

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
JEFFREY R. BECK, D.O.
CO-06-04-2192-A

COMMISSIONER'S
SUMMARY
ORDER

TO: JEFFREY R. BECK D.O.
REDACTED

The undersigned, Brian J. Wing, Interim Executive Deputy Commissioner of Health, pursuant to N.Y. Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction, the Maryland Board of Physicians, has made a finding substantially equivalent to a finding that the practice of medicine by **JEFFREY R. BECK, D.O.**, by the issuance of license no. ¹⁴⁰²⁴⁵~~14025~~, in that jurisdiction constitutes an imminent danger to the health of its people, as is more fully set forth in the Maryland Board of Physicians, Order for Summary Suspension of License to Practice Medicine, dated July 13, 2006, attached, hereto, as Appendix "A" and made a part, hereof.

It is therefore:

ORDERED, pursuant to N.Y. Public Health Law §230(12)(b), that effective immediately, Respondent shall not practice medicine in the State of New York.

Any practice of medicine in the State of New York in violation of this Order shall constitute Professional Misconduct within the meaning of N.Y. Educ. Law §6530(29) and may constitute unauthorized medical practice, a Felony defined by N.Y. Educ. Law §6512.

This Order supercedes Commissioner's Summary Order, dated June 6, 2006.

This Order shall remain in effect until the final conclusion of a hearing which shall commence within thirty days after the final conclusion of the disciplinary proceeding in the State of Maryland . The hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on a date and at a location to be set forth in a written Notice of Summary Hearing to be provided to the Respondent after the final conclusion of the proceeding. Said written Notice may be provided in person, by mail, or by other means. If Respondent wishes to be provided said written notice at an address other than that set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth in this Order and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

Respondent shall notify the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299 via Certified Mail, Return Receipt Requested, of the final conclusion of the Maryland proceeding immediately upon such conclusion.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
February 28, 2007

REDACTED

Brian J. Wing
Interim Executive Deputy Commissioner of Health
New York State Health Department

Inquiries should be directed to:

Robert Bogan
Associate Counsel
N.Y.S. Department of Health
Division of Legal Affairs
433 River Street
Suite 303
Troy, NY 12180
Telephone (518) 402-0828

IN THE MATTER OF

JEFFREY R. BECK, D.O.

Respondent

License Number: H55156

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BEFORE THE

MARYLAND BOARD

OF PHYSICIANS

Case Number: 2006-0292

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**ORDER FOR SUMMARY SUSPENSION
OF LICENSE TO PRACTICE MEDICINE**

The Maryland Board of Physicians (the "Board") hereby **SUMMARILY SUSPENDS** the license of Jeffrey R. Beck, D.O. (the "Respondent") (D.O.B. 10/21/53), License Number H55156, to practice medicine in the State of Maryland. The Board takes such action pursuant to its authority under Md. State Gov't Code Ann. § 10-226(c)(2004 Repl. Vol.), concluding that the public health, safety or welfare imperatively requires emergency action.

INVESTIGATIVE FINDINGS

Based on information received by, and made known to the Board, and the investigatory information obtained by, received by and made known to and available to the Board, including the instances described below, the Board has reason to believe that the following facts are true:¹

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was originally licensed to practice medicine in Maryland on August 6, 1999, under License Number H55156.

¹ The statements regarding the Respondent's conduct are intended to provide the Respondent with notice of the basis of the suspension. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

2. The Respondent is Board-certified in emergency medicine and pediatric medicine. The Respondent's chosen areas of medical specialization regularly cause him to treat and interact with minors and other vulnerable individuals. At the time of the events described herein, the Respondent was working as an emergency room physician, where he regularly came into contact with children.

3. As of the date of this Order, the Respondent does not maintain active licenses in any other states or jurisdictions. The Respondent previously maintained active licenses in California and New York. The Osteopathic Medical Board of California (the "California Board") issued an Order suspending the Respondent's osteopathic/medical license, effective March 27, 2006. The New York State Board for Professional Medical Conduct (the "New York Board") issued an Order suspending the Respondent's medical license, effective June 6, 2006.

4. The Board initiated an investigation of the Respondent after reviewing a *Dateline NBC Special Investigation* about Internet predators that aired on the National Broadcasting Company (NBC) television network on November 4, 2005. The Respondent appeared on the television program as one of nineteen men who used Internet chat rooms to solicit minors for sexual purposes.

