

**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,)

JUL 21 2005
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

) **Case No. 04-02-2772**
)

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

Defendant.)

FINAL ORDER OF REVOCATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on July 21, 2005, 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 not.

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 suspended Oklahoma license no. 16107. Defendant's license was suspended after hearing before the Board en banc on September 23, 2004 based upon substance abuse and violation of state and federal narcotics laws.

4. The Final Order of Suspension entered September 23, 2004 provides that Defendant was to be suspended for one (1) year beginning June 2, 2004, to be followed by a five (5) year term of probation. The Order further provides that during the period of suspension, Defendant was required to comply with all terms of probation set forth therein.

5. The Final Order of Suspension sets forth Defendant's terms of probation and provides that Defendant should be on probation as follows:

- E. Defendant will not prescribe, administer, dispense or possess any drugs in Schedules I through V.
- 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.
- N. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.
- 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.

6. On or about January 18, 2005, Defendant was arrested by the Oklahoma City Police Department and charged with Trafficking CDS (cocaine), Possession of CDS with Intent to Distribute, and Possession of Drug Paraphernalia. At the time of his arrest, police had been called to a house on a possible burglary complaint and found a car running but unoccupied blocking both lanes of traffic in front of the subject house. The police looked in the car and saw what appeared to be cocaine and cocaine paraphernalia. Defendant came out of the house and admitted that the car was his, at which time he was arrested. Police searched his pockets and found a glass crack pipe, as well as two (2) baggies containing crack cocaine with a total approximate weight of sixteen (16) grams.

7. According to the Physicians' Recovery Program, Defendant has failed to attend the required one (1) meeting per week.

8. Defendant has not notified the Board of the January 18, 2005 arrest.

9. Defendant had not paid the Board any of the costs and fees he owes, which as of January 19, 2005 equal \$2,649.50.

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

- A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).
- B. 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(13) and OAC 435:10-7-4(39).
- C. 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).
- D. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

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. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).
 - B. 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(13) and OAC 435:10-7-4(39).
 - C. 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).
 - D. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).


3. The Board further found that the Defendant's license should be revoked based upon any or all of the violations of the unprofessional conduct provisions of 59 Okla. Stat. §509 (8) and (13) and OAC 435:10-7-4 (11), (18), (27) and (39).

Order

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

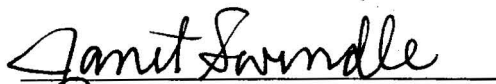
1. The license of Defendant, Mark Allen Woodward, M.D., Oklahoma license no. 16107, is hereby **REVOKED** as of the date of this hearing, July 21, 2005.
2. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
3. Defendant's revoked license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

Dated this 21 day of July, 2005


John Leatherman, M.D., President
Oklahoma State Board of Medical
Licensure and Supervision

CERTIFICATE OF SERVICE

I certify that on the 22 day of July, 2005, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Mark Allen Woodward, 14200 Calais Circle, Oklahoma City, OK 73142, and to 800 N.W. 17th Street, Oklahoma City, OK 73106.


Janet Swindle