

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

STATE OF OKLAHOMA, *ex rel.*)
OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
MARK EDWARD RIGNEY, M.D.,)
LICENSE NO. MD 22078,)
)
Defendant.)

FILED
MAR 22 2017
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 06-01-3053

**ORDER GRANTING MOTION FOR LICENSURE UNDER
AGREEMENT AFTER INDEFINITE PROBATION**


This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision ("Board") on January 12, 2017, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and the rules of the Board.

Lyle Kelsey, Executive Director appeared for the Plaintiff and the Defendant appeared in person *pro se*.

The Board having considered testimony and evidence presented hereby **GRANTS** the motion to terminate the indefinite probation pursuant to the Order Granting Reinstatement of License Under Terms of Probation filed July 30, 2009. A license is hereby issued pursuant to the Agreement for Licensure After Indefinite Probation executed February 1, 2017.

This Order is subject to review and approval by the Oklahoma Attorney General and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void.

Dated this 22nd day of March, 2017.



Billy H. Stout, M.D., Board Secretary
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Certificate of Service

This is to certify that on the 30th day of March, 2017, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail

Mark Edward Rigney, M.D.
2509 Copperfield Avenue
Ponca City, Oklahoma 74604
Defendant



Nancy Thiemann, Legal Assistant



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

FILED

MAR 22 2017

**ATTORNEY GENERAL OPINION
2017-179A**

**OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION**

Billy Stout, M.D., Board Secretary
State Board of Medical Licensure and Supervision
101 N.E. 51st Street
Oklahoma City, OK 73105

March 20, 2017

Dear Secretary Stout:

This office has received your request for a written Attorney General Opinion regarding agency action that the State Board of Medical Licensure and Supervision intends to take with respect to medical doctor licensee 22078. In 2001, the applicant was issued a training license with restrictions for one year based on a history of substance abuse. In May 2002, the applicant was issued a full medical doctor license with the same restrictions. In January of 2006, the license was suspended for four months, then later the licensee voluntarily surrendered the license in lieu of prosecution due to allegations of substance abuse. The applicant's license was reinstated in 2008, but licensee later had a relapse while attending the Oklahoma Health Professionals Program. The applicant's license was suspended in 2009 but was later reinstated under conditions of probation.

The proposed action is to enter an agreement with the applicant whereby restrictions will be imposed on the applicant's professional practice in conjunction with reinstatement of the license. The restrictions include: random hair follicle and body fluid testing; ingestion of only medications authorized by a treating physician who has been made aware of the agreement; not prescribing, administering, ordering or dispensing any medications for personal use; an affirmative duty not to ingest prohibited substances including alcohol; inform Board on current address; Board access to applicant's practice and treatment-related records; notification of any criminal charges involving substance abuse, or any relapse, including inpatient rehabilitation; notification to potential employers, or other states, of the agreement; appearance before the Board upon request; entrance into a contract with the Oklahoma Health Professional Program, a substance abuse assistance program; attend "12-step" meetings; and continue treatment with Suboxone and submit quarterly reports to the Board.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S.2011 & Supp.2016, §§ 480-518.1, provides "[n]o person shall be licensed to practice medicine . . . in [the] state except upon a finding by the Board that such person . . . has produced satisfactory evidence to the Board of the ability of the applicant to practice medicine and surgery with reasonable skill and safety," 59 O.S.2011, § 492.1(B). The Board may issue "conditional, restricted, or otherwise circumscribed licenses, or . . . licenses under terms of agreement . . . for the public health, safety, and welfare." 59 O.S.2011, § 493.3(D). An agreement entered with an applicant will be deemed

“continuing in nature until set aside or otherwise terminated by the Board.” OAC 435:10-4-11(b)(5). The restrictions on the applicant’s license described above reasonably seek to ensure that the licensee does not provide compromised care because of substance abuse problems.

It is, therefore, the official opinion of the Attorney General that the State Board of Medical Licensure and Supervision has adequate support for the conclusion that this action advances the State of Oklahoma’s policy to ensure patient care is not compromised by substance abuse.



MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA



SHELLY PERKINS
ASSISTANT ATTORNEY GENERAL