

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

FILED

MAY 31 2007

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
BECKY DIANNE DIERCKS, R.C.)
LICENSE NO. RC840)
)
Defendant.)

Case No. 06-08-3222

FINAL ORDER OF SUSPENSION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on May 17, 2007, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and pro se.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of the Defendant, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

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 care practitioners in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* and 2026 *et seq.*
2. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.
3. Defendant, Becky Dianne Diercks, R.C., holds respiratory care license no. RC840 in the State of Oklahoma.

4. 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, and five (5) prescriptions for Alprazolam, a Schedule IV controlled dangerous substance, for 720 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.

5. 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.

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

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

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

- A. Is addicted to, or has improperly obtained, possessed, used or distributed habit-forming drugs or narcotics in violation of 59 Okla. Stat. §2040(4).
- B. Is guilty of dishonest or unethical conduct in violation of 59 O.S. §2040(5).
- C. 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).
- D. Forged a prescription for medication/drugs, or presented a forged prescription in violation of 435:45-5-3(4).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision 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 is guilty of unprofessional conduct in that she:

A. Is addicted to, or has improperly obtained, possessed, used or distributed habit-forming drugs or narcotics in violation of 59 Okla. Stat. §2040(4).

B. Is guilty of dishonest or unethical conduct in violation of 59 O.S. §2040(5).

C. 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).

D. Forged a prescription for medication/drugs, or presented a forged prescription in violation of 435:45-5-3(4).

3. The Board further found that the Defendant's license should be suspended based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §2040 (4) and (5), and OAC 435:45-5-3 (2) and (4).

Order

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

1. The license of Defendant, Becky Dianne Diercks, R.C., Oklahoma license no. RC840, is hereby **SUSPENDED INDEFINITELY** as of the date of this hearing, May 17, 2007. Defendant's license shall remain suspended until Defendant completes an evaluation by a board certified psychiatrist approved in advance by the Board Secretary. Defendant shall provide the results of her evaluation to the Board for its consideration prior to seeking reinstatement of her license.

2. Upon completing the evaluation and submitting it to the Board for its consideration, Defendant may apply for reinstatement of her license, at which time any terms of probation may be determined.

3. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

4. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

Dated this 31 day of May, 2007.



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

CERTIFICATE OF SERVICE

I certify that on the 1 day of ^{June} ~~May~~, 2007, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Becky Diercks, 2820 Apache, Woodward, OK 73801.



Janet Swindle