

**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

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
MARCO ALBERTO PALIOTTA, M.D.,)
LICENSE NO. 25800,)
)
Defendant.)

Case No. 10-08-4064

COMPLAINT

COMES NOW the Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, Marco Alberto Paliotta, M.D., alleges and states as follows:

1. The Board 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 pursuant to 59 Okla. Stat. §480 *et seq.*

2. Defendant, Marco Alberto Paliotta, M.D., holds Oklahoma license no. 25800 and at the time of the incidents in question, practiced as a pediatric thoracic surgeon at the University of Oklahoma Health Sciences Center in Oklahoma City, Oklahoma.

2007 ENGAGING IN PROSTITUTION

3. In or around early 2007, Defendant admits that he contacted an Internet escort service and paid a prostitute for sexual services. This incident occurred in Oklahoma City, Oklahoma. Defendant was not arrested as a result of this incident.

JULY 19, 2007 OFFERING TO ENGAGE IN PROSTITUTION

4. On or about July 19, 2007, Defendant received his Oklahoma medical license. Later that evening, Defendant contacted a person he believed to be a prostitute on "craigslist.com". On this website, a female police officer posed as a prostitute and advertised her rate as \$200.00 per hour. Defendant contacted the undercover officer and made arrangements for

her to come to his apartment. When she arrived, he paid her \$200.00 for sexual services. Police officers then arrived on the scene and he was arrested. The police lieutenant then allowed him to be released in the field and not transported to jail. No charges were ever filed as a result of this arrest.

5. On or about June 5, 2008, Defendant submitted his Application for Renewal of Oklahoma License for the period July 2, 2008 through July 1, 2009. On his Application for Renewal, Defendant was asked the following question: "Since the last renewal....[h]ave you been arrested for, charged with, or convicted of a felony or misdemeanor other than a traffic violation?" In response to this question, Defendant answered "NO".

AUGUST 25, 2010 OFFERING TO ENGAGE IN PROSTITUTION

6. On or about August 25, 2010, Defendant contacted a prostitute and arranged for a "date". Defendant found the prostitute from an escort service ad on an online service called "Backpage.com". The prostitute was in fact an undercover Oklahoma City police officer.

7. Defendant met the undercover officer at the Oak Tree Inn and Suites on S. Meridian in Oklahoma City, Oklahoma. He offered to pay her \$120.00 for sexual acts. At that time, he was arrested by other Oklahoma City police officers for offering to engage in prostitution. He was then transported and booked into the Oklahoma County Jail

8. On or about August 27, 2010, a criminal probable cause affidavit was filed in Oklahoma County. At this time, criminal charges have not been filed.

9. After the August 25, 2010 arrest, Defendant resigned his position at the University of Oklahoma Health Sciences Center. OUHSC has advised that it will not rehire him due to these incidents.

10. Defendant is guilty of unprofessional conduct in that he:

A. Procured, aided or abetted a criminal operation in violation of 59 O.S. §509(1).

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).

C. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).

D. Confessed to a crime involving violation of the laws of this state in violation of 59 O.S. §509(7).

E. Committed any act of sexual abuse, misconduct, or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of OAC 435:10-7-4(23).

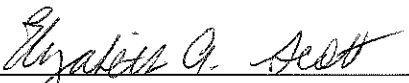
F. Engaged in fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).

G. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).

Conclusion

WHEREFORE, the Plaintiff respectfully requests that the Board conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to Defendant's medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



Elizabeth A. Scott (OBA #12470)
Assistant Attorney General
State of Oklahoma
101 N.E. 51st Street
Oklahoma City, OK 73105
Attorney for the Plaintiff