

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

FILED

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

NOV - 3 2005

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 05-05-2978

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

Defendant.)

VOLUNTARY SUBMITTAL TO JURISDICTION

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 for the State of Oklahoma, and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Gregory Gene Beam, R.C., Oklahoma R.C. license no. 61, who appears in person and pro se, proffer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on October 3, 2005, and acknowledges that hearing before the Board would result in some sanction under the Respiratory Care Practice Act.

Defendant, Gregory Gene Beam, R.C., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with him.

PARTIES' AGREEMENT AND STIPULATIONS

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

Findings of Fact

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

2. Defendant, Gregory Gene Beam, R.C., holds Oklahoma respiratory care license no. 61 in the State of Oklahoma.

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

4. 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."

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

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

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

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

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

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

11. 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.

12. 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.

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

14. 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."

15. 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.

16. 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.

17. 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).

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).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Respiratory Care Practice Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant, Gregory Gene Beam, R.C., Oklahoma respiratory care license no. 61, is guilty of the unprofessional conduct set forth below based on the foregoing facts:

- 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).

Order

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

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

2. The license of Defendant, Gregory Gene Beam, R.C., license no. 61, is hereby **SUSPENDED** beginning November 3, 2005, and continuing for a period of thirty (30) days.

3. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Defendant shall be placed on **PROBATION** for a period of **5 YEARS** following his suspension under the following terms and conditions:

A. Defendant will conduct his practice in compliance with the Oklahoma Respiratory Care Practice Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act shall be submitted in writing to the Board and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Oklahoma State Board of Medical Licensure and Supervision.

B. Defendant will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

C. Upon request of the Board Secretary, Defendant will request all hospitals in which he practices to furnish to the Board Secretary a written statement regarding monitoring of his practice while performing services in or to that hospital.

D. Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of the Oklahoma State Board of Medical Licensure and Supervision or its designee, and Defendant will pay for the analysis thereof.

E. Defendant will not administer, dispense or possess any drugs in Schedules II through V.

F. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating him of the Board Order immediately upon initiation, or continuation of treatment.

G. Defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances.

H. Defendant will attend five (5) meetings per week of a 12-Step program, one (1) of which must be the Health Professional's Recovery Program.

I. Defendant will continue individual counseling with Terry Simpson or another counselor approved in advance by the Board Secretary. Defendant will submit quarterly reports from his counselor to the Board Secretary for his review.

J. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.

K. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or his designee.

L. Defendant will authorize in writing the release of any and all records of his medical, emotional or psychiatric treatment to the Oklahoma State Board of Medical Licensure and Supervision and will authorize the Compliance Consultant to the Board to discuss his case and treatment with the individuals providing Defendant's treatment.

M. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of his current address.

N. Defendant will keep current payment of all assessment by the Oklahoma State Board of Medical Licensure and Supervision for the prosecution, investigation and monitoring of his case, which shall include but is not limited to a one hundred dollar (\$100.00) per month fee during the term of his probation.

O. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.


P. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

Q. Defendant will notify the Board or its designee of any slip, relapse, entry or re-entry into an inpatient rehabilitation, assessment, or evaluation program and shall provide to the Board or its designee written authorization for any and all records associated with said treatment, assessment or evaluation. Defendant acknowledges and agrees that the Board may use such information against Defendant in any future disciplinary proceedings.

R. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

4. Defendant's suspension will be lifted, and his license will be reinstated only upon payment in full of all costs and expenses incurred by the State of Oklahoma prior to November 4, 2005.

Dated this 3rd day of November, 2005.



Dianne Gasbarra, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

AGREED AND APPROVED:

Gregory Gene Beam
Gregory Gene Beam, R.C.
License No. RC61

Gerald C. Zumwalt, M.D.
Gerald C. Zumwalt, M.D.
Secretary & Medical Advisor
Oklahoma State Board of
Medical Licensure and Supervision

Elizabeth A. Scott
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405/848-6841

Attorney for the Oklahoma State Board
of Medical Licensure and Supervision

CERTIFICATE OF SERVICE

I certify that on the 4 day of November, 2005, I mailed, via first class mail, postage prepaid, a true & correct copy of this Voluntary Submittal to Jurisdiction to Gregory Beam, RC, 6005 Yale Drive, Oklahoma City, OK 73162.

Janet Swindle
Janet Swindle, Secretary