

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

FILED

JAN 25 2007

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, ex rel.,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)
)
Plaintiff,)
)
vs.)
)
BECKY DIANNE DIERCKS, R.C.)
R.C. LICENSE NO. 840,)
)
)
Defendant.)

CASE NO. 06-12-3222

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, Becky Dianne Diercks, 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 therapists in the State of Oklahoma pursuant to 59 Okla. Stat. §§ 480 *et seq.* and 2026 *et seq.*
2. Defendant, Becky Dianne Diercks, R.C., holds respiratory care license no. RC840 in the State of Oklahoma.
3. Beginning on or about February 7, 2004 and continuing through November 30, 2006, Defendant faxed or called in numerous prescriptions to Express Scripts in Bensalem, Pennsylvania. Express Scripts is a mail order prescription company. The prescriptions include fifteen (15) prescriptions for Ambien, a Schedule IV controlled dangerous substance, for 1362 dosage units, ten (10) prescriptions for Lorazepam, a Schedule IV controlled dangerous substance, for 810 dosage units, five (5) prescriptions for Alprazolam, a Schedule IV controlled dangerous substance, for 720 dosage units, one (1) prescriptions for Propoxyphene, a Schedule IV controlled dangerous substance, for thirty (30) dosage units, and one (1) prescriptions for Hydrocodone 7.5 mg., a Schedule III controlled dangerous substance, for thirty (30) dosage units. The prescriptions were in Defendant's name and were purportedly signed by Helen Chiou, M.D.

from Woodward, Oklahoma. Express Scripts filled the prescriptions and sent them to Defendant.

4. When subsequently contacted by Express Scripts, Dr. Chiou confirmed that she did not sign any of the prescriptions submitted by Defendant to Express Scripts, nor did she authorize any of them. A review of Dr. Chiou's chart on Defendant additionally confirms that she did not prescribe nor authorize any of these prescriptions to Defendant.

5. Dr. Chiou reported these incidents to Woodward Regional Hospital, at which time the hospital terminated Defendant's employment.

6. Upon questioning by Board investigators, Defendant admitted that she had forged Dr. Chiou's signature on these prescriptions in order to obtain the drugs.

7. Based on the allegations stated above, Defendant is guilty of unprofessional conduct in that she:


- A. Is guilty of unprofessional conduct as defined by the rules established by the Board, or of violating the code of ethics adopted and published by the Board in violation of 59 Okla. Stat. §2040(9) and 435:45-5-3(24).
- B. Is addicted to, or has improperly obtained, possessed, used or distributed habit-forming drugs or narcotics in violation of 59 Okla. Stat. §2040(4).
- C. Is guilty of dishonest or unethical conduct in violation of 59 O.S. §2040(5).
- D. Has violated any provision of the Respiratory Care Practice Act in violation of 59 O.S. §2040(8) and 435:45-5-3(21).
- E. Is habitually intemperate or addicted to any drug, chemical or substance which could result in behavior that interferes with the practice of respiratory care and the responsibilities of the licensee in violation of 435:45-5-3(1).
- F. Engaged in the unauthorized possession and use of illegal or controlled substances or pharmacologic agents without lawful authority or prescription by an authorized and licensed independent practitioner of the state of Oklahoma in violation of 435:45-5-3(2).
- G. Forged a prescription for medication/drugs, or presented a forged prescription in violation of 435:45-5-3(4).

8. These allegations raise serious concerns about Defendant's ability to practice as a respiratory therapist in the State of Oklahoma with reasonable skill and safety.

WHEREFORE, plaintiff 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, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a respiratory care therapist in the State of Oklahoma.

Dated this 25th day of January, 2007.

Respectfully submitted,


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Oklahoma Board of Medical Licensure and
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