

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

FILED

DEC - 5 2008

STATE OF OKLAHOMA
EX REL. THE OKLAHOMA BOARD
OF MEDICAL LICENSURE
AND SUPERVISION,

Plaintiff,

v.

MARY JANICE YOUNG, M.D.,

LICENSE NO. 25269

Defendant.

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 08-09-3581

CITATION

YOU ARE HEREBY NOTIFIED that on the 5 day of December, 2008, a sworn Complaint was filed with the undersigned Secretary of the Oklahoma State Board of Medical Licensure and Supervision, State of Oklahoma, charging you with violations of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act at 59 Okla. Stat. §509 (4), (8), (13) and (15), and OAC 435:10-7-4 (3), (11), (17), (18), (37), (39) and (40). A copy of the Complaint is attached hereto and made a part thereof.


On January 29, 2009, the Board will be in regular session at 9:00 o'clock a.m., at its offices located at 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, at which time your Complaint will be considered by the Board, and a hearing will be held pursuant to the Oklahoma Administrative Procedures Act, 75 Okla. Stat. §309, *et seq.*, as amended.

If the Board decides, after considering all the testimony and evidence, that you are guilty as charged, your license to practice as a physician within the State of Oklahoma may be suspended or revoked or other disciplinary action may be taken by the Board as authorized by law, including the assessment of costs and attorney's fees for this action as provided by law.

Under the laws of the State of Oklahoma, you are required to file your written Answer under oath with the Secretary of the Board within twenty (20) days after the Citation is served upon you. Unless your Answer is so filed, you will be considered in default, and the Board may accept the allegations set forth in the complaint as true at the hearing of the complaint. If the charges are deemed sufficient by the Board, your license to practice as a physician in the State of Oklahoma may be suspended or revoked.

THEREFORE, you are cited to appear at the hearing. If you are not present in person, you may be present through your attorney.

DATED this 5 day of December, 2008 at 8³⁵ am o'clock.



GERALD C. ZUMWALT, M.D., Secretary
Oklahoma State Board of Medical
Licensure and Supervision



RETURN OF SERVICE BY AGENT

Received the attached and foregoing Citation and Scheduling Order in the investigation of Mary Janice Young, MD, at Oklahoma City, Oklahoma, on the 5 day of December, 2008, and on the 8 day of December, 2008, at 10:30 o'clock A.M. served it on the within named by delivering a copy to Mary Janice Young, MD
(Name of person served)

At (address):

OSBMLS

5104 N. Francis

Oklahoma City, OK 73118

Served by: Stephan W. [Signature]

Subscribed and sworn to before me on this 8 day of December, 2008



Janet Swindle
Notary Public

My Commission expires: 8-22-2010

CASE NAME: Young, MD
CASE #: 08-09-3581

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STATE OF OKLAHOMA)
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Plaintiff,)

v.)

MARY JANICE YOUNG, M.D.,)
LICENSE NO. 25269,)

Defendant.)

OKLAHOMA STATE BOARD OF
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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, Mary Janice Young, 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, Mary Janice Young, M.D., holds Oklahoma license no. 25269 and practiced as a psychiatrist at the University of Oklahoma Department of Psychiatry.

3. Beginning September 12, 1991 and continuing until December 1992, Defendant held an Oklahoma medical training license to practice medicine while in her Family Practice Residency Program at the University of Oklahoma Health Sciences Center.

4. Beginning July 1994 and continuing until January 1996, Defendant continued her training in the Family Practice Residency Program at the University of Texas at Conroe, Texas.

5. Defendant did not practice medicine from January 1996 until July 2007.

6. On or about July 1, 2007, Defendant was granted an Oklahoma medical training license to continue her training in the Psychiatry Residency Program at the University of

Oklahoma Health Sciences Center. While Defendant had a history of substance abuse, the Board granted her an unrestricted training license since she had signed a monitoring contract with the Oklahoma Health Professionals Recovery Program (the "HPRP").

7. On or about May 21, 2008, Defendant was granted a full Oklahoma medical license. At that time, Defendant remained under a monitoring contract with the HPRP due to a history of substance abuse.

8. On or about September 17, 2008, Defendant admitted to the HPRP that she had been drinking alcohol.

9. On or about September 29, 2008, Defendant provided a urine specimen at the request of the HPRP. The urine subsequently tested positive for alcohol. Records from the Oklahoma Health Sciences Center reflect that Defendant treated at least one (1) patient approximately one and one-half hours after her positive drug test.

10. On October 15, 2008, Defendant provided a urine specimen at the request of the HPRP. The urine specimen subsequently tested positive for alcohol. Records from the Oklahoma Health Sciences Center reflect that Defendant made patient rounds for several hours before this positive drug test and that she additionally treated patients after this positive drug test.

