

IN AND BEFORE THE OKLAHOMA BOARD OF
MEDICAL LICENSURE AND SUPERVISION

FILED

STATE OF OKLAHOMA

MAR 12 1999

IN THE MATTER OF THE)
REQUEST OF)
)
MARK LYNN, M.D.)
LICENSE NO. 14916)
)
FOR MODIFICATION OF)
TERMS OF PROBATION)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

FINAL ORDER MODIFYING TERMS OF PROBATION

This matter came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on March 4, 1999, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and rules of the Board.

Mark Lynn, M.D., appeared in person, pro se.

The Board of Medical Licensure and Supervision heard testimony, reviewed the materials and being fully apprised of the premises, made the following Findings of Fact:

FINDINGS OF FACT

1. That Dr. Lynn has a full license with terms of probation to practice as a physician and surgeon in Oklahoma.
2. That Dr. Lynn has requested modification of the terms of probation.
3. That the Board of Medical Licensure and Supervision 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.
4. That Dr. Lynn's terms of probation should be modified.

CONCLUSIONS OF LAW

That the Board of Medical Licensure and Supervision has jurisdiction over the subject matter herein pursuant to Title 59 O.S. Sec. 480 et seq.

ORDER

It is therefore ORDERED by the Board of Medical Licensure and Supervision that the terms of probation for Dr. Lynn be modified under the following terms and conditions, to-wit:

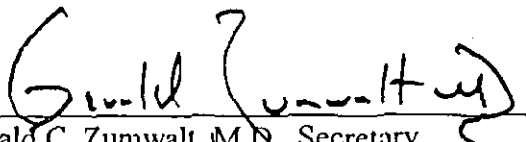
- I. That Dr. Lynn shall limit his practice to family practice and continue the five (5) year probation that began July 27, 1996 under the following terms and conditions:
 - (a) During the period of probation Dr. Lynn will not prescribe, administer or dispense any medications for his personal use, to specifically include controlled dangerous substances.
 - (b) During the period of probation Dr. Lynn will take no medication except that which is authorized by a physician treating him for a legitimate medical need and Dr. Lynn shall have an affirmative duty to inform any physician treating him of Dr. Lynn's previous substance abuse.
 - (c) During the period of probation Dr. Lynn will abstain from consuming alcohol or any substance, specifically including but not limited to controlled dangerous substances, which would adversely affect his ability to practice medicine or surgery as interpreted by the Oklahoma State Board of Medical Licensure and Supervision.
 - (d) During the period of probation Dr. Lynn will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of any investigator or other agent representing the Oklahoma State Board of Medical Licensure and Supervision, and Dr. Lynn will pay for testing and analysis of those specimens.
 - (e) During the period of probation Dr. Lynn has the affirmative duty to not engage in any activity or to ingest any medication or substance of any nature that will test positive for alcohol or any controlled dangerous substances.
 - (f) During the period of probation Dr. Lynn will maintain a program of abstinence through participation in and/or association with any and all organization, groups or individuals selected by the Board or its designee and deemed appropriate for assessment, treatment or support. Dr. Lynn further agrees to provide proof thereof to the Board or its designee.
 - (g) During the period of probation Dr. Lynn may order or prescribe controlled substances in Schedules III, IV and V, except that Dr. Lynn may order, dispense or administer life-saving drugs to a patient in an emergency, life-threatening situation. Dr. Lynn will keep duplicate, serially numbered prescriptions of all controlled dangerous substances readily retrievable in

numerical order and will furnish copies to investigators or other authorized agents of the Board immediately upon request.

- (h) During the period of probation Dr. Lynn will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.
- (i) That Dr. Lynn shall appear before the Board or a designated member thereof whenever requested to do so.
- (j) During the period of probation Dr. Lynn will submit to the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.
- (k) Pursuant to Title 59 O.S. Sec. 506, Dr. Lynn shall promptly pay within 30 days of receipt of invoice from the Board the costs of investigation, prosecution and probation of this case, unless Dr. Lynn affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable the Board Secretary.
- (l) Until such time as all indebtedness to the Board has been satisfied, Dr. Lynn will reaffirm said indebtedness in any and all bankruptcy proceedings.
- (m) That Dr. Lynn will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act shall be submitted in writing to the Board and no action based on the subject of the question will be taken by Dr. Lynn until clarification of interpretation is received by Dr. Lynn from the Board.
- (n) Dr. Lynn will not allow the initiation of any therapeutic regimen by any personnel under his supervision unless Dr. Lynn is in the immediate geographic vicinity of said personnel.
- (o) During the period of probation Dr. Lynn will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege, a copy of the Board Order stipulating sanctions imposed by the Board.
- (p) During the period of probation Dr. Lynn will not supervise a physician assistant.

- (q) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.
- (r) A copy of this written order should be sent to Dr. Lynn as soon as it is processed.
2. That jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of Dr. Lynn.
3. That failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Dr. Lynn's Oklahoma Medical License, after additional due notice and hearing.

DATED this 12 day of March, 1999.


Gerald C. Zumwalt, M.D., Secretary
Oklahoma State Board of Medical
Licensure and Supervision

CERTIFICATE OF MAILING

This is to certify that on this 15 day of March, 1999 a true and correct copy of this order was mailed, postage prepaid, to:

Mark Lynn, M.D.
316 N.W. 18
Oklahoma City, OK 73103