ORDER

This matter is before the Medical Licensure Commission of Alabama on an Administrative Complaint filed by the Alabama State Board of Medical Examiners seeking to revoke or otherwise discipline the license to practice medicine in Alabama of the Respondent, Dan L. Ecklund, M.D. Previously, on January 26, 2005, the Medical Licensure Commission had entered an Order summarily suspending Dr. Ecklund’s license to practice medicine in Alabama based upon a request by the Alabama State Board of Medical Examiners. A hearing on the Administrative Complaint was held on May 25, 2005. Dr. Ecklund was present and was not represented by an attorney. James R. Cooper, Esq. represented the Board of Medical Examiners. Wayne P. Turner, Esq. served as Hearing Officer.

Evidence was presented by the Board of Medical Examiners in support of its Administrative Complaint. Dr. Ecklund submitted evidence in his own behalf, including his own testimony. Based upon such evidence, the Medical Licensure Commission makes the following findings of fact:

1. Dr. Ecklund began seeing a patient, R.E., in April of 2003. Soon after she became his patient, R.E. moved into Dr. Ecklund’ s home and they began having sexual relations.
2. Dr. Ecklund knew that R.E. was a drug addict, yet he prescribed for her quantities of controlled substances. In addition, on at least one occasion, he paid for the controlled substances prescribed for her by him.

3. Dr. Ecklund admitted in his testimony that he had a problem with appropriate patient-physician boundaries.

4. Dr. Ecklund was evaluated by Dr. Gene Abel of the Behavioral Medicine Institute, Atlanta, Georgia. In his deposition testimony, which was entered into evidence and considered by the Medical Licensure Commission, Dr. Abel stated that Dr. Ecklund was not able to practice medicine with reasonable skill and safety to his patients and the public. Dr. Abel’s conclusions were based upon tests performed upon Dr. Ecklund, and personal interviews with Dr. Ecklund.

5. Dr. Abel described five distinct DSM-IV Axis I diagnoses, which, combined with the history related by Dr. Ecklund, supported his conclusion that Dr. Ecklund was not able to practice medicine with reasonable skill and safety to his patients and the public.

6. Specifically, Dr. Ecklund admitted to Dr. Abel the following:

A. He had sexual relations with a patient.

B. He prescribed controlled substances to a patient with whom he was having sex.

C. He prescribed controlled substances to a patient who he knew was a drug addict.

D. He paid for prescriptions for controlled substances for a patient with whom he was having sex, knowing that she was a drug addict.

E. In the past he has had sexual experiences with young female children.

F. In the past he has had sexual experiences with his daughter.

G. In the past he has had sexual experiences with animals.

H. He has touched females without their consent in order to gain sexual gratification.
7. In his testimony Dr. Ecklund acknowledged having had sexual contact with animals and having sexual contact with his own children, and he appeared to have little understanding of what he had done and that it might be unprofessional.

8. In his testimony Dr. Ecklund acknowledged that he had examined a first time patient in a car in a parking lot. He then prescribed controlled substances for that patient and he acknowledged that he failed to establish a patient file or record for that patient.

Based upon the foregoing findings of fact, the Medical Licensure Commission makes the following conclusions of law.

1. Dr. Ecklund has engaged in immoral, unprofessional or dishonorable conduct as defined in the Rules and Regulations promulgated by the Medical Licensure Commission, a violation of Alabama Code §34-24-360(2).

2. Dr. Ecklund has practiced medicine in such a manner as to endanger the health of a patient, a violation of Alabama Code §34-24-360(3).

3. Dr. Ecklund has prescribed or furnished controlled substances to a person for a reason other than a legitimate medical purpose, a violation of Alabama Code §34-24-360(8).

4. Dr. Ecklund is unable to practice medicine with reasonable skill and safety to patients by reason of illness or as a result of a mental or physical condition, a violation of Alabama Code §34-24-360(19).

5. Dr. Ecklund has failed to maintain for a patient a medical record meeting the minimum standards stated in the Rules of the Medical Licensure Commission, a violation of Alabama Code §34-24-360(22).
6. Dr. Ecklund has violated Medical Licensure Commission Rule 545-X-4-.07 by engaging in sexual misconduct with a patient.

Based upon the foregoing findings of fact and conclusions of law, it is the ORDER of the Medical Licensure Commission that the license to practice medicine in Alabama of the Respondent, Dan L. Ecklund, M.D., be and the same is hereby REVOKED.

