

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **ALAAELDIN BABIKER, M.D.**

4 Holder of License No. **28043**
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-12-1493A

**INTERIM FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER
FOR SUMMARY SUSPENSION OF
LICENSE**

7 **CONSENT AGREEMENT**

8 The above-captioned matter came on for discussion before the Arizona Medical
9 Board ("Board") at a Special Teleconference Meeting of the Board on December 18,
10 2013. After reviewing relevant information and deliberating, the Board voted to consider
11 proceedings for a summary action against Alaaeldin Babiker, M.D. ("Respondent")
12 Having considered the information in the matter and being fully advised, the Board enters
13 the following Interim Findings of Fact, Conclusions of Law and Order for Summary
14 Suspension of License, pending formal hearings or other Board action. A.R.S. § 32-
15 1451(D).

16 **INTERIM FINDINGS OF FACT**

17 1. The Board is the duly constituted authority for the regulation and control of
18 the practice of allopathic medicine in the State of Arizona.

19 2. Respondent is the holder of License No. 28043 for the practice of allopathic
20 medicine in the State of Arizona.

21 3. On January 4, 2013, Board staff initiated an investigation into case no. MD-
22 12-1493A upon receipt of a patient complaint about inadequate follow-up care. During the
23 course of the investigation, additional information was obtained relating to Respondent's
24 professional conduct. Specifically, Board staff discovered that Respondent prescribed
25 controlled substances to his wife on multiple occasions, and there were indications that

1 he might be diverting this medication to himself. Respondent admitted to Board staff that
2 he did not maintain records for his wife.

3 4. Based on these findings, Board staff referred Respondent to the Board's
4 Physician Health Program (PHP) for an assessment, which was completed on October
5 23, 2013. In light of the complexity of the case and Respondent's continued denial of
6 diversion, the PHP consultant recommended that Respondent undergo a comprehensive
7 evaluation, but he refused to do so. He also refused to sign a practice limitation offered to
8 him by Board staff.

9 5. On December 4, 2013, Board staff received two patient complaints stating
10 that Respondent was allowing an unlicensed medical provider to see and treat patients at
11 his practice in Yuma. On December 6, 2013, Board staff conducted an inspection of his
12 office. Although the waiting room at his office was full of patients, Respondent's assistant
13 told Board staff that she could not reach him. In his absence, she gave members of
14 Board staff a tour of his offices where they observed used syringes, needles, dirty cotton
15 balls and other unsanitary materials strewn on the floor and on desks in the patient rooms
16 and in Respondent's personal office

17 6. Soon after the staff returned from the site inspection, Respondent agreed to
18 undergo the evaluation, which took place on December 8, 2013. The evaluators
19 diagnosed Respondent with opioid dependence, alcohol abuse, alprazolam abuse and
20 amphetamine abuse. The evaluators recommended in patient treatment and concluded
21 that Respondent was unsafe to practice until he completes treatment. The findings of the
22 evaluation facility were reviewed and confirmed by the Board's PHP consultant.

23 7. Respondent made several false statements to Board staff during the
24 interview. Respondent claimed to have hospital privileges when he did not. Respondent
25 said that he only prescribed controlled substances to his wife a few times while his wife's

1 treating provider was out of town but records show he has prescribed controlled
2 substances to his wife many times since 2008.

3 **CONCLUSIONS OF LAW**

- 4 1. The Board possesses jurisdiction over the subject matter hereof and over
5 Respondent.
- 6 2. The conduct and circumstances described above constitute unprofessional
7 conduct pursuant to A.R.S. § 32-1401(27)(e) (“[f]ailing or refusing to maintain
8 adequate records on a patient.”)
- 9 3. The conduct and circumstances described above constitute unprofessional
10 conduct pursuant to A.R.S. § 32-1401(27)(q) (“[a]ny conduct or practice that
11 is or might be harmful or dangerous to the health of the patient or the
12 public.”).
- 13 4. The conduct and circumstances described above constitute unprofessional
14 conduct pursuant to A.R.S. § 32-1401(27)(f) (“[h]abitual intemperance in
15 the use of alcohol or habitual substance abuse.”)
- 16 5. The conduct and circumstances described above constitute unprofessional
17 conduct pursuant to A.R.S. § 32-1401(27)(g) (“[u]sing controlled substances
18 except if prescribed by another physician for use during a prescribed course
19 of treatment.”)
- 20 6. The conduct and circumstances described above constitute unprofessional
21 conduct pursuant to A.R.S. § 32-1401(27)(h) (“[p]rescribing or dispensing
22 controlled substances to members of the physician’s immediate family.”)
- 23 7. The conduct and circumstances described above constitute unprofessional
24 conduct pursuant to A.R.S. § 32-1401(27)(t) (“[k]nowingly making any false or
25 fraudulent statement, written or oral, in connection with the practice of

1 medicine or if applying for privileges or renewing an application for privileges
2 at a health care institution.

3 8. Based on the foregoing Interim Findings of Fact and Conclusions of Law, the
4 public health, safety or welfare imperatively requires emergency action.

5 A.R.S. § 32-1451(D).

6 **INTERIM ORDER**

7 Based on the foregoing Interim Findings of Fact and Conclusions of Law,
8 set forth above,

9 IT IS HEREBY ORDERED THAT:

10 Respondent's license to practice allopathic medicine in the State of Arizona,
11 License No. 28043, is summarily suspended and he is prohibited from practicing medicine
12 in the State of Arizona and is prohibited from prescribing any form of treatment including
13 prescription medications or injections of any kind. The Board may require any
14 combination of staff approved assessments, evaluations, treatments, examinations or
15 interviews it finds necessary to assist in determining whether Physician is able to safely
16 resume such practice.

17 The Interim Findings of Fact and Conclusions of Law constitute written notice to
18 Respondent of the charges of unprofessional conduct made by the Board against him.
19 Respondent is entitled to a formal hearing to defend these charges as expeditiously as
20 possible after the issuance of this order.

21 The Board's Executive Director is instructed to refer this matter to the Office of
22 Administrative Hearings for scheduling of an administrative hearing to be commenced as
23 expeditiously as possible from the date of the issuance of this order, unless stipulated and
24 agreed otherwise by Respondent.
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DATED this 18th day of December, 2013.

ARIZONA MEDICAL BOARD

By Patricia McSorley
Patricia McSorley,
Interim Acting Executive Director

EXECUTED COPY of the foregoing mailed
this 18th day of December, 2013 to:

Alaaeldin Babiker, M.D.
Address of Record

ORIGINAL of the foregoing filed
this 18th day of December 2013 with:

Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

Mary Bobe
Arizona Medical Board Staff