5. Board investigation determined that the Respondent, while residing in and practicing medicine in Maryland, engaged in several explicitly sexual electronic mail conversations with an individual he believed was a 14-year-old

boy. The Respondent arranged to meet this individual at the individual's purported residence in Herndon, Virginia. The Respondent then traveled across state lines to the residence for this meeting.

6. Board investigation also determined that as a result of this incident, and/or incidents occurring during his practice as a physician in this State:

(a) the Respondent's employer terminated his employment contract;

(b) the States of California and New York summarily suspended the Respondent's professional licenses, based on the above matters; and

(c) the Respondent, while practicing medicine in this State, committed prohibited acts in violation of the Maryland Medical Practice Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 14-101 et seq. (2005 Repl. Vol.)

7. The Board considers the Respondent's continued licensure in the State of Maryland to constitute a danger to the public, and that the public, health, safety and welfare require that his license be summarily suspended.

8. The Board's investigative findings are set forth *infra*.

Investigative Findings

Matters Related to Internet Communications

9. Between August 14, 2005, and August 16, 2005, the Respondent while living and practicing medicine in Maryland, participated in sexually explicit instant messaging conversations with an individual he believed to be a 14-yr old boy named "Luke." In actuality, the conversation and meeting were part of a coordinated effort by the television show *Dateline NBC* and an organization called *Perverted Justice*, whose stated goal is "to create a chilling effect

regional chat rooms and other targets of opportunity online." *Dateline NBC* exposed the Respondent's actions on a nationally broadcast program on November 4, 2005.

10. *Perverted Justice* utilizes adult volunteers to create online accounts posing as minors. Once online, *Perverted Justice* volunteers enter chat rooms and wait to be contacted by adults who prey upon minors for sexual purposes. *Perverted Justice* then provides the content of these communications to law enforcement officials and other individuals when indicated.

11. The Respondent, using his America On Line (AOL) account with the screen name "Gbabbsp," initially contacted a *Perverted Justice* volunteer in a chat room called "Dads for Sons" on August 14, 2005. The *Perverted Justice* volunteer, who was an adult, posed as a 14-year-old boy named "Luke." "Luke" used the screen name "Marlboro 20170." The Respondent had at least four instant message conversations with "Luke" on August 14, 2005. The Respondent then had multiple instant message communications with "Luke" on two additional dates: August 15, 2005; and August 16, 2005.

12. During the course of these instant message conversations, the Respondent inquired as to how old "Luke" was, and then continued to discuss overtly sexual matters with "Luke" after "Luke" advised him that he was 14 years old. The Respondent had discussions with "Luke" about whether he had previously engaged in certain sexual acts; spoke of paddling "Luke"; asked "Luke" what he would like sexually, what would get him "hot," and how "Luke" felt about "kinky shy"; whether "Luke" had ever been "spanked," and whether

spanking could be "fun for sex." The Respondent established that "Luke" spent substantial periods of time alone, and that he sounded like he "need[ed] a hug badly," and that he liked him a lot. The Respondent also stated that he would wait to have sex with "Luke" until they were better acquainted, but once they got to "know each other well, whatever happens happens" The Respondent advised "Luke" that he would "cover [him] with hugs and kisses" and "cuddle [him] and make [him] feel safe and cared about."

13. The Respondent also told "Luke" that he would take him places and sent "Luke" a photograph of him posed on a mattress. The Respondent stated that he was grateful that "Luke" thought that he looked "hot" and that he had been looking at "Luke's" photograph "a lot." The Respondent stated that he thought it was "cool" that "Luke" had just turned 14 years old. The Respondent established when "Luke's" parents would be away, and then had at least one cellular telephone conversation with "Luke," whereupon he arranged to meet "Luke" without supervision at "Luke's" purported residence in Herndon, Virginia, at a prearranged time on August 18, 2005.

13. The Respondent appeared at the Herndon, Virginia, address, according to plan. The Respondent entered the premises, at which point "Luke" informed him that he was upstairs changing, because he had spilled something on his clothes. The Respondent then went in the direction of the upstairs, at which point Chris Hansen, a television correspondent working for *Dateline NBC*, intercepted him. The Respondent then engaged in a filmed interview with Hansen, informing him that he was not trying to engage in sex with a minor, but

was merely acting as a "good Samaritan" who was concerned that "Luke" was home alone. The Respondent then left the premises.

14. The Respondent's actions indicate that he engaged in repeated, overtly sexual communications with an individual he believed to be 14-years old. Furthermore, the Respondent made inquiries about meeting this individual when he was without adult supervision, and traveled across state lines to meet this individual according to a pre-arranged plan. The Respondent then attempted to follow the purported individual to the second floor of the premises upon his arrival.

