

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

FILED

MAY 25 2012

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
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 17, 2012, at the Board's office, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared on behalf of the State of Oklahoma. 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 an indefinite term of probation that commenced on July 23, 2009.

3. On September 17, 2009, the State of Oklahoma, on behalf of Dr. Rigney, requested that his probation be modified to allow him to practice in a controlled environment approved in advance by the Board Secretary, rather than limiting his practice to the Urgent Care Clinic in Ponca City, Oklahoma. The Board granted the requested modification.

4. On September 16, 2010, Defendant requested that the terms of his probation be modified to allow him to apply for his DEA and OBN permits for limited use at the White Eagle Health Center in Ponca City, Oklahoma. Defendant requested that he be allowed to utilize his DEA and OBN permits, if granted, for "in-house" prescriptions only at White Eagle, and that no outside prescriptions for controlled dangerous substances would be written or authorized by him. The Board granted the requested modification.

5. On or about July 14, 2011, Defendant requested that the terms of his probation be modified to allow him to apply for his DEA and OBN permits. The Board granted the request, but limited it to allow him to apply for his DEA and OBN permits for the use of Schedule III-V controlled dangerous substances only at the Urgent Care and Family Practice Clinic of Ponca City.

6. On or about May 17, 2012, Defendant requested that the terms of his probation be modified to allow him to apply for his OBN and DEA permits at a new practice location in Ponca City, Oklahoma.

8. 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.

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 apply for his OBN and DEA permits at a new practice location in Ponca City, Oklahoma is **DENIED**.

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

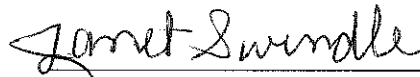
Dated this 25 day of May, 2012.



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

Certificate of Service

On the 25 day of May, 2012, a true and correct copy of this order was mailed, postage prepaid, to the Mark Edward Rigney, 400 Fairview Bldg. 3, Suite 20, Ponca City, OK 74601.



Janet Swindle