


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 nor the Board's consideration of this 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

The Plaintiff, Defendant, and the Board staff each stipulate and agree as follows:

1. In Oklahoma, Defendant holds medical license no. 24648, originally issued August 12, 2009.
2. On December 12, 2019, a Verified Complaint ("2019 Complaint") and Citation were each filed by the Board. Hearing was set for March 5, 2020. Defendant was served on December 19, 2019 by the Board's IV Director Larry K. Rhodes, and a Return of Service was filed December 19, 2019.
3. On April 23, 2019, Defendant was driving on the Creek Turnpike and struck a cable barrier and then attempted to leave the scene of the accident. He was arrested for a misdemeanor violation of Driving Under the Influence of an Intoxicant because he appeared very unsteady on his feet, displayed pin pointed/constricted pupils and extremely slurred speech while experiencing difficulties in standing without assistance.
4. A small bag of white powdery substance was located inside of Defendant's left rear pocket which field tested positive for cocaine.
5. Board Investigators Melissa Davis and Larry Carter met with Defendant, and his attorney on June 19, 2019 at his office in Tulsa, Oklahoma.
6. On June 20, 2019, Defendant submitted a urine sample to LabCorp for analysis. It was positive for benzoylecgonine, norocaine, cocaine and cocaethylene.
7. On June 25, 2019, Defendant submitted for assessment at Bradford Health Services and made arrangements for inpatient treatment.
8. Defendant discharged from Bradford Health Services in mid-August 2019, with the recommendation that he not practice for six (6) weeks between discharge and his scheduled two-day reassessment set for September 25, 2019.
9. Board Investigator Larry Carter met with Defendant at his Tulsa office on September 4, 2019.
 - a. Defendant admitted that he is practicing medicine at his offices in Oklahoma City and Tulsa. Additionally, there are several prescriptions for CDS that have been issued under his authority since September 3, 2019.

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- b. Defendant acknowledged that the recommendation from Bradford included that he not practice medicine at this time; however, Defendant said that he is somewhat confused by their recommendation.
10. An Answer to Verified Complaint was filed February 10, 2020, by Rachel N. Jordan of Mulinix Goerke & Meyer, PLLC, as counsel for Defendant.
11. A Second Agreed Order of Continuance with Notice of Hearing ("Second Order with Notice"), was filed on April 10, 2020, that includes the following terms.
- a. Defendant shall be subject to random drug and alcohol testing, including urine and PEth tests, which will be under the supervision of the Board Compliance Coordinator.
- b. In the event that a positive result was received by the Board for either the urine or PEth tests and upon receipt of a positive confirmatory test, Defendant agrees that his license will be automatically suspended pending the Board hearing scheduled for the 2019 Complaint.
12. On April 14, 2020, Dr. Wilson submitted for random drug and alcohol tests. The test was a split sample test. Both tests indicated a positive test result for controlled dangerous substance.
13. On May 4, 2020, an Order of Suspension of Medical License was filed ("Order of Suspension"). An Attorney General Letter stating no opinion required, was issued on July 10, 2020. Defendant was served with the Order of Suspension on May 4, 2020 by process server #PSS 2017-72. An Affidavit of Service was filed May 5, 2020.
14. At the May 7, 2020 Board meeting, the Order of Suspension was ratified. An order ratifying the Order of Suspension was filed on May 14, 2020.
15. A Third Agreed Order of Continuance with Notice of Hearing was filed June 11, 2020. Hearing on the 2019 Complaint was reset for September 10, 2020.

Conclusions of Law

16. 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.*
17. 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.
18. 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

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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.

19. 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.
20. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
 - a. Habitual intemperance or the habitual use of habit-forming drugs. 59 O.S. § 509(4); Okla. Admin. Code § 435:10-7-4(3); Okla. Admin. Code § 435:10-7-4(27).
 - b. The inability to practice medicine with reasonable skill and safety to patients by reason ... drunkenness, excessive use of drugs, narcotics chemicals, or any other type of material ... 59 O.S. § 509(15); Okla. Admin. Code § 435:10-7-4(3); Okla. Admin. Code § 435:10-7-4(18); Okla. Admin. Code § 435:10-7-4(40).

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 STEPHEN WILSON, II, M.D.**, shall be placed on **PROBATION** for a period of **FIVE (5) YEARS**.
3. **MARK STEPHEN WILSON, II, M.D.**, Oklahoma medical license no. 24648, is formally **REPRIMANDED**.
4. **MARK STEPHEN WILSON, II, M.D.** shall comply with all of the following terms and conditions:

Specific Terms:

- a. Defendant shall sign a five (5) year contract with Oklahoma Health Professionals Program ("OHPP") to run concurrently with the probation period.
- b. Defendant shall abide by all recommendations of the Compliance Coordinator, Gary Ricks, including but not limited to random urine drug screens, Peth tests, hair tests, nail tests and breathalyzer (SoberLink) tests.
- c. Defendant shall ensure OHPP provides quarterly reports to the Board Secretary and the Board's Compliance Coordinator of Defendant's progress and

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participation in OHPP, including but not limited to meeting attendance records and any breathalyzer (Soberlink) test results.

