

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

STATE OF OKLAHOMA, *ex rel.*,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE)
AND SUPERVISION,)

Plaintiff,)

v.)

MARK DOUGLAS FOSSEY M.D.,)
LICENSE NO. MD 11793)

Defendant.)

FILED

NOV 15 2019

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 18-12-5677

VERIFIED COMPLAINT

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), alleges and states as follows for its Complaint against **MARK DOUGLAS FOSSEY , M.D.** (“Defendant”):

I. JURISDICTION

1. The Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma. 59 O.S. §480, *et seq.* And Okla. Admin. Code 435:5-1-1 *et seq.*
2. In Oklahoma, Defendant holds medical license no. 11793.
3. The acts and omissions complained of herein were made while Defendant was acting as a physician pursuant to the license conferred upon him by the State of Oklahoma. Such acts and omissions occurred within the physical territory of the State of Oklahoma.

II. ALLEGATIONS OF UNPROFESSIONAL CONDUCT

4. On June 19, 2014, the Defendant self-reported an investigation on his renewal application.

5. On June 14, 2015, the Defendant self-reported an investigation on his renewal application.
6. The Defendant resigned, while under investigation, from his position on January 6, 2018.
7. Investigator Roberts reviewed the Defendants PMP and discovered the following prescriptions, all written to the same individual:
 - a. RX #4503587 dated 5/6/17 for Alprazolam 0.5 mg., #60;
 - b. RX #4504923 dated 10/20/17 for Alprazolam 0.5 mg., #60;
 - c. RX #4505866 dated 2/15/18 for Alprazolam 0.5 mg., #60
 - d. RX #4506578 dated 5/17/18 for Alprazolam 0.5 mg., #60;
 - e. RX #4507159 dated 8/7/18 for Alprazolam 0.5 mg., #60;
 - f. RX #4507759 dated 11/1/18 for Alprazolam 0.5 mg., #60; and,
 - g. RX #4508560 dated 2/27/19 for Alprazolam 0.5 mg., #60
8. On May 21, 2019, Board Investigator Robbin Roberts interviewed the Defendant via telephone. She advised the Defendant she had reviewed his PMP and observed he had been prescribing CDS to only one person since he resigned at the VA.
9. Investigator Roberts asked the Defendant if he had a medical record for that individual.
10. The Defendant admitted the individual is a family friend, that he did not have a medical record, and stated "I am embarrassed."

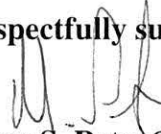
III. VIOLATIONS

11. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
 - a. Failure to establish a physician/patient relationship prior to providing patient-specific medical services, care or treatment in violation of OAC 435:10-7-4(49) and Title 59 O.S. § 509(12); and,
 - b. Failure to maintain adequate medical records to support diagnosis, treatment or prescribed medications in violation of Title 59 O.S. § 509(10) and OAC 435:10-7-4(36)

IV. CONCLUSION

Given the foregoing, the undersigned respectfully request the Board to conduct a hearing, and upon proof of the allegation contained herein, impose such disciplinary action as authorized by law and any other appropriate action with respect to the Defendant's professional license, including an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



Marc S. Pate, OBA No. 10567
Assistant Attorney General
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VERIFICATION

I, Robbin Roberts, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

1. I have read the above Complaint regarding **MARK DOUGLAS FOSSEY, M.D.**;
and,
2. The factual statements contained therein are true and correct to the best of my knowledge and belief.



Robbin Roberts, Investigator
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Date: Oklahoma
Oklahoma County, Oklahoma