Entered this 6th day of June, 2005.

JERRY N. GURLEY, M.D.
Chairman, Medical Licensure Commission of Alabama
ORDER TEMPORARILY SUSPENDING LICENSE AND SETTING HEARING

Upon the verified Administrative Complaint of the Alabama State Board of Medical Examiners, and pursuant to the authority of Ala. Code §§34-24-361(f) and 41-22-19(d) (2002), it is the ORDER of the Commission that the license to practice medicine, license certificate number MD.00022713, of DAN L. ECKLUND, M. D., be, and the same is hereby, immediately suspended. DAN L. ECKLUND, M. D., is hereby ORDERED and DIRECTED to surrender the said license certificate and his Alabama controlled substances registration certificate and all controlled substances of which he has possession to Randy Dixon, a duly authorized agent of the Medical Licensure Commission. DAN L. ECKLUND, M. D., is hereby ORDERED to immediately CEASE and DESIST from the practice of medicine in the State of Alabama until such time as the Administrative Complaint of the Alabama State Board of Medical Examiners shall be heard by the Commission and a decision rendered thereon:

This action is made consistent with the Rules and Regulations of the Board of Medical Examiners and the Medical Licensure Commission and Ala. Code 34-24-361(f) (2002), based upon the request of the Alabama State Board of Medical Examiners upon the Board’s finding and certification that the Board presently has evidence in its possession that the continuation in
practice of DAN L. ECKLUND, M. D., may constitute an immediate danger to his patients and the public.

It is the further ORDER of the Medical Licensure Commission that the Administrative Complaint of the Alabama State Board of Medical Examiners be, and the same is hereby, set for hearing on the 25th day of May, 2005, at 9:30 a.m., at the offices of the Medical Licensure Commission, 848 Washington Avenue, Montgomery, Alabama.

The said DAN L. ECKLUND, M. D., is ORDERED to appear before the Commission at the aforesaid time and date there to answer the allegations of the Administrative Complaint filed by the Alabama State Board of Medical Examiners.

It is the further ORDER of the Commission that a copy of the verified Administrative Complaint of the Alabama State Board of Medical Examiners and a copy of this order shall be forthwith served upon the said DAN L. ECKLUND, M. D., by personally delivering the same to him at his office or at his residence or such place as he may be found in the State of Alabama, or by certified mail, return receipt requested, to his last known address if he cannot be found in the State of Alabama. The Commission further directs that the service of process shall be made by __________, who is designated as the duly authorized agent of the Medical Licensure Commission.

The Honorable Wayne P. Turner is hereby designated as hearing officer in this matter. It is further ordered that the parties and their attorneys immediately check their calendars for scheduling conflicts. No requests for continuance based upon schedule conflicts of attorneys or parties will be considered unless such request is made prior to April 26, 2005.
ORDERED at Montgomery, Alabama, this 26th day of January, 2005.

Jerry N. Garley, M. D., Chairman
Medical Licensure Commission of Alabama
ALABAMA STATE BOARD OF MEDICAL EXAMINERS,

Complainant,

vs.

DAN L. ECKLUND, M. D.

Respondent.

BEFORE THE MEDICAL LICENSURE COMMISSION OF ALABAMA

CASE NO. 05-001

ADMINISTRATIVE COMPLAINT AND PETITION FOR SUMMARY SUSPENSION OF LICENSE

Comes now the Alabama State Board of Medical Examiners, and submits herein its sworn petition pursuant to the authority of Ala. Code §§34-24-361(e) and (f)(2002) and represents to the Medical Licensure Commission the following:

1. The Respondent, Dan L. Ecklund, M. D., was duly issued a license to practice medicine in the State of Alabama, license number MD.00022713, on June 1, 1999.

