

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,)

Plaintiff,)

DONALD EUGENE BECKER, M.D.,)
LICENSE NO. 6750,)

Defendant.)

AUG 02 2001

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 00-07-2223

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, Donald Eugene Becker, M.D., 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 physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.*

2. Defendant, Donald Eugene Becker, M.D., holds Oklahoma license no. 6750.

3. From January 4, 1999 until March 16, 2000, Defendant wrote or authorized 93 prescriptions for controlled dangerous drugs to Patient DRW. These prescriptions include ninety-one (91) prescriptions for Fiorinal, a Schedule III controlled dangerous drug, for a total of 2184 dosage units, one (1) prescription for Diazepam, Schedule IV controlled dangerous drug, for a total of 24 dosage units, and one (1) prescription for Lortab, a Schedule III controlled dangerous drug, with 12 dosage units. Defendant's chart on this patient reveals that he failed to keep any records of the prescribing or ordering of these controlled dangerous drugs, that he failed to perform any physical examination on this patient prior to prescribing the controlled dangerous drugs, and that he did not establish a legitimate medical need for the medications.

4. From April 1993 until May 9, 2001, Defendant authorized by telephone prescriptions for controlled dangerous drugs to Patient EVW. At no time during this eight (8)

year period of time did Defendant physically examine the patient nor did he establish a legitimate medical need for the medication.

5. From January 13, 2000 through August 15, 2000, Defendant wrote or authorized eighteen (18) prescriptions for controlled dangerous drugs to Patient HBW. These prescriptions were for Tylenol #2, Phenaphen #4 and Phenaphen #3, each of which is a Schedule III controlled dangerous drug. Each of the prescriptions was for 30 dosage units. Defendant's chart on this patient reveals that he failed to keep any records of the prescribing or ordering of these controlled dangerous drugs, that he failed to perform any physical examination on this patient prior to prescribing the controlled dangerous drugs, and that he did not establish a legitimate medical need for the medications. The Defendant's chart reveals that the patient was not seen by the Defendant from June 1999 through May 2001.

6. From January 2000 through September 2000, Defendant wrote or authorized nine (9) prescriptions for Acetaminophen #4, a Schedule III controlled dangerous substance, for treatment of Patient MHW's back pain. Each of the prescriptions was for 120 dosage units. During this period of time, Defendant did not physically examine the patient's back, nor did he order any tests regarding the same. Defendant's chart on this patient reveals the Defendant's knowledge that the patient was addicted to the prescribed drug, yet the Defendant continued to prescribe the medication. Defendant's chart additionally reveals that Defendant failed to keep complete and accurate records of the prescribing of the controlled dangerous drugs, that he failed to perform a physical exam prior to prescribing the controlled dangerous drugs and that he did not establish a legitimate medical need for the medications.

7. From January 17, 2000 through September 1, 2000, Defendant wrote or authorized ten (10) prescriptions for Propoxyphene/APAP, a Schedule IV controlled dangerous substance for Patient MHW, each time for 100 dosage units. A review of Defendant's chart on this patient reveals that Defendant saw the patient only one (1) time during this time that he was prescribing for her, and made no notation of any need for pain medication. A review of the patient's chart both before and after Defendant wrote or authorized these prescriptions reveals that the patient was not complaining of any pain. Defendant's chart additionally reveals that he failed to keep any records of the prescribing or ordering of these drugs, that he failed to perform a physical examination before prescribing the controlled dangerous drugs, and that he did not establish a legitimate medical need for the medications.

8. From January 5, 2000 through March 19, 2000, Defendant wrote or authorized sixteen (16) prescriptions for Hydrocodone/APAP, a Schedule III controlled dangerous substance, for Patient PMW, each time for 24 dosage units, as well as one (1) prescription on April 12, 2000 for Acetaminophen #4 for 50 dosage units. Defendant's chart on the patient reveals the Defendant's knowledge that the patient was addicted to the prescribed drugs, yet the Defendant continued to prescribe the medications. Defendant's chart additionally reveals that he failed to keep any records of the prescribing or ordering of these drugs, and that he did not establish a legitimate medical need for the medications.

9. From January 3, 2000 through September 1, 2000, Defendant wrote or authorized prescriptions for Oxycodone/APAP, a Schedule II controlled dangerous substance, to Patient LPW. Defendant's chart on this patient reveals that he did not establish a legitimate medical need for the medications. Defendant's chart additionally reveals the Defendant's knowledge that the patient was addicted to the prescribed drugs, yet the Defendant continued to prescribe the medications.

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

A. Engaged in conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).

B. Failed to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of 59 O.S. §509(19).

C. Committed any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of 59 O.S. §509(10).

D. Prescribed a drug without sufficient examination and establishment of a valid physician patient relationship in violation of 59 O.S. §509(13).

E. Confessed to a crime involving a violation of the anti-narcotic laws of the federal government or the laws of this state in violation of 59 O.S. §509(8) and 63 O.S. §2-404.

F. Prescribed a controlled substance without medical need in accordance with published standards in violation of 59 O.S. §509(17) and OAC 435:10-7-4(2) and (6).

G. Indiscriminate or excessive prescribing of controlled or narcotic drugs in violation of OAC 435:10-7-4(1).

H. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27), 63 O.S. §2-404, OAC 475:25-1-3 and OAC 475:30-1-3.


I. Committed gross or repeated negligence in the practice of medicine and surgery in violation of OAC 435:10-7-4(15).

J. Except as otherwise permitted by law, prescribed, sold, administered, distributed, ordered or gave to a habitue or addict or any person previously drug dependent, any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug in violation of OAC 435:10-7-4(25).

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 medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



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