

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

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

Plaintiff,)

v.)

MARK EDWARD RIGNEY, M.D.,)
LICENSE NO. 22078,)

Defendant.)

FILED

JAN 25 2006

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 06-01-3053

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 Edward Rigney, 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 Edward Rigney, M.D., holds Oklahoma license no. 22078 and is a family practitioner in Tecumseh, Oklahoma.

3. On or about June 29, 2001, Defendant was granted a Special Training License Under Terms of Agreement based upon a history of substance abuse. On or about May 9, 2002, Defendant was granted a full license under the same terms of agreement, which provides as follows:

5. Applicant will not prescribe, administer or dispense any medications for personal use.

6. Applicant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Applicant will have the affirmative duty to inform any and every doctor treating him of this Order prior to the commencement or continuation of treatment.

7. Applicant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances.
22. Failure to meet any of the terms of this Agreement shall constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Applicant's license after due notice and hearing.
4. The provisions cited above have not been modified or deleted but remain in full force and effect as terms and conditions of Defendant's licensure under agreement.
5. On or around August 30, 2005, Defendant filled a prescription for fifty (50) Hydrocodone 7.5 mg. tablets prescribed by Erik Gunderson, M.D. as a result of knee surgery performed by Dr. Gunderson on or about August 26, 2005. Defendant admits that he originally only picked up ten (10) of the tablets, but later went back to get the rest even though he admits he did not need them.
6. On or about September 2, 2005, Defendant contacted Sam Hague, M.D., a personal friend of Defendant's practicing in Blackwell, Oklahoma and obtained a prescription for six (6) Hydrocodone 7.5 mg. tablets. Defendant admits that he obtained these drugs without a legitimate medical need for them.
7. On or about September 13, 2005, Defendant obtained another prescription from Dr. Gunderson for thirty (30) Hydrocodone 7.5 mg. tablets. Defendant admits that he obtained these drugs without a legitimate medical need for them.
8. On or about October 3, 2005, Defendant obtained a prescription from Robert Scott Stewart, M.D., his employer, for thirty-one (31) Clonazepam .5 mg tablets, as well as samples of Ambien and Cymbaxa.
9. On or about October 10, 2005, Defendant obtained a prescription from Michael Salrin, D.O., for fourteen (14) Oxycodone ER 20 mg. tablets. Defendant admits that he obtained these drugs without a legitimate medical need for them.
10. On or about October 24, 2005, Defendant again contacted Dr. Hague and obtained another prescription for eight (8) Hydrocodone 7.5 mg. tablets. Defendant admits that he obtained these drugs without a legitimate medical need for them.
11. On or about October 26, 2005, Defendant again contacted Dr. Hague and obtained another prescription for eight (8) Hydrocodone 7.5 mg. tablets. Defendant admits that he obtained these drugs without a legitimate medical need for them.
12. On or about October 28, 2005, Defendant again contacted Dr. Hague and obtained another prescription for six (6) Hydrocodone 7.5 mg. tablets. Defendant admits that he obtained these drugs without a legitimate medical need for them.

13. In or around September or October 2005, Defendant admits that he ingested Hydrocodone prescribed to his father.

14. In or around September or October 2005, Defendant admits that he took injectable Demerol from his employer intending to inject himself at home. Defendant took the injectable Demerol without the permission of his employer. Defendant claims that when he got home, he changed his mind and disposed of the Demerol without any witnesses.

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

A. Habitually uses habit-forming drugs in violation 59 O.S. §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).

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,



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