

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

FILED

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)

Plaintiff,)

v.)

MARK ALLEN WOODWARD, M.D.,)
LICENSE NO. 16107,)

Defendant.)

APR 15 2004

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 04-02-2772

COMPLAINT

COMES NOW the Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, Mark Allen Woodward, M.D., alleges and states as follows:

1. The Board 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 pursuant to 59 Okla. Stat. §480 *et seq.*
2. Defendant, Mark Allen Woodward, M.D., holds Oklahoma license no. 16107.
3. In 1995, Defendant was arrested and charged with Driving While Intoxicated, at which time he was jailed for one (1) night.
4. In or around 2000, Defendant was treated at Talbott Recovery Campus for substance abuse, including alcohol. Defendant admits that he abused alcohol for approximately sixteen (16) years prior to his treatment at Talbott.
5. In or around July 2002, Defendant was treated at Rush Behavioral Health Center for substance abuse, depression and bulimia. Upon returning from Rush, Defendant submitted to monitoring by the Physicians' Recovery Program.
6. On or about May 20, 2003, Defendant submitted his Application for Renewal of his full medical license in the State of Oklahoma for the period July 2, 2003 through July 1, 2004. On his Application for Renewal, Defendant was asked the following question: "Have you

been addicted to or abused any drug or chemical substance including alcohol” during the past year? In response to this question, the Defendant answered "NO". On his Application for Renewal, Defendant was also asked the following question: “Have you obtained an assessment or been treated for use of any drug or chemical substance including alcohol” during the past year? In response to this question, Defendant answered “NO”.

7. On or about January 29, 2004, Defendant submitted a urine specimen for testing by the Physicians’ Recovery Program, which subsequently tested positive for Phentermine. Defendant subsequently admitted that the urine he submitted for testing was not his own, but that he had obtained it from another person and submitted it as his for testing.

8. On or about February 5, 2004, Defendant submitted a urine specimen for testing by the Physicians’ Recovery Program, which subsequently tested positive for Oxycodone and Oxymorphone.

9. Defendant later admitted that he had relapsed on Percocet. He admitted that he had written a false prescription in the name of a friend, who had then returned the Percocet to him for his personal use.

10. On or about February 16, 2004, Defendant attempted suicide by slitting his wrists. He called his physician assistant for help, who came to his home and stitched his wrists.

11. On or about February 23, 2004, Defendant entered treatment at Rush Behavioral Health Center.

12. Defendant is guilty of unprofessional conduct in that he:

A. Habitually uses habit-forming drugs in violation 59 O.S. 407 §509(5) and OAC 435:10-7-4(3).

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).

C. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(14) and OAC 435:10-7-4(39).

D. Is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physician condition in violation of 59 O.S. §509(16) and OAC 435:10-7-4(40).

E. Purchased or prescribed a regulated substance in Schedules I through V for the physician's personal use in violation of OAC 435:10-7-4(5).

F. Prescribed, sold, administered, distributed, ordered or gave a drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).

G. Engaged in fraud or misrepresentation in applying for or Procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).

H. Prescribed, sold, administered, distributed, ordered or gave any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug for other than medically accepted therapeutic purposes in violation of OAC 435:10-7-4(24).

I. Confessed to a crime involving a violation of the anti-narcotic laws of the federal government or the laws of this state in violation of 59 O.S. §509(8) and 63 O.S. §2-402 and §2-406.

J. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27) and 63 O.S. §2-402 and §2-406.

K. Committed any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of 59 O.S. §509(10).

L. Wrote false or fictitious prescriptions for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs in violation of 59 O.S. §509(12).

M. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid physician patient relationship in violation of 59 O.S. §509(13).

N. Prescribed a controlled substance without medical need in accordance with published standards in violation of 59 O.S. §509(17) and OAC 435:10-7-4(2) and (6).

O. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).

P. Engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).

Q. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).

Conclusion

WHEREFORE, the Plaintiff respectfully requests that the Board conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to Defendant's medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



Elizabeth A. Scott (OBA #12470)

Assistant Attorney General

State of Oklahoma

5104 N. Francis, Suite C

Oklahoma City, OK 73118

Attorney for the Plaintiff