

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,

MARK LYNN FINCHER, M.D.
Medical License No. 14822,

CASE NO. 91-01-1141

Defendant

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on June 22, 1991, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and Mark Lynn Fincher, M.D., Defendant, appeared pro se, waived his right to legal counsel, and agreed to proceed without counsel.

The Board of Medical Licensure and Supervision en banc heard the oral argument of counsel, reviewed exhibits, and being fully advised in the premises, the Board of Medical Licensure and Supervision finds as follows:

FINDINGS OF FACT

1. That Defendant, Mark Lynn Fincher, M.D., holds Oklahoma Medical License No. 14822.
2. That the Oklahoma Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
3. That on or around May 31, 1990, Defendant was arrested by law enforcement authorities in Stephens County, Oklahoma, and charged with two counts of Larceny of Domestic Animals.
4. That on or around June 1, 1990, Defendant was formally charged with two counts of Larceny of Domestic Animals by criminal Information filed in the State of Oklahoma v. Mark Lynn Fincher, Stephens County Case No. CRF-90-105.
5. That on or around October 2, 1990, Defendant did prepare and submit an Application for Reinstatement of License, and Defendant did fraudulently misrepresent his previous criminal record in falsely answering two of the questions, to-wit:

"Have you ever been charged with or convicted of a felony or misdemeanor? No."

CONCLUSIONS OF LAW

1. That Mark Lynn Fincher, M.D., holding Oklahoma Medical License No. 14822, is in violation of the Oklahoma Medical Practice Act, 59 O.S. Supp. 1990, Sec. 508, to-wit:

"Whenever any license or certificate has been procured or obtained by fraud or misrepresentation...it shall be the duty of the State Board of Medical Licensure and Supervision to revoke such license or certificate in the same manner as is provided by this Act for the revocation of license or certificate for unprofessional conduct."

ORDER

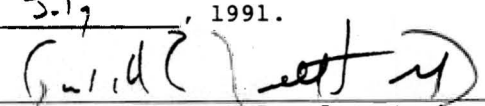
IT IS THEREFORE ORDERED by the Oklahoma Board of Medical Licensure and Supervision as follows:

1. That the Defendant, Mark Lynn Fincher, M.D., holding Oklahoma Medical License No. 14822, should be and is hereby SUSPENDED from the practice of medicine and surgery in Oklahoma for a period of two (2) years beginning on June 22, 1991.

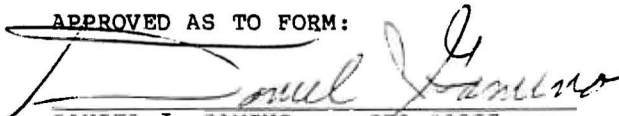
2. That before next appearing before the Board, the Defendant shall present evidence from a psychiatrist acceptable to the Board and to the Defendant that the Defendant is free of any mental condition that would prevent him from practicing medicine and surgery with reasonable skill and safety.

3. That any suspension may be followed by imposition of probation under such terms and conditions as the Board may impose based on evidence heard at the time.

DATED this 9 day of July, 1991.


GERALD C. ZUMWALT, M.D., Secretary
State Board of Medical Licensure
and Supervision

APPROVED AS TO FORM:



DANIEL J. GAMINO OBA #3227
Daniel J. Gamino & Associates, P.C.
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 11 day of July, 1991, to:

MARK LYNN FINCHER, M.D.
1512 Barwick
Norman OK 73072