- d. Defendant shall acquire or continue with counseling for individual therapy, with a counselor which must be approved of in advance by the Board Secretary.
- e. Defendant shall acquire or continue with counseling with a family therapist, which must be approved of in advance by the Board Secretary.
- f. Defendant shall acquire a medical doctor for management of any medical issues, who must be approved of in advance by the Board Secretary.
- g. If any professional provider that is involved in the Defendant's care or management determines the need for a psychiatrist, the psychiatrist must be approved of in advance by the Board Secretary.
- h. Defendant shall not return to the practice of medicine prior to thirty (30) days after the filing of this Order.
- i. Upon return to practice, Defendant shall not work more than forty (40) hours per week for six (6) months after return to practice. During the subsequent six (6) months, Defendant shall not work more than fifty five (55) hours per week. The allowed time to work shall include seeing patients, as well as any charting.
- j. Defendant shall attend a minimum of three (3) twelve step recovery meetings per week and submit proof of attendance to the Compliance Coordinator.

Standard Terms:

- k. Defendant shall conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("Act") as interpreted by the Board. Any question of interpretation regarding the Act or this Order shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Board or its authorized designee. 59 O.S. § 480, *et seq.*
- l. Defendant shall furnish a file-stamped copy of this Order stipulating terms imposed by the Board, to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he/she holds or anticipates holding any form of staff privileges or employment.
- m. Defendant will keep the Board informed of his current address.
- n. Defendant will keep current payment of all assessments by the Board for prosecution, investigation and monitoring of his case, which shall include, but is not limited to, a fee of one hundred fifty dollars (\$150.00) per month during the

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term of probation, unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.

- o. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any bankruptcy proceeding.
- p. Defendant will not supervise allied health professionals, physician assistants, or advanced nurse practitioners, that require surveillance of a licensed medical practitioner. Okla. Admin. Code § 435:5-1-8.
- q. For good cause shown, upon request of the Board or its designee, Defendant will submit biological specimens for analysis, including but not limited to, blood, urine, hair follicle and nail samples, and Defendant will pay the costs attendant thereto.
- r. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need, and only during that time in which he is being treated by the physician for that specific medical need. Defendant has the affirmative duty to inform any and every doctor treating him of this Order immediately upon initiation, or continuation of treatment. In the event that Defendant is prescribed any controlled dangerous substance during the term of this Order, Defendant shall contact the Board Secretary and/or the Compliance Coordinator to discuss the prescription.
- s. Defendant will have the affirmative duty not to ingest any substance, including but not limited to alcohol, which will cause a body fluid sample to test positive for prohibited substances.
- t. Defendant shall promptly notify the Board Secretary or Compliance Coordinator of any citation or arrest for traffic or for criminal offenses.
- u. Upon request, Defendant shall make himself available for one or more personal appearances before the Board or its authorized designee.
- v. Defendant will execute such releases of medical and psychiatric records during the entire term of this Order as necessary for use by the Board Secretary and/or Compliance Coordinator to obtain copies of medical records and assessments, and authorize the Board Secretary and/or Compliance Coordinator to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.
- w. If Defendant moves his residence or practice location out of the State of Oklahoma during this Order, this Order will be tolled until such time as Defendant returns to the State of Oklahoma and begins practicing within the state.

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Defendant will notify the Board Secretary and/or Compliance Coordinator prior to moving out-of-state.

- x. Failure to meet any of the terms of this Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.
 - y. Immediately upon learning that a licensee is in violation of a Board-ordered probation, the Executive Director of the Board may summarily suspend the license based on imminent harm to the public and assign a hearing date for the matter to be presented at the next scheduled Board meeting. 59 O.S. § 506(B).
 - z. The Parties, the Board or its designee, or the Defendant may file a motion for a Board hearing and possible new Board 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.
6. A copy of this Order shall be provided to Defendant as soon as it is processed.

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Dated this ^{11th} ~~8th~~ day of September, 2020.

[Signature]

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

[Signature]

James M. Brinkworth, M.D., President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

[Signature]

Mark Stephen Wilson, II, M.D.
License MD 24648
Defendant

[Signature]

Mark S. Pate, OBA 10567
Assistant Attorney General
STATE OF OKLAHOMA,
OFFICE OF ATTORNEY GENERAL
Attorney for Plaintiff,
Oklahoma State Board of Medical
Licensure and Supervision

[Signature]

Rachel Jordan, OBA No. 32704
MULINIX, GOERKE & MEYER, PLLC
Attorney for Defendant,
Mark Stephen Wilson, II, M.D.

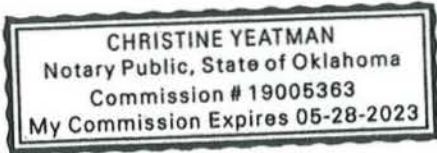
ACKNOWLEDGMENT

STATE OF OKLAHOMA)
)
COUNTY OF Osage) ss.

This instrument was acknowledged before me on the 8th day of September,
2020, by Mark Stephen Wilson, II.

[Signature]

Notary Public
Commission Expiration: 5-28-23



BOARD *[Signature]*

MSW *[Signature]*

Certificate of Service

This is to certify that on the 17th day of Sept., 2020, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail

Mark Stephen Wilson, II, M.D.
7908 S. Frisco Avenue
Tulsa, Oklahoma 74132

Defendant

E-Mail

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***Attorney for Plaintiff,
Oklahoma State Board of Medical
Licensure and Supervision***

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***Attorney for Defendant,
Mark Stephen Wilson, II, M.D.***



Nancy Thiemann, Legal Assistant

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