

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

FILED

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

Plaintiff,

v.

MARK WAYNE VALENTINE, M.D.,
LICENSE NO. 16420,

Defendant.

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 05-02-2938

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 Wayne Valentine, 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 Wayne Valentine, M.D., holds Oklahoma license no. 16420. Defendant was originally licensed in Oklahoma on February 29, 1988, but allowed his license to expire June 30, 1993.

3. From April 1988 through July 1988, Defendant was treated at Talbott Recovery Campus for alcohol abuse. Defendant had recently been charged with Driving While Impaired (Alcohol).

4. One year later, Defendant relapsed on Demerol and alcohol and again engaged in treatment at Talbott Recovery Campus from September 1989 through December 1989.

5. In 1996, Defendant relapsed on alcohol and sedatives/hypnotics and was treated at New Freedom, Inc. in Metairie, Louisiana. Upon his return from treatment, Defendant entered into a monitoring contract with the Louisiana Physicians' Health Foundation. Defendant subsequently entered into a Consent Order with the Louisiana State Board of Medical Examiners

on August 18, 1998. Under the Consent Order, his Louisiana license was subject to a three (3) year probation.

6. Defendant completed the terms of his Louisiana probation and on January 9, 2002, his probation was lifted and he was granted an unrestricted license in Louisiana.

7. On or about April 2, 2002, Defendant submitted his Application for Reinstatement of his Oklahoma medical license. Due to his history of substance abuse, the Board issued him a license under terms of an Agreement for Licensure dated September 19, 2002.

8. On May 20, 2004, Defendant appeared before the Board and requested that his Agreement for Licensure be terminated early and that he be granted a full, unrestricted license due to his history of sobriety and his inability to participate in insurance plans. The Board granted Defendant's request for early termination of his Agreement for Licensure.

9. On or about November 2, 2004, Defendant ingested several Vicodin not prescribed to him. He then went to McCurtain Memorial Hospital in Idabel to perform a surgery. Operating room personnel reported Defendant to hospital officials who requested a urine specimen. The urine specimen subsequently tested positive for Hydrocodone.

10. Defendant returned to Talbott Recovery Campus and remained in treatment from November 18, 2004 through December 7, 2004.

11 Defendant is guilty of unprofessional conduct in that he:

A. Habitually uses habit-forming drugs in violation 59 O.S. 407 §509(4) 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(8) 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(13) 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(15) and OAC 435:10-7-4(40).

E. 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).

F. Prescribed a controlled substance without medical need in accordance with published standards in violation of 59 O.S. §509(16) and OAC 435:10-7-4(2) and (6).

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,

A handwritten signature in cursive script, reading "Elizabeth A. Scott", is written over a horizontal line.

Elizabeth A. Scott (OBA #12470)

Assistant Attorney General

State of Oklahoma

5104 N. Francis, Suite C

Oklahoma City, OK 73118

Attorney for the Plaintiff