

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

FILED

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OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

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)

ORDER MODIFYING PROBATION

This matter came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on November 6, 2014, 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.

Gary Ricks, Board Compliance Coordinator, appeared on behalf of the State of Oklahoma. Defendant, Mark Edward Rigney, M.D., appeared not.

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. 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.

9. On or about September 18, 2014, Defendant requested that the terms of his probation be modified to allow him to prescribe Schedule II Controlled Dangerous Substances and that request for modification was granted.

10. On or about November 6, 2014, Defendant again requested that the terms of his probation be modified by deleting the term contained in Paragraph 9 (ii) of the Fourth Order

Modifying Probation entered of record on July 12, 2012, which reads as follows: “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.”

11. Defendant presented sufficient evidence to support the requested modification of deleting the term of probation contained in Paragraph 9 (ii) of the Fourth Order Modifying Probation entered of record on July 12, 2012.

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 delete the term contained in Paragraph 9 (ii) of the “Fourth Order Modifying Probation,” entered of record on July 12, 2012, which reads as follows: “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.”

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** by deleting Paragraph 9 (ii) of the Fourth Order Modifying Probation, entered of record on July 12, 2012, which reads as follows: “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.”
2. Dr. Rigney’s probation shall continue indefinitely from July 23, 2009 under the terms and conditions as set forth in the July 30, 2009 Order, as modified.
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. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney’s fees.

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

Dated this 10th day of November, 2014.



Billy H. Stout, M.D., Secretary
Oklahoma State Board of Medical
Licensure and Supervision

Certificate of Service

On the 10th day of November, 2014, a true and correct copy of this order was mailed, postage prepaid, to Mark Edward Rigney, MD, 2509 Copperfield Avenue, Ponca City, OK 74604.