2. The Board of Medical Examiners has caused an investigation to be made into the medical practice of Dr. Ecklund, and based upon information developed during the course of its investigation, the Board has determined that there exists probable cause to believe that the Respondent, Dr. Ecklund, has committed violations of Ala. Code §34-24-360(2002) and the Rules and Regulations of the Medical Licensure Commission of Alabama which are the following:

   a. Engaged in immoral, unprofessional or dishonorable conduct as defined in the Rules and Regulations promulgated by the Medical Licensure Commission, a violation of Ala. Code §34-24-360(2);

   b. Practiced medicine in such a manner as to endanger the health of the patient, a violation of Ala. Code §34-24-360(3);
c. Prescribed or furnished controlled substances to any person or patient for any reason other than a legitimate medical purpose, a violation of Ala. Code §34-24-360(8);

d. Being unable to practice medicine with reasonable skill and safety to patients by reason of illness or as a result of any mental or physical condition, a violation of Ala. Code §34-24-360(19);

e. Failed to maintain for a patient a medical record which meets the minimum standards stated in the Rules of the Medical Licensure Commission, a violation of Ala. Code §34-24-360(22); and

f. Violated Medical Licensure Commission Rule 545-X-4-.07 by engaging in sexual misconduct with a patient.

3. In support of the allegations of the violations of Ala. Code §§34-24-360(2), (3), (8) and (19) and Medical Licensure Commission Rule 545-X-4-.07, the Board specifically alleges the following facts:

a. On or about April 18, 2003, patient, R. E., was seen as a new patient by Dr. Ecklund at his medical office. The patient, R. E., paid a second visit to Dr. Ecklund’s office on or about April 25, 2003, and Dr. Ecklund noted in the patient chart that R. E. had a narcotic dependency. Also, Dr. Ecklund noted his plan to “detox” R. E. by providing prescriptions for controlled substances. Multiple visits to Dr. Ecklund were made by patient, R. E., in May 2003 and June 2003, and no fee was charged for the visits.

b. Large quantities of Hydrocodone, a Schedule III controlled substance, were prescribed to R. E. by Dr. Ecklund from April 2003 through September 2003. Also from April 2003 through September 2003, R. E. was given many prescriptions for Alprazolam, a Schedule IV controlled substance, Diazepam, a
Schedule IV controlled substance, OxyContin, a Schedule II controlled substance, Oxycodone, a Schedule II controlled substance, and Endocet, a Schedule II controlled substance. Approximately eighty-two (82) prescriptions for controlled substances were given by Dr. Ecklund to R. E. over, approximately, a five (5) month period.

c. In approximately June 2003, R. E. moved into Dr. Ecklund’s home, and a sexual relationship between the patient, R. E., and Dr. Ecklund began.

d. In the medical record maintained by Dr. Ecklund for patient, R. E., the last documented patient visit in the medical chart was on July 24, 2003; however, pharmacy records show Schedule II, Schedule III and Schedule IV controlled substances prescribed by Dr. Ecklund to R. E. after July 24, 2003. In approximately September 2003, R. E. informed Dr. Ecklund that she was pregnant with his child. Dr. Ecklund provided to R. E. drugs, including Methotrexate, for the purpose of aborting the child, without performing any medical examination or ordering any medical tests to confirm the pregnancy. Prescribing such drugs to a patient without confirmation of a pregnancy put the patient’s health at risk.

e. On September 25, 2003, Dr. Ecklund wrote a final prescription for a controlled substance to R. E. and gave R. E. a letter dismissing her as a patient.

f. On November 23, 2004, the Alabama Board of Medical Examiners (“the Board”) issued an Order requiring that Dr. Ecklund submit to a complete physical, psychological and/or psychiatric examination to rule out professional sexual misconduct.
g. On December 28, 2004, the Board received an evaluation report which stated Axis I diagnoses of pedophilia, post-status exhibitionism, post-status frotteurism, and post-status paraphilia. Also, the report stated an occupational problem finding of professional sexual misconduct. The evaluator recommended that Dr. Ecklund not be allowed to practice medicine until his problems with professional sexual misconduct, pedophilia and narcotic management are dealt with, and a therapist reports that Dr. Ecklund does not pose a threat to patients or to the community.

4. The Board alleges that Dr. Ecklund has prescribed controlled drugs to a patient, R. E., for a reason other than a legitimate medical purpose, specifically, for sexual favors provided by R. E. during the time there existed a physician-patient relationship between Dr. Ecklund and R. E.. The Board alleges that this sexual relationship between Dr. Ecklund and his patient, R. E., constitutes sexual misconduct by Dr. Ecklund and, consequently, unprofessional conduct according to Rule 545-X-4-.07 of the Medical Licensure Commission and §34-24-360(2) of the Code of Alabama.

5. The Board alleges that the provision of controlled substances to the patient, R. E., an acknowledged addict, exposed the health of R. E. to unreasonable risks of harm which were not medically justified by any expected benefit.

