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8
9 **BEFORE THE ARIZONA MEDICAL BOARD**

10
11 In the Matter of:
12 **ALAAELDIN BABIKER, M.D.**
Holder of License No. 28043
13
14 For the Practice of Allopathic Medicine In
the State of Arizona

Case No: 15A-28043-MDX
(Case Nos. MD-15-0208A and MD-14-
1646A)

**ORDER FOR SURRENDER
OF LICENSE AND CONSENT
TO THE SAME**

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18 Alaaeldin Babiker, M.D. ("Respondent") elects to permanently waive any right to a
19 hearing and appeal with respect to this Order for Surrender of License; admits the
20 jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order
21 by the Board.

22 **FINDINGS OF FACT**

- 23 1. The Board is the duly constituted authority for the regulation and control of
24 the practice of allopathic medicine in the State of Arizona.
25 2. Alaaeldin Babiker, M.D. ("Respondent") is the holder of License No. 28043

1 for the practice of allopathic medicine in the State of Arizona.

2
3 **Case No. MD-15-0208A**

4 3. On October 3, 2014, Respondent and the Board entered into an "Order for
5 Decree of Censure, Probation, and Practice Restriction and Consent to the Same" ("Board
6 Order") to resolve case nos. MD-12-1493A, MD-14-0247A and MD14-0229A. The terms of
7 the Board Order required Respondent to abstain from prescribing controlled substances
8 and issuing medical marijuana certifications and to complete 15 hours of pre-approved
9 continuing medical education within six months of the issuance of the Board Order. The
10 Board Order also placed Respondent's license on probation and required his participation
11 in the Board's Physician Health Program ("PHP").

12 4. As part of Respondent's PHP monitoring, Respondent is required to submit
13 to random biological fluid, hair, or nail testing to ensure continued compliance with the
14 PHP. Respondent is required to call into a drug screen hotline on a daily basis to
15 determine if he is required to submit to a drug test. Additionally, Respondent is responsible
16 for payment of all costs associated with his participation in the PHP.

17 5. On or about February 20, 2015, the Board received a report from the PHP
18 monitor notifying it that Respondent was non-compliant with the terms of the PHP.
19 Specifically, From February 3 through February 8, 2015, Respondent failed to check in for
20 random drug screens daily as required by his monitoring terms. Respondent completely
21 ceased checking in with the drug screen hotline on February 12, 2015. Additionally,
22 Respondent has a past-due balance owed to Affinity eHealth, the drug testing service.

23 6. On or about February 20, 2015, the Board initiated case no. MD-15-0208A
24 against Respondent for his non-compliance with the PHP in violation of the Board's
25 October 3, 2014 Board Order. On February 26, 2015, the Board and Respondent entered
into an Interim Consent Agreement for Practice Restriction ("Interim Consent Agreement")

1 which prohibited Respondent from practicing medicine in Arizona. The Interim Consent
2 Agreement remains in effect.

3 7. On or about April 27, 2015, the Board sent Respondent a copy of the case
4 file for case no. MD-15-0208A, including the investigative report and supporting
5 documents. The Board provided Respondent an opportunity to respond to the information
6 in the investigative report by May 12, 2015. Respondent did not submit a response.

7 8. On or about February 25, 2016, subsequent to the issuance of the Amended
8 Complaint and Notice of Hearing in this matter, Respondent submitted correspondence to
9 the Board which included documentation of completion of a 17 credit hour Medical
10 Recordkeeping continuing education course and a 27 credit hour Physician Prescribing
11 Course. Respondent completed both of the continuing education courses prior to April 1,
12 2015.

13 **Case No. MD-14-1646A**

14 9. The Board initiated case no. MD-14-1646A after receiving information
15 regarding Respondent's care and treatment of patient KH and alleging overprescribing of
16 multiple controlled substances. KH died from drug and alcohol toxicity in July 2013.

17 10. KH first presented to Respondent in July 2009 and reported back pain,
18 headaches, tremors, leg pain, and a left finger mole. Respondent established a primary
19 care physician relationship with KH.

20 11. Respondent's relationship with KH continued until her death in July 2013.
21 Respondent treated KH for chronic pain. From July 2009 to July 2013, Respondent
22 prescribed KH large quantities of controlled substances, including narcotic pain
23 medications and anti-anxiety medications. On several occasions, Respondent's treatment
24 records for KH reflect that her chief complaint for presenting to Respondent was for
25 medication refills.

1 12. The standard of care requires a physician who treats a patient with chronic
2 pain to query the Controlled Substances Prescription Monitoring Program ("CSPMP")
3 database to determine the types and amounts of controlled substances a patient has
4 previously taken or is currently taking, the medical providers prescribing the controlled
5 substances and to monitor the patient's treatment and medication compliance.
6 Respondent failed to query the CSPMP database during his treatment of KH.

7 13. A CSPMP prescription history report for KH for the period September 21,
8 2011 through July 13, 2013, indicates that KH was receiving controlled substances
9 prescriptions for anxiolytic and narcotic medications from several providers, including
10 Respondent.

11 14. The standard of care for a physician is to avoid prescribing duplicate
12 therapies and to prescribe benzodiazepine medication in appropriate quantities.
13 Respondent deviated from the standard of care by prescribing KH the benzodiazepine
14 medication Xanax (Alprazolam) and clonazepam, in inappropriate quantities, at or near the
15 same time. Both of these medications treat anxiety.

