

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 STEPHEN WILSON, II, M.D.,)
LICENSE NO. MD 24648,)
)
Defendant.)

FILED


JUL 29 2021

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 19-06-5761

AGREED ORDER ON MOTION TO ENFORCE BOARD ORDER

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision ("Board"), on July 29, 2021, pursuant to notice given as required by the laws and rules of the Board.

Joseph L. Ashbaker, Assistant Attorney General, appeared on behalf of Plaintiff. Defendant Mark Stephen Wilson, II, appeared in person and through his attorney Rachel N. Jordan of ~~Mulinix Goerke & Meyer, PLLC~~ (collectively, the "Parties"), and offer this Agreed Order on Motion to Enforce Board Order (herein, "Order") for acceptance by the Board. 59 O.S. § 513(B) and 59 O.S. § 509.1. 

The Board, having heard arguments of counsel, and being fully apprised of the premises, finds as follows:

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.
3. An Answer to the Verified Complaint was filed February 10, 2020, by Rachel N. Jordan of Mulinix Goerke & Meyer, PLLC, as counsel for Defendant.

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4. A Second Agreed Order of Continuance with Notice of Hearing (“Second Order with Notice”), was filed on April 10, 2020, that included 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.
5. 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.
6. 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.
7. 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.
8. The parties signed a Voluntary Submittal to Jurisdiction (“VSJ”) which was presented to and accepted by the Board on September 1, 2020 which places Defendant on five (5) years probation.
9. Defendant has violated the following terms and conditions of the VSJ:

Paragraph a: Defendant shall sign a five (5) year contract with Oklahoma Health Professionals Program (“OHPP”) to run concurrently with the probation period.

On April 1, 2021, Defendant received a positive result on a Sober Link test with a blood alcohol concentration of 0.019 contrary to the terms and conditions of his OHPP contract. Defendant also missed multiple check-ins following his Sober Link failure.

Paragraph 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.

Defendant admitted to OHPP personnel that he had been consumed alcohol. This was confirmed by a PEth test Defendant took. The results of that test showed a result of 45ng/ml.

See, Exhibit “A”, attached hereto.

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10. Any conclusion of law below which is more properly characterized as a finding of fact is hereby incorporated as a finding of fact.

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. To the extent authorized by law, the Board is authorized to enforce disciplinary actions imposed by the Board, in the exercise of its authority, the Board may punish willful violations of its Orders and impose additional penalties as allowed by Section 509.1 of this title. 59 O.S. § 513(B) and 59 O.S. § 509.1.
14. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
- a. Violating the terms and conditions of his probation as set forth in the VSJ.
15. Any finding of fact above which is more properly characterized as a conclusion of law finding of fact is hereby incorporated as a conclusion of law.

Orders

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

1. The Board hereby adopts the Agreed Order on Motion to Enforce Board Order , including the findings of fact and conclusions of law stated herein.
2. The Order Accepting Voluntary Submittal to Jurisdiction, filed on September 17, 2020, shall remain in full force and effect **EXCEPT** as follows:

Paragraph 2 under the heading Order is revised to read as follows:

MARK STEPHEN WILSON, II, M.D., shall be placed on **INDEFINITE PROBATION.**

Specific Term a is revised to read as follows

- a. Defendant shall sign a lifetime contract with Oklahoma Health Professionals Program.

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Specific Term d is revised to read as follows:

d. Defendant shall acquire a new counselor for individual therapy which counselor must be approved in advance by the Board Secretary.

3. A copy of this Order shall be provided to Defendant as soon as it is processed.

Dated this 29th day of July, 2021.

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

[Signature]
Louis Cox, M.D., President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

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

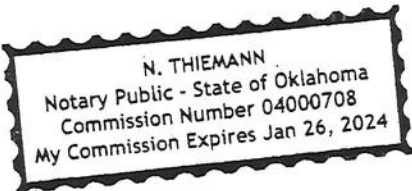
[Signature]
Joseph L. Ashbaker, OBA 193950567
Assistant Attorney General
STATE OF OKLAHOMA,
OFFICE OF ATTORNEY GENERAL
Attorney for Plaintiff,
Oklahoma State Board of Medical
Licensure and Supervision

[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 Oklahoma) ss.

This instrument was acknowledged before me on the 29th day of July, 2021, by Mark Stephen Wilson, II.



[Signature]
Notary Public
Commission Expiration: 1/26/2024

BOARD [Signature]

MSW [Signature]

Certificate of Service

This is to certify that on the 26th day of July, 2021, 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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Oklahoma State Board of Medical
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U.S. First Class Mail, and E-Mail

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



Nancy Thiemann, Legal Assistant

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