6. The Board alleges that Dr. Ecklund endangered the health of patient, R. E., when he prescribed drugs, including Methotrexate to R. E. to cause an abortion without first confirming the pregnancy through physical examination and medical tests, and that, consequently, Dr. Ecklund placed the health of the patient at unreasonable risk of harm.
7. Based upon conduct with patient, RE, and the psychiatric evaluation report, the Board alleges that Dr. Ecklund has an illness or a mental or physical condition which keeps him from being able to practice medicine with reasonable skill and safety to patients.

8. The Board of Medical Examiners hereby finds and certifies to the Medical Licensure Commission of Alabama that the Board has in its possession evidence which shows that the continuation in practice of the Respondent, Dan L. Ecklund, M.D., constitutes an immediate danger to any patients and to the public.

Wherefore, the foregoing premises considered, the Alabama Board of Medical Examiners respectfully requests that the Medical Licensure Commission, pursuant to its authority under Ala. Code §§34-24-361(f) (2002) and 41-22-19(d) (2002), immediately suspend the license to practice medicine of Dan L. Ecklund, M.D., without a hearing, and order that Dr. Ecklund immediately cease and desist the practice of medicine in the State of Alabama and surrender to the Medical Licensure Commission of Alabama or a designated agent his license to practice medicine, his Alabama Controlled Substances Certificate, and any inventory of controlled substances which may be in the possession of Dr. Ecklund.

Further, the Board of Medical Examiners requests that the Medical Licensure Commission set a hearing upon this Administrative Complaint, and order that the Respondent, Dr. Ecklund, appear and answer the allegations contained in this complaint, in accordance with the rules and regulations of the Medical Licensure Commission. Further, the Board requests that, at the conclusion of the hearing, the Commission revoke the license to practice medicine of the Respondent and/or take such other actions as the Commission may deem appropriate based upon the evidence presented for its consideration.
The Board of Medical Examiners is presently continuing the investigation of the Respondent and said investigation may result in additional charges being prepared and filed as an amendment to this Administrative Complaint.

This Administrative Complaint is executed for and on behalf of the Alabama State Board of Medical Examiners by its Executive Director pursuant to the instructions of the Board as contained in its resolution of January 19, 2005, a copy of which is attached hereto and incorporated herein.

EXECUTED this 25th day of January, 2005.

[Signature]
Larry D. Dixon, Executive Director

Patricia E. Shaner, Attorney for the Alabama Board of Medical Examiners
P.O. Box 946
Montgomery, AL 36101-0946
Telephone # (334)242-4116
Facsimile # (334) 242-4155
STATE OF ALABAMA

MONTGOMERY COUNTY

Before me, the undersigned, personally appeared Larry D. Dixon, who, being by me first duly sworn, deposes and says that he, in his capacity as Executive Director of the Alabama Board of Medical Examiners, has executed the contents of the foregoing complaint and affirms that the contents thereof are true and correct to the best of his knowledge, information and belief.

Larry D. Dixon, Executive Director
Alabama State Board of Medical Examiners

SWORN TO AND SUBSCRIBED before me this 25th day of January, 2005.

Notary Public
My Commission Expires: 10-1-07
STATE OF ALABAMA

MONTGOMERY COUNTY

AFFIDAVIT

Before me, the undersigned, personally appeared Larry D. Dixon, Executive Director of the Alabama State Board of Medical Examiners, who, being by me first duly sworn, deposes and says as follows:

The Alabama State Board of Medical Examiners session on January 19, 2005, a quorum of the members of the Board being present, conducted an investigation into the medical practice of Dan L. Ecklund, M.D., and at the conclusion of the discussion, the Board adopted the following resolution:

Dan L. Ecklund, M.D., Gulf Shores. After consideration of investigative information, the Credentials Committee recommended that the Board file an Administrative Complaint with the Medical Licensure Commission seeking a Summary Suspension of Dr. Ecklund’s medical license on grounds to include unprofessional conduct, impairment, endangering the health of a patient, and prescribing controlled substances for no legitimate medical purpose. The motion was adopted.

I further certify that the foregoing resolution was adopted by the Alabama State Board of Medical Examiners on the 19th day of January, 2005.

Larry D. Dixon, Executive Director
Alabama State Board of Medical Examiners

SWORN TO AND SUBSCRIBED before me this 25th day of January, 2005.

Notary Public
My Commission Expires: 10-1-07