16 15. A physician is required to maintain adequate legible medical records
17 containing, at a minimum, sufficient information to identify the patient, support the
18 diagnosis, justify the treatment, accurately document the results, indicate advice and
19 cautionary warnings provided to the patient and provide sufficient information for another
20 practitioner to assume continuity of the patient's care at any point in the course of
21 treatment. A.R.S. § 32-1401(2). Respondent's records were inadequate in the following
22 areas: The medical records are incomplete and fail to sufficiently document KH's medical
23 history and physical examinations, the reasons for KH's visits, Respondent's diagnoses,
24 assessments and treatment plans, and the rationale for Respondent prescribing duplicate
25 therapy; the records for many of KH's appointments are illegible and in some cases, there

1 are blank sheets corresponding to office visits; and, Respondent's documentation of
2 instructing KH about the risks associated with mixing prescription drugs with alcohol is
3 insufficient based on the length of time Respondent treated KH.

4 16. In his February 25, 2016 correspondence to the Board, Respondent
5 acknowledges that his treatment records for KH are inadequate and that he failed to query
6 the CSPMP as required.

7 CONCLUSIONS OF LAW

8 1. The Board possesses jurisdiction over the subject matter hereof and over
9 Respondent.

10 2. The Board possesses statutory authority to enter into a consent agreement
11 with a physician and accept the surrender of an active license from a physician who admits
12 to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

13 3. The conduct and circumstances described above relating to Case No. MD-
14 15-0208A constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(r)
15 ("Violating a formal order, probation, consent agreement or stipulation issued or entered
16 into by the board or its executive director under this chapter.") and is grounds for discipline
17 under A.R.S. § 32-1451.

18 4. The conduct and circumstances described above relating to Case No. MD-
19 15-0208A constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(dd) ("Failing
20 to furnish information in a timely manner to the board or the board's investigators or
21 representatives if legally requested by the board.") and is grounds for discipline under
22 A.R.S. § 32-1451.

23 5. The conduct and circumstances described above relating to Case No. MD-
24 14-1646A constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(e) ("Failing
25 or refusing to maintain adequate records on a patient.") and is grounds for discipline under

1 A.R.S. § 32-1451.

2 6. The conduct and circumstances described above relating to Case No. MD-
3 14-1646A constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(q) ("Any
4 conduct or practice that is or might be harmful or dangerous to the health of the patient or
5 the public.") and is grounds for discipline under A.R.S. § 32-1451.

6 **ORDER**

7 IT IS HEREBY ORDERED THAT Respondent immediately surrender License
8 Number 28043, issued to Alaaeldin Babiker, M.D., for the practice of allopathic medicine in
9 the State of Arizona, and return his certificate of licensure to the Board.

10
11 DATED and effective this 7th day of April, 2016.

12 ARIZONA MEDICAL BOARD

13
14 By: Patricia E. McSorley
15 Patricia E. McSorley
16 Executive Director

17 **CONSENT TO ENTRY OF ORDER**

18 1. Respondent has read and understands this Consent Agreement and the
19 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
20 acknowledges he has the right to consult with legal counsel regarding this matter.

21 2. Respondent acknowledges and agrees that this Order is entered into freely
22 and voluntarily and that no promise was made or coercion used to induce such entry.

23 3. Respondent consents to the entry of the Order set forth below as a
24 compromise of a disputed matter between Respondent and the Board, and does so only
25

1 for the purpose of terminating the disputed matter by agreement. Respondent
2 acknowledges it is the Board's position that, if this matter proceeded to formal hearing, the
3 Board could establish sufficient evidence to support a conclusion that certain aspects of
4 Respondent's conduct constituted unprofessional conduct. By consenting to this Order,
5 Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or
6 federal court on the matters alleged, or to challenge this Order in its entirety as issued by
7 the Board, and waives any other cause of action related thereto or arising from said Order.

8 4. The Order is not effective until approved by the Board and signed by its
9 Executive Director.

10 5. All admissions made by Respondent are solely for final disposition of this
11 matter and any subsequent related administrative proceedings or civil litigation involving
12 the Board and Respondent. Therefore, said admissions by Respondent are not intended
13 or made for any other use, such as in the context of another state or federal government
14 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
15 any other state or federal court.

16 6. Upon signing this agreement, and returning this document (or a copy thereof)
17 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
18 the Order. Respondent may not make any modifications to the document. Any
19 modifications to this original document are ineffective and void unless mutually approved
20 by the parties.

21 7. This Order is a public record that will be publicly disseminated as a formal
22 disciplinary action of the Board and will be reported to the National Practitioner's Data
23 Bank and on the Board's web site as a disciplinary action.

24 8. If any part of the Order is later declared void or otherwise unenforceable, the
25 remainder of the Order in its entirety shall remain in force and effect.

1 9. If the Board does not adopt this Order, Respondent will not assert as a
2 defense that the Board's consideration of the Order constitutes bias, prejudice,
3 prejudgment or other similar defense.

4 

Dated: 3/17/2016

5 ALAAELDIN BABIKER, M.D.

7 EXECUTED COPY of the foregoing mailed by US Mail
8 this 7th day of ~~March~~ April, 2016 to:

9 Alaaeldin Ahmed Babiker, M.D.
10 (Address of Record)
Respondent

11 ORIGINAL of the foregoing filed this
12 7th day of April, 2016 with:

13 The Arizona Medical Board
14 9545 East Doubletree Ranch Road
Scottsdale, AZ 85258

15 COPIES of the foregoing mailed
16 this 7th day of ~~March~~ April, 2016 to:

17 

18 Board Staff
19 MDW:mdw - P15-2181 - #4965532