

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

IN THE MATTER OF THE)
APPLICATION OF)
)
MARK EDWARD RIGNEY, M.D.)
) **Case No. 06-01-3053**
)
FOR MODIFICATION OF)
PROBATION TERMS FOR)
LICENSE NO. 22078)

FOURTH ORDER MODIFYING PROBATION

This matter came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on July 12, 2012, at the Board office, 101 N.E. 51st Street, Oklahoma City, Oklahoma, 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. Defendant, Mark Edward Rigney, M.D., appeared in person and pro se.

The Board sitting *en banc* after hearing testimony, reviewing the request and other materials 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 which began July 23, 2009.
3. On September 17, 2009, the State of Oklahoma, on behalf of Dr. Rigney, requested that the terms of 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 Plus clinic in Ponca City, Oklahoma. The Board granted the request.
4. On August 12, 2010, the State filed a Corrected Order Granting Reinstatement of License Under Terms of Probation wherein it corrected an error in the September 17, 2009 Order.

5. On or about 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 request.

6. 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.

7. 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. The Board denied the request based upon Defendant’s failure to have any physician supervision at his new practice location, his failure to comply with the Health Professional’s Recovery Program meeting attendance requirements under his probation, and his failure to timely pay amounts owed to the Board.

8. On or about July 12, 2012, Defendant again 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.

9. Defendant presented sufficient evidence to support the requested modification to allow him to apply for his OBN and DEA permits at a new practice location in Ponca City, Oklahoma under the following circumstances: (i) the Board’s Compliance Coordinator shall obtain quarterly reports from the Oklahoma Health Professionals’ Recovery Program to determine Defendant’s compliance with the program meeting requirements of not less than 75% attendance; (ii) Defendant shall submit to the Board’s Compliance Coordinator documentation of weekly chart review by Defendant’s supervising physicians and shall submit written confirmation from these physicians that they have reviewed Defendant’s charts not less than once per week; and (iii) the Board’s Compliance Coordinator shall report to the Board if Defendant fails to timely pay \$300.00 per month until all outstanding fees and costs have been paid.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear this matter pursuant to 59 O. S. § 480 *et seq.*
2. Defendant has presented satisfactory evidence to support the requested modification to allow him to apply for his OBN and DEA permits at a new practice location in Ponca City, Oklahoma under the following circumstances: (i) the Board’s Compliance Coordinator shall obtain quarterly reports from the Oklahoma Health Professionals’ Recovery


Program to determine Defendant's compliance with the program meeting requirements of not less than 75% attendance; (ii) Defendant shall submit to the Board's Compliance Coordinator documentation of weekly chart review by Defendant's supervising physicians and shall submit written confirmation from these physicians that they have reviewed Defendant's charts not less than once per week; and (iii) the Board's Compliance Coordinator shall report to the Board if Defendant fails to timely pay \$300.00 per month until all outstanding fees and costs have been paid.

ORDER

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

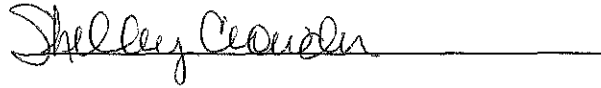
1. Defendant's application to modify the terms of his probation is **GRANTED**.
2. Dr. Rigney's probation shall continue indefinitely from July 23, 2009 under the terms and conditions set forth in the July 30, 2009 Order, as modified by the September 17, 2009 Order Modifying Probation, the August 12, 2010 Corrected Order Granting Reinstatement of License Under Terms of Probation, and the September 16, 2010 Second Order Modifying Probation, with the exception that Dr. Rigney shall be allowed to apply for his OBN and DEA permits at a new practice location in Ponca City, Oklahoma under the following circumstances: (i) the Board's Compliance Coordinator shall obtain quarterly reports from the Oklahoma Health Professionals' Recovery Program to determine Defendant's compliance with his probation requirement to attend one (1) meeting per week; (ii) the Board's Compliance Coordinator shall obtain quarterly reports from the Oklahoma Health Professionals' Recovery Program to determine Defendant's compliance with the program meeting requirements of not less than 75% attendance; and (iii) the Board's Compliance Coordinator shall report to the Board if Defendant fails to timely pay \$300.00 per month until all outstanding fees and costs have been paid.
3. Failure to meet any of the terms of this Order will be grounds for the Board to initiate proceedings to suspend or revoke Dr. Rigney's medical license, after additional notice and hearing as required by law.
4. A copy of this written order should be sent to Dr. Rigney as soon as it is processed.

Dated this 20 day of July, 2012.


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

Certificate of Service

On the 20 day of July, 2012, a true and correct copy of this order was mailed, postage prepaid, to Mark Edward Rigney, 2509 Copperfield Avenue, Ponca City, OK 74604.

A handwritten signature in cursive script, reading "Shelley Crowder", is written over a solid horizontal line.

Shelley Crowder