

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

FILED

MAR 05 2020

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*)
OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
MARK REIHELD, M.D.,)
LICENSE NO. MD 23029,)
)
Defendant.)

Case No. 16-10-5374

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

The State of Oklahoma, ex rel. Oklahoma State Board of Medical Licensure and Supervision (“Board”), by and through the undersigned counsel for the Plaintiff, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, along with Mark Reiheld, M.D. (“Defendant”), Oklahoma medical license no. 23029, who appears in person, and through counsel Richard A. Johnson of Holmes Yates Johnson, PLLC (collectively, the “Parties”), and offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, “Order” or “Agreement”) for acceptance by the Board. Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (“Act”). 59 O.S. § 480, *et seq.*

Defendant, Mark Reiheld, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for an evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement may be reviewed and discussed with him by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against him in a subsequent disciplinary hearing. Defendant will be free to defend himself and no inferences will be made from his willingness to have this Order accepted by the Board. The Parties stipulate that neither the presentation of this Order no the Board’s consideration of this

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Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

Findings of Fact

1. In Oklahoma, Defendant holds medical license no. 23029.
2. On May, 31, 2019, a Verified Complaint for Professional Misconduct and Citation were each filed by the Board.
3. The allegations set forth in the Verified Complaint include the following:
4. This case was initiated as a result of two separate complaints being submitted to the Oklahoma State Board of Medical Licensure and Supervision regarding Defendant. On October 24, 2016, Oklahoma State Board of Medical Licensure and Supervision (OSBMLS) Investigator Larry Carter was assigned to investigate the two complaints.
5. One complaint came from a patient that was upset that Defendant no longer accepted Medicare and Medicaid causing the patient to have to pay \$200.00 for each office visit, something the patient could not do on his fixed income.
6. The second complaint came from the Board of Pharmacy. A Board of Pharmacy Inspector was informed by a pharmacist, whom wishes to remain anonymous, that Defendant argued with and bullied the pharmacist in an attempt to get the pharmacist to fill several prescriptions for one of Defendant's patients.
7. Defendant advised that he is not board certified, and described his medical practice since obtaining his license as a "general practice". Defendant has treated numerous patients, for all sorts of ailments, including pain. Defendant's first formal introduction to pain management was when he accepted a job with Alpha Pain in Oklahoma City. Defendant stated that he tried to stay up with medical information and trends in this field. He stated that he was aware that many doctors are now claiming that there is no benefit to long term use of opioids in the treatment of chronic pain, however, Defendant claimed that he had not seen any formal studies that support this change.
8. Defendant then went on to acknowledge that he is aware of the increasing scrutiny being brought in the field of pain management. Defendant also understands that current trends in medicine show a declining use of benzodiazepines and SOMA when prescribing high doses of opioids. Defendant stated that he does not treat every patient with the same mixture of drugs. Defendant stated that he tries to tailor a drug regimen to meet each patient's individual needs. Defendant stated that his goal was to achieve adequate pain relief so that his patients could function on a daily basis as close to normal as possible.



9. On August 10, 2017, Investigator Carter subpoenaed the charts of S.V., J.R., and D.M., which were subsequently delivered for expert review.
10. The expert provided an overall summary of the four (4) patient records he reviewed as well as the evaluation of each patient's chart. The following is the expert's summary of Defendant's practice:
 - a. The reviewed the charts of four (4) patients treated by Defendant. This included progress notes, office communications, results of laboratory testing, including urine drug screens, radiology results when performed, and reports from consultants or lack thereof.
 - b. Based on his review of the records, much of defendant's patient management is simply restating the patient complaints into a diagnosis without any objective data such as physical exams or radiographic findings. Defendant's therapy is primarily narcotic prescription with occasional use of electrostimulation or ultrasound therapy. There is little or no use of consultation.
 - c. Based on the urine drug screens provided, it appears that several of the patients may have been hoarding or diverting medications. Patient drug screens were often missing prescribed medications, although there were no alteration in prescribing. Defendant continued to administer drugs, often at high dosages. Despite warning signs of addiction, abuse and diversion, Defendant did not alter or reduce his prescribing.
 - d. Defendant appears to practice by rapidly increasing patients to high doses of opiates. Defendant does not use objective data or consultants to influence his prescribing. Defendant was not deterred by CDC guidelines or insurance maximums from continuing to increase opiate dosages.
 - e. From the records reviewed, there is no indication that Defendant's practice was safe or that his prescribing was reasonable. Many of Defendant's practices have the likely outcome of addiction, dependence, abuse and possible overdose. Warning signs were often ignored or not recognized.

Conclusions of Law

11. The Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma. 59 O.S. § 480 et seq. and Okla. Admin. Code §§ 435:5-1-1 et seq.
12. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
13. 9. The Board is authorized to suspend, revoke or order any other appropriate conditions against the license of any physician or surgeon holding a license to practice medicine in

the State of Oklahoma for unprofessional conduct. 59 O.S. §§ 503, 513(A)(1). The Board's action is authorized by 59 O.S. §§ 509.1.

14. 10. The Board is authorized to accept voluntary submittals to jurisdiction mutually agreed to by parties to a disciplinary action to resolve the action without need for a hearing. 75 O.S. § 309(E); Okla. Admin. Code § 435:5-1-5.1.
15. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
 - a. Prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribing dispensing or administering controlled substances or narcotic drugs without medical need in accordance with published standards. 59 O.S. 2011, § 509 (16); Okla. Admin. Code § 435:10-7-4(2).

Orders

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

1. The Board hereby adopts the Agreement of the Parties in this Order Accepting Voluntary Submittal to Jurisdiction, including the findings of fact and conclusions of law stated herein.
2. **MARK REIHELD, M.D.**, agrees and is ordered to relinquish his DEA and OBN certificates effective with the filing of this Board Order and that he will never reapply for either registration again.
3. **MARK REIHELD, M.D.**, agrees and is ordered to attend and complete an assessment for physician competency and cognitive skills at a facility approved of in advance by the Board Secretary, complete any and all recommendations and appear before the Board for further proceedings in accordance with such recommendations of the assessment.
4. **MARK REIHELD, M.D.**, agrees and is ordered not to practice medicine until the above assessment has been completed and any and all recommendations have been implemented and he has appeared before the Board for further proceedings in accordance with such recommendations of the assessment and he will execute an Agreement Not To Practice in accordance with this Order.
5. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

Dated this 5th day of MARCH, 2020.

Susan Chambers, M.D., President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Mark Reiheld, M.D.
License No. 23029
Defendant

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

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Certificate of Service

This is to certify that on the 9th day of March, 2020, a true and correct copy of the foregoing Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail
Mark Reiheld, M.D.
License No. 23029
22751 Dakota
Ponca City, Oklahoma 74601
Defendant

MR

U.S. First Class Mail

Richard A. Johnson, OBA No. 21718

HOLMES YATES JOHNSON, PLLC

P.O. Box 750

Ponca City, Oklahoma 74602

Attorney for Defendant,

Mark Reiheld, M.D.



Nancy Thiemann, Legal Assistant