violated any provision of the Respiratory Care Practice Act or the rules promulgated by the Board in violation of OAC 435:45-5-3(21).
- G. Is guilty of fraud or deceit in procuring or attempting to procure a license or renewal of a license to practice respiratory care in violation of 59 O.S. §2040(1) and OAC 435:45-5-3(8).
- H. Forged a prescription for medication/drugs, or presented a forged prescription in violation of OAC 435:45-5-3(4).
- I. Was convicted of, or confessed or plead no contest to a drug related offense in violation of OAC 435:45-5-3(6).
- J. Was convicted of, or confessed or plead no contest to a felony or a crime involving moral turpitude in violation of OAC 435:45-5-3(5).
- K. Falsified documents submitted to the Respiratory Care Advisory Committee or the Oklahoma State

Board of Medical Licensure and Supervision in
violation of OAC 435:45-5-3(7).

Conclusion

WHEREFORE, the Plaintiff respectfully requests that the Board conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to Defendant's respiratory care practitioner license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



Elizabeth A. Scott (OBA #12470)

Assistant Attorney General

State of Oklahoma

5104 N. Francis, Suite C

Oklahoma City, OK 73118

Attorney for the Plaintiff