11. On or about October 20, 2008, Board Investigator Steve Washbourne contacted Defendant regarding her positive drug tests. Defendant admitted to Mr. Washbourne that she had been drinking alcohol. When asked if she had treated any patients on September 29, 2008, the day of her first positive drug test for alcohol, Defendant advised Mr. Washbourne that she was not working on that date.

12. On or about November 10, 2008, Defendant entered the Professional Renewal Center (the "PRC") for treatment for her substance abuse. However, on both November 10, 2008 and November 11, 2008, Defendant remained secluded in her hotel room and refused to answer her phone or emails. Representatives from the PRC made three (3) trips to her room to check on her condition, but she refused to answer the door.

13. On November 12, 2008, Defendant returned to the PRC for treatment. She initially denied relapsing, but then admitted that she had been drinking alcohol excessively.

14. Based upon her relapse while at treatment, PRC discharged her on November 14, 2008 based upon her written agreement to be admitted to St. Anthony Hospital in Oklahoma City, Oklahoma for detox. Defendant agreed that she would begin detox at St. Anthony no later than November 15, 2008.

15. On November 24, 2008, Investigator Washbourne confirmed that Defendant had not entered the St. Anthony detox program at that time as required by the PRC.

16. On December 2, 2008, Investigator Washbourne confirmed that Defendant had refused to submit to a drug test by the HPRP on December 1, 2008 as required by her contract with the program.

17. Defendant is guilty of unprofessional conduct in that she:

A. Habitually uses habit-forming drugs in violation 59 O.S. §509(4) and OAC 435:10-7-4(3).

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. Is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).

E. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).

F. Has engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).

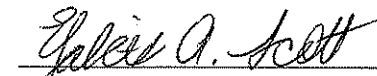
G. Has failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).

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.

Dated this 31 day of December, 2008.

Respectfully submitted,



Elizabeth A. Scott (OBA #12470)

Assistant Attorney General

State of Oklahoma

5104 N. Francis, Suite C

Oklahoma City, OK 73118

Attorney for the Plaintiff

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OF MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA

FILED

STATE OF OKLAHOMA)
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v.)

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MEDICAL LICENSE NO. 25269)

Defendant.)

MAY 21 2009

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 08-09-3581

**ORDER ACCEPTING VOLUNTARY SURRENDER
OF LICENSE IN LIEU OF PROSECUTION**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") *en banc* on the 21st day of May, 2009 at the Board office, 5104 N. Francis, Suite C, Oklahoma City, OK 73118, pursuant to notice given as required by law and rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared on behalf of the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision. The Defendant appeared not.

The Board *en banc* heard testimony, reviewed the exhibits presented, and being fully apprised in the premises, finds that there is clear and convincing evidence of the following Findings of Fact, Conclusions of Law, and Orders:

Findings of Fact

1. Mary Janice Young, M.D. currently possesses Oklahoma medical license no. 25269.
2. Defendant Mary Janice Young, M.D. is the subject of a Complaint before the Oklahoma State Board of Medical Licensure and Supervision.
3. The Board *en banc* has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.

4. Pursuant to 59 O.S. §509(E), Defendant wishes to surrender her Oklahoma Medical License No. 25269 in lieu of prosecution.

5. The surrender of Oklahoma Medical License No. 25269 is freely and voluntarily made, and the Defendant has not been subject to duress or coercion.

6. The Defendant is fully aware of the consequences of the surrender of her license.

7. Defendant has plead guilty to the allegations constituting misconduct and acknowledges that the allegations, if proven, could constitute grounds for disciplinary action by the Board.

8. Defendant has submitted a sworn statement describing the misconduct to which she has plead guilty as required by 59 O.S. §509(E).

9. Defendant will surrender her wall certificate and wallet card with her request for voluntary surrender of her license.

10. Defendant has agreed that she will not apply for reinstatement of her Oklahoma medical license for a minimum of one (1) year.

Conclusions of Law

11. The Board has jurisdiction over the Defendant and the subject matter herein pursuant to 59 O.S. §480 et seq.

12. Pursuant to 59 O.S. §509(E), the Board has the authority to accept this surrender of license in lieu of prosecution.

13. The request of Defendant to surrender her license is appropriate under the circumstances of this case.

14. Clear and convincing evidence exists for the conditions of surrender of Oklahoma Medical License No. 25269.

Order

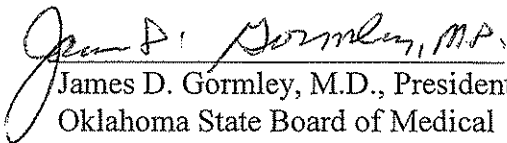
15. The voluntary surrender of license in lieu of prosecution submitted by Defendant is hereby accepted by the Board.

