

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,

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

Defendant.

MAR 24 2005

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 05-02-2938

**FINAL ORDER OF REVOCATION**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on March 10, 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 in person and pro se.

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 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.

4. 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).

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

6. In 1996, Defendant relapsed on 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.

7. 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.

8. 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.

9. 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.

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

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

12. 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. 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).

D. 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).

E. 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).

### *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. 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).

D. 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).

E. 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).

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 O.S. §509 (8), (13), (15) and (16) and OAC Title 435:10-7-4 (2), (6), (11), (26), (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 Wayne Valentine, M.D., Oklahoma license no. 16420, is hereby **REVOKED** as of the date of this hearing, March 10, 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.

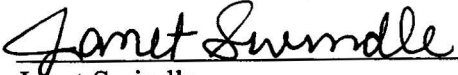
3. Defendant's revoked license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

Dated this 24 day of March, 2005.

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

### **CERTIFICATE OF SERVICE**

I certify that on the 24 day of March, 2005, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Mark Wayne Valentine, 1425 Lincoln Road, Idabel, OK.

  
Janet Swindle