

**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, )

SEP 30 2004

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

Case No. 04-02-2772

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

Defendant. )

**FINAL ORDER OF SUSPENSION**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on September 23, 2004, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and through counsel, Jimanne Mays.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

***Findings of Fact***

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. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.
3. Defendant, Mark Allen Woodward, M.D., holds Oklahoma license no. 16107.

4. In 1995, Defendant was arrested and charged with Driving While Intoxicated, at which time he was jailed for one (1) night.

5. 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.

6. 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.

7. 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".

8. 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.

9. 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.

10. 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.

11. 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.

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

13. 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).

### *Conclusions of Law*

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. 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).

3. The Board further found that the Defendant's license should be suspended based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509 (5), (8), (9), (10), (12), (13), (14), (16) and (17) and OAC Title 435:10-7-4 (2), (3), (5), (6), (8), (11), (17), (18), (19), (24), (26), (27), (39) and (40).

### *Order*

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

1. The license of Defendant, Mark Allen Woodward, M.D., Oklahoma license no. 16107, is hereby **SUSPENDED** for a period of **ONE (1) YEAR** beginning June 2, 2004, during which time Defendant shall comply with all of the terms of probation set forth below.

2. Following his suspension, Defendant shall be placed on **PROBATION** for a period of **FIVE (5) YEARS** under the following terms and conditions:

A. Defendant 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 Defendant until clarification of interpretation is received by Defendant from the Oklahoma State Board of Medical Licensure and Supervision.

B. Upon request of the Board Secretary, Defendant will request all hospitals, clinics and other facilities in which he practices to furnish to the Board Secretary a written statement regarding monitoring of his practice while performing services in or to that hospital, clinic or facility.

C. Defendant will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

D. Defendant will not supervise allied health professionals that require surveillance of a licensed physician.

E. Defendant will not prescribe, administer, dispense or possess any drugs in Schedules I through V.

F. Defendant will submit for analysis biological fluid specimens including, but not limited to, blood and urine, upon request of the Board or its designee, and Defendant will pay for the costs attendant thereto.

G. Defendant will not prescribe, administer or dispense any medications for personal use or for that of any family member.

H. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating him of the Board Order immediately upon initiation, or continuation of treatment.

I. Defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances, including but not limited to alcohol.

J. Defendant will authorize in writing the release of any and all information regarding his treatment at COPAC and will execute such releases of medical and psychiatric records during the entire

term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.

K. Defendant will abide by the terms and recommendations of his postcare contracts with COPAC and the Physicians' Recovery Program, copies of which are attached hereto.

L. Defendant will attend four (4) meetings per week of a local 12-step program, including one (1) meeting per week of the Physicians' Recovery Program.

M. Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.

N. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.

O. Defendant will immediately surrender his registration for state and federal controlled dangerous substances to the proper authorities and will not apply for state and federal registration for controlled dangerous substances until the term of his probation has expired unless authorized to do so by the Board.

P. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of his current address.

Q. Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case, including but not limited to a \$100.00 per month monitoring fee.

R. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

S. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

T. Defendant shall submit any required reports and forms on a

timely and prompt basis to the Compliance Coordinator or designee.

U. Defendant shall enter and continue psychiatric treatment with a board certified psychiatrist familiar with early recovery issues not previously disciplined by the Board and approved in advance by the Board Secretary and will authorize in writing the release of any and all records of that treatment to the Board or its designee. Defendant shall provide quarterly reports from his psychiatrist to the Board Secretary for his review.

V. Defendant shall enter and continue counseling or therapy with a therapist approved in advance by the Board Secretary. Defendant shall obtain treatment from the therapist a minimum of two (2) times per month initially with follow-up as directed by the therapist. Defendant shall authorize in writing the release of any and all records of that treatment to the Board or its designee. Defendant shall provide quarterly reports from his therapist to the Board Secretary for his review.

W. Defendant shall obtain a primary care physician familiar with addiction issues who shall approve all medications for Defendant.

X. Defendant shall practice only in a controlled environment, to be approved in advance in writing by the Board Secretary.

Y. Defendant shall not practice in excess of ten (10) hours per week for the first month of his probation, to be followed by twenty to thirty (20-30) hours per week for the following three to four months of his probation.

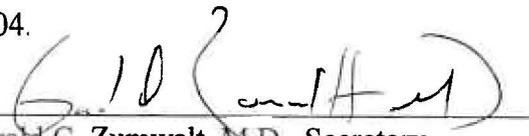
3. During the period of suspension or probation, failure to meet any of the terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's license, after due notice and hearing.

4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

5. Defendant's suspension will be lifted, and his license will be reinstated only upon payment in full of all costs and expenses incurred by the State of Oklahoma.

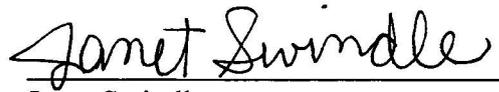
6. A copy of this written order shall be sent to Defendant as soon as it is processed.

Dated this 30 day of September, 2004.

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

**Certificate of Service**

On the 30 day of September, 2004, a true and correct copy of this order was mailed, postage prepaid, to Jimanne H. Mays, Speck, Philbin Attorneys, 204 N. Robinson, Suite 800, Oklahoma City, OK 73102-6885.

  
Janet Swindle