16. Oklahoma Medical License No. 25269 of the Defendant, Mary Janice Young, M.D., should be and is hereby surrendered as of the date of this order, May 21, 2009.

17. Pursuant to 59 O.S. §509.1(E)(4), the Defendant shall pay all reasonable costs expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expenses, witness fees and attorney's fees incurred with respect to this case.

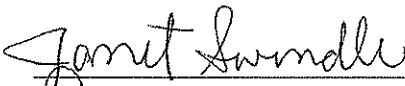
18. Defendant shall not apply for reinstatement of her Oklahoma medical license for a minimum of one (1) year.

DATED this 21 day of May, 2009.


James D. Gormley, M.D., President
Oklahoma State Board of Medical
Licensure and Supervision

CERTIFICATE OF MAILING

I certify that on the 22 day of May, 2009, I mailed a true and correct copy of the Order Accepting Voluntary Surrender of License in Lieu of Prosecution to Mary Janice Young, 500 Central Park Drive, #303, Oklahoma City, OK 73105 and to Linda G. Scoggins, Scoggins & Cross, PLLC, 204 N. Robinson, Suite 3100, Oklahoma City, OK 73102.


Janet Swindle

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MEDICAL LICENSE NO. 25269)
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Defendant.)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 08-09-3581

VOLUNTARY SURRENDER OF LICENSE
IN LIEU OF PROSECUTION

State of Oklahoma)
)
Oklahoma County)

I, Mary Janice Young, M.D., being of lawful age and after first being duly sworn, depose and state as follows:

1. I hereby voluntarily surrender my Oklahoma medical license no. 25269.
2. The surrender of my license is freely and voluntarily made. I have not been subject to any coercion or duress, and I am fully aware of the consequences of the surrender of my license.
3. I am the subject of a Complaint before the Oklahoma State Board of Medical Licensure and Supervision involving allegations that if proven, would constitute grounds for disciplinary action by the Board.

4. The allegations to which I have plead guilty are as follows:
- a. Beginning September 12, 1991 and continuing until December 1992, Defendant held an Oklahoma medical training license to practice medicine while in her Family Practice Residency Program at the University of Oklahoma Health Sciences Center.
 - b. Beginning July 1994 and continuing until January 1996, Defendant continued her training in the Family Practice Residency Program at the University of Texas at Conroe, Texas.
 - c. Defendant did not practice medicine from January 1996 until July 2007.
 - d. On or about July 1, 2007, Defendant was granted an Oklahoma medical training license to continue her training in the Psychiatry Residency Program at the University of Oklahoma Health Sciences Center. While Defendant had a history of substance abuse, the Board granted her an unrestricted training license since she had signed a monitoring contract with the Oklahoma Health Professionals Recovery Program (the "HPRP").
 - e. On or about May 21, 2008, Defendant was granted a full Oklahoma medical license. At that time, Defendant remained under a monitoring contract with the HPRP due to a history of substance abuse.
 - f. On or about September 17, 2008, Defendant admitted to the HPRP that she had been drinking alcohol.
 - g. On or about September 29, 2008, Defendant provided a urine specimen at the request of the HPRP. The urine subsequently tested positive for alcohol. Records from the Oklahoma Health Sciences Center reflect that Defendant treated at least one (1) patient approximately one and one-half hours after her positive drug test.
 - h. On October 15, 2008, Defendant provided a urine specimen at the request of the HPRP. The urine specimen subsequently tested positive for alcohol. Records from the Oklahoma Health Sciences Center reflect that Defendant made patient rounds for several hours before this positive drug test and that she additionally treated patients after this positive drug test.
 - i. On or about October 20, 2008, Board Investigator Steve Washbourne contacted Defendant regarding her positive drug tests. Defendant admitted to Mr. Washbourne that she had been drinking alcohol. When asked if she had treated any patients on September 29, 2008, the day of her first positive drug test for alcohol, Defendant advised Mr. Washbourne that she was not working on that date.

j. On or about November 10, 2008, Defendant entered the Professional Renewal Center (the "PRC") for treatment for her substance abuse. However, on both November 10, 2008 and November 11, 2008, Defendant remained secluded in her hotel room and refused to answer her phone or emails. Representatives from the PRC made three (3) trips to her room to check on her condition, but she refused to answer the door.

k. On November 12, 2008, Defendant returned to the PRC for treatment. She initially denied relapsing, but then admitted that she had been drinking alcohol excessively.

l. Based upon her relapse while at treatment, PRC discharged her on November 14, 2008 based upon her written agreement to be admitted to St. Anthony Hospital in