The Respondent's Response to the Board

15. The Board notified the Respondent that it had initiated an investigation of this matter, based on the above telecast. The Board requested that the Respondent provide an explanation for his actions. The Respondent replied in a letter, dated January 14, 2006. Board staff subsequently interviewed the Respondent. The Respondent stated that in August 2005, he did, in fact, visit an Internet chat room called "Dads for Sons" and afterwards, engaged in sexually explicit instant messaging conversations. The Respondent admitted that in this chat room, he contacted "someone who indicated he was 14 years old," and then proceeded to have instant messaging conversations with this individual. The Respondent claimed that this individual "continuously led the conversation in a sexual manner." The Respondent stated that as he engaged in these discussions, he concluded that the person with whom he was speaking was in fact a "child," who was "at risk," and that his motive was simply to "mentor" him.

The Respondent stated that he took such action after observations made in his "professional capacity." The Respondent claimed that he traveled to Virginia to see for himself whether this "child" was neglected prior to calling Child Protective Services.

Suspension of Licensure, State of California

16. At the time of the incidents described above, the Respondent was licensed to practice medicine in the State of California.

17. On or about March 23, 2006, the California Board filed an Accusation against the Respondent, based on the Internet communications described above. The California Board accused the Respondent of several violations of the California Medical Practice Act (specifically the California Business and Professions Code), including Soliciting a Minor for Sex, Corruption, Dishonesty, and Unprofessional Conduct. **A copy of the Accusation is attached hereto and incorporated herein as Attachment 1.**

17. The California Board also filed a Petition for Interim Order of Suspension against the Respondent, alleging that the Respondent's actions constituted various forms of professional misconduct, including attempting to solicit a 14-year-old boy for sex; sending suggestive e-mails to a 14-year-old boy; sending a suggestive photograph to a 14-year-old boy; and denying his actions when confronted by a *Dateline NBC* reporter. The California Board characterized the Respondent's actions as being "significant misconduct," and alleged that the Respondent represented a risk of serious injury and a danger to the health, safety and welfare of the public, in view of the following: (a) his conduct involved

the solicitation of a minor for sex; (b) he practices pediatric and emergency medicine where he interacts with children; (c) his actions indicate that he has "no care nor concern for the welfare of children" and "there is no way the [California] Board can monitor him nor ensure the public's safety"; (d) his comments on the *Dateline NBC* videotape demonstrate "he as no comprehension of the seriousness of this actions and a complete disregard for the welfare of minors; and (e) his comments on the *Dateline NBC* videotape demonstrate "his dishonesty in that he lied when questioned regarding the nature of his relationship with 'Luke' and the purpose of his visit to 'Luke's' home."

18. The California Board alleged that the Respondent's actions, if committed in California, constituted an actionable felony under the California Penal Code.

19. The California Board alleged that the Respondent's conduct was of such a nature so as to cause "substantial harm," and that his unlawful acts of attempting to lure a minor for sex endangers innocent children, particularly because the Respondent practiced pediatric medicine, and is thus "in contact with the very minors he tried to solicit for sex." **A copy of the Petition for Interim Order of Suspension, with attachments, is attached hereto and incorporated herein as Attachment 2. A copy of the Memorandum of Points and Authorities in Support of Petition for Interim Order of Suspension is attached hereto and incorporated herein as Attachment 3.**

20. By Order, dated March 27, 2006, the State of California issued an Interim Order of Suspension, wherein the Respondent's license to practice

medicine in the State of California was suspended. A copy of the Interim Order of Suspension is attached hereto and incorporated herein as Attachment 4.

~~21. As of the date of this Order, the Respondent has not contested the~~
California Board's suspension of his license to practice medicine.

Suspension of Licensure, State of New York

22. At the time of the incidents described above, the Respondent was licensed to practice medicine in the State of New York.

23. On or about June 6, 2006, the State of New York, upon a recommendation made by the New York Board, issued a public Order finding that the Respondent constituted an "imminent danger to the health, safety, and welfare of its people," based on the action taken by the California Board. The State of New York suspended the Respondent's New York medical license until such time as the California Board resolved all actions against him. As of the date of this Order, the Respondent has not contested the State of New York's suspension of his license to practice medicine. A copy of the Summary Order is attached hereto and incorporated herein as Attachment 5.

