

11N AND BEFORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA

FILED

MAY 17 2006

IN THE MATTER OF THE )  
APPLICATION OF )  
 )  
MARK EDWARD RIGNEY, M.D. )  
 )  
 )  
FOR MODIFICATION OF PROBATION )  
FOR OKLAHOMA )  
MEDICAL LICENSE NO. 22078 )  
 )

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 06-01-3053

**ORDER DENYING IN PART AND**  
**GRANTING IN PART APPLICANT'S REQUEST FOR**  
**MODIFICATION OF PROBATION**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision on May 11, 2006, at the Board's office, 5104 North Francis, Suite C, Oklahoma City, Oklahoma 73118, pursuant to notice given as required by law and rules of the Board.

Mark Edward Rigney, M.D., appeared in person, *pro se*, thereby waiving his right to legal counsel at the hearing.

The Board *en banc* heard testimony, reviewed the exhibits presented, and being fully apprised of the premises, made the following Findings of Fact, Conclusions of Law and Orders:

***Findings of Fact***

1. The Board *en banc* has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.
2. Dr. Rigney currently holds medical license no. 22078 under a five (5) year term of probation that commenced on January 26, 2006.
3. On May 11, 2006, Dr. Rigney requested that the terms of his probation be modified to allow him to prescribe Schedule II through V controlled dangerous substances to hospital and emergency room patients for on-site administration.
4. The proposed modification to Dr. Rigney's probation does not afford sufficient

practice limitations or controls to assure that Dr. Rigney can practice medicine with reasonable skill and safety.

5. Dr. Rigney alternatively requested that the terms of his probation be modified to allow him to prescribe Schedule V controlled dangerous substances so that he would be able to apply for his OBNDD and DEA certificates.

6. Dr. Rigney presented sufficient evidence to support the requested modification.

### **CONCLUSIONS OF LAW**

1. The Board has jurisdiction to hear requests for modification of licenses under 59 Okla. Stat. §480 *et seq.*

2. The Board may impose practice parameters and other restrictions as necessary to protect the health, safety and welfare of the public under 59 Okla. Stat. §480 *et seq.*

### **ORDER**


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

1. Dr. Rigney's request for modification to his terms of probation to allow him to prescribe Schedule II through V controlled dangerous substances to hospital and emergency room patients for on-site administration is **DENIED**.

2. Dr. Rigney's request for modification to his terms of probation to allow him to prescribe Schedule V controlled dangerous substances so that he would be able to apply for his OBNDD and DEA certificates is **GRANTED**.

3. A copy of this written order shall be sent to Dr. Rigney as soon as it is processed.

Dated this 17 day of May, 2006.

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

**Certificate of Service**

On the 18 day of May, 2006, a true and correct copy of this order was mailed, postage prepaid, to the Mark Edward Rigney, 502 N. Broadway, Tecumseh, OK 74873.

A handwritten signature in cursive script that reads "Janet Swindle". The signature is written in dark ink and is positioned above a horizontal line.

Janet Swindle