

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

FILED

SEP 25 2008

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

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)
)

v.)

Case No. 06-01-3053

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

Defendant.)
)

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 physician in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.*

2. Defendant, Mark Edward Rigney, M.D., holds Oklahoma medical license no. 22078.

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, he was granted a full license under the same terms of agreement.

4. On or about January 26, 2006, Defendant and the Board entered into a Voluntary Submittal to Jurisdiction whereby Defendant was **SUSPENDED** for four (4) months beginning November 1, 2005 and continuing until March 1, 2006, to be followed by a five (5) year **PROBATION**. Defendant's suspension and probation were based upon substance abuse.

5. On June 23, 2006, the Board accepted Defendant's **VOLUNTARY SURRENDER OF LICENSE IN LIEU OF PROSECUTION** based upon Defendant's substance abuse.

6. On or about May 15, 2008, the Board entered an Order Granting Reinstatement of License Under Terms of Probation. The Order provides that Defendant shall be on **INDEFINITE PROBATION** as follows:

- I. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating him of the Board Order immediately upon initiation, or continuation of treatment.
- J. Defendant will have the affirmative duty not to ingest any substance, including but not limited to alcohol, which will cause a body fluid sample to test positive for prohibited substances.
- L. Defendant will abide by the terms and recommendations of his postcare contracts with Rush and the Physicians' Recovery Program.
- Q. Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.

7. 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 the terms of the Final Order of Probation.

8. On or about July 28, 2008, Defendant tested positive for Tramadol on a drug test performed by the Oklahoma Health Professionals Recovery Program. Defendant did not have a valid prescription for Tramadol.

9. On or about July 30, 2008, Defendant again tested positive for Tramadol on a drug test performed by the Oklahoma Health Professionals Recovery Program. Defendant did not have a valid prescription for Tramadol.

10. After his two (2) positive drug tests, Defendant was advised by the Oklahoma Health Professionals Recovery Program to contact the Board to advise the Board of his relapse. However, Defendant failed to do so.

11. Defendant is guilty of unprofessional conduct in that she:

- A. Prescribed, sold, administered, distributed, ordered, or gave any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).

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. Is habitually intemperate or habitually uses habit-forming drugs in violation 59 O.S. §509(4) and OAC 435:10-7-4(3).

E. 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).

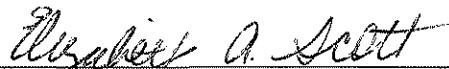
F. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safely in violation of OAC 435:10-7-4(17).

G. 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).

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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