Termination of Contract/Employment, Eastern Shore Emergency Medicine Physicians, LLC

24. At the time of the above incidents, the Respondent was under contract with Eastern Shore Emergency Medicine Physician, LLC ("ESEMP"), to provide physician coverage in the Emergency Departments of two hospitals (the Memorial Hospital at Easton (Memorial Hospital) and Dorchester General Hospital) under the umbrella of Shore Health System, Inc ("Shore"). The Respondent primarily practiced at the Memorial Hospital.

25. On or about November 4, 2005, the President and CEO of Shore requested that ESEMP remove the Respondent from the Emergency Rooms under contract with Shore, ~~due to the Respondent's involvement in actions depicted in the Dateline NBC broadcast.~~ The President and CEO stated that such action was necessary because "we cannot expect our public and patients to trust [the Respondent] with their medical care going forward."

26. ESEMP terminated the Respondent's employment contract, effective November 4, 2005, for the following reasons: the Respondent's privileges were suspended and limited in a material way; the Respondent failed to perform his duties consistent with applicable professional and ethical standards or otherwise violated the terms of his employment agreement; the Respondent engaged in wrongful conduct substantially detrimental to the business and reputation of ESEMP and its other physicians; and a hospital where ESEMP provided physician services requested that the Respondent not provide professional services there.

Violations of the Maryland Medical Practice Act

27. After receiving the above information, the Board also investigated the Respondent's professional conduct while practicing medicine in Maryland. The Board determined that the Respondent, while practicing medicine in Maryland, engaged in unprofessional conduct in the practice of medicine and otherwise violated the Maryland Medical Practice Act (the "Act"), Md. Health Occ. Code Ann. §§ 14-101 *et seq.* (2005 Repl. Vol.) Board investigative findings are set forth as follows.

28. The Respondent, while on duty or otherwise providing medical care at Memorial Hospital in or about 2002-2004, engaged in a pattern of making inappropriate remarks to patients, ~~or in the presence of patients and/or hospital staff.~~ The Respondent reportedly talked about his ex-wife in a derogatory manner and about his live-in friend in a manner that made his colleagues uncomfortable; talked about his ex-wife and the person with whom he lives at the nurses' station around patients who could hear the conversation; and spoke to patients about his ex-wife and his divorce with patients. At least one patient and several staff members noted discomfort after being exposed to these remarks.

29. During this same time period, the Respondent engaged in a series of loud verbal outbursts with colleagues at Memorial Hospital in or about patient treatment areas.

30. The Respondent inappropriately provided medical care and/or prescribed medications for a person with whom he maintained a close, personal and/or intimate relationship, without maintaining or safeguarding a medical record; and failed to maintain or safeguard medical records for one or more individuals to whom he provided medical care and/or prescribed controlled substances. The Respondent met a 21-year old man (hereinafter "Patient A") in an Internet chat room in or about 2000. At that time, Patient A was residing in California. In or about 2002, the Respondent invited Patient A to reside with him. During the time the Respondent was residing with Patient A, the Respondent provided medical care and/or prescribed various medications for Patient A including, but not limited to, antibiotics, benzodiazepines, muscle relaxants and

narcotic analgesic medications. A Board pharmacy survey determined that in August/September 2005 alone, the Respondent provided Patient A with at least two prescriptions for benzodiazepines (*i.e.*, alproazolam-0.5-mg);² a prescription for muscle relaxants (*i.e.*, carisoprodol 350 mg); and a prescription for narcotic analgesics (*i.e.*, hydrocodone 7.5 mg). The Respondent failed to maintain medical records with respect to Patient A and/or failed to safeguard such records, if in fact, he maintained them.

31. The Respondent provided medical care and/or procured controlled substances for a non-patient under inappropriate circumstances. On or about January 31, 2004, the Respondent induced a nurse at Memorial Hospital to remove two Xanax tablets from hospital stock for an acquaintance, and instructed the nurse to sign the medication out under another person's name and enter the drug as "wasted" in the hospital inventory record. The Respondent failed to personally evaluate the acquaintance, or maintain or safeguard a medical record with respect to this individual. In addition, the Respondent induced a hospital staff member to make a misrepresentation in a medical record in order to provide an acquaintance with a controlled substance for which he did not write a prescription.

32. As a result of the above incidents, Shore referred the Respondent for professional and behavioral assessment and counseling.

33. The Respondent represented to the Board that he made observations in his "professional capacity" in order to assess whether the person

² In an interview with Board representatives, the Respondent stated, "[s]ince all of this hit, it's possible that there's been a prescription for either Ativan or Xanax."

with whom he was carrying on cellular and instant messaging conversations was a "child" who needed attention. While applying his professional judgment to "assess" the purported individual's life circumstances/home situation, the Respondent engaged in inappropriate, unprofessional conversations (see ¶ 5, *supra*). The Respondent provided implausible explanations to rationalize his misconduct when communicating with the Board regarding his actions with this individual, whom he believed was a minor.

34. Based on the above investigative facts, the Board has probable cause to believe that the Respondent has committed acts in violation of the Act. Specifically, the Board has probable cause to believe that the Respondent violated the following provisions of H.O. § 14-404(a);

- (2) Fraudulently or deceptively uses a license;
- (3) Is guilty of immoral or unprofessional conduct in the practice of medicine;
- (11) Willfully makes or files a false report or record in the practice of medicine.

33. The Board concludes that the Respondent's conduct, as described above, constitutes a danger to the health, safety and welfare of the public. As of the date of this Order, the medical boards of two other states have determined that the Respondent represented a danger to the public, and have summarily suspended his medical license on this basis. Because of this, the Respondent is prohibited from practicing medicine in all other jurisdictions except for Maryland. The Respondent's chosen areas of medical specialization regularly place him into contact with children and other vulnerable individuals. The Respondent's

actions indicate that he willingly entered into explicitly sexual instant message conversations with an individual he believed to be 14 years old. The Respondent's actions indicate a strong likelihood that he intended to solicit a minor for sexual purposes, and followed up on his intention by traveling a substantial distance across state lines to meet this purported individual, whom he determined was not under supervision by a parent or other responsible adult figure. The Respondent's actions indicate a total lack of good moral character, a requirement for licensure, and cast grave doubt on his judgment. The Respondent represents a danger to the public in that he practices emergency medicine and pediatric medicine, where he regularly comes into contact with the same patient population he intended to exploit with his Internet-based communications. The Respondent also demonstrated a lack of candor when he provided implausible explanations to rationalize his misconduct, including during interviews with Board representatives. Further, the Respondent, when practicing medicine in this State, engaged in a variety of actions that demonstrate an inability to exercise appropriate professional judgment.

CONCLUSIONS OF LAW

Based on the foregoing investigative facts, the Board concludes that the public health, safety or welfare imperatively require emergency action in this case, pursuant to Md. State Gov't Code Ann. § 10-266(c)(2)(2004 Repl. Vol.).

ORDER

It is this 17th day of July 2006, by a majority of the quorum of the Board:

ORDERED that pursuant to the authority vested by Md. State Gov't Code Ann. §10-226(c)(2), the Respondent's license to practice medicine in the State of Maryland be and hereby is **SUMMARILY SUSPENDED**; and be it further

ORDERED that a post-deprivation hearing in accordance with Code Md. Regs. tit. 10, § 32.02.05.B(7) C, D and E on the Summary Suspension has been scheduled for **Wednesday, July 26, 2006 at 1:00 p.m.**, at the Maryland Board of Physicians, 4201 Patterson Avenue, Room 108, Baltimore, Maryland 21215-0095; and be it further

ORDERED that at the conclusion of the **SUMMARY SUSPENSION** hearing held before the Board, the Respondent, if dissatisfied with the result of the hearing, may request within ten (10) days an evidentiary hearing, such hearing to be held within thirty (30) days of the request, before an Administrative Law Judge at the Office of Administrative Hearings, Administrative Law Building, 11101 Gilroy Road, Hunt Valley, Maryland 21031-1301; and be it further

ORDERED that on presentation of this Order, the Respondent **SHALL SURRENDER** to the Board's investigator the following items:

- (1) his original Maryland License H55156;
- (2) his current renewal certificate;
- (3) DEA Certificate of Registration;
- (4) Maryland Controlled Dangerous Substance Registration;
- (5) All controlled dangerous substances in his possession and/or practice;
- (6) All Medical Assistance prescription forms;

(7) All prescription forms and pads in his possession and/or practice; and

~~(8) Any and all prescription pads on which his name and DEA number are imprinted; and be it further~~

ORDERED that a copy of this Order of Summary Suspension shall be filed with the Board in accordance with Md. Health Occ. Code Ann. § 14-407 (2005 Repl. Vol.); and be it further

ORDERED that this is a Final Order of the Board and, as such, is a PUBLIC DOCUMENT pursuant to Md. State Gov't Code Ann. § 10-611 *et seq.* (2004 Repl. Vol.)

7/13/06
Date

REDACTED

C. Irving Pinder, Jr.
Executive Director
Maryland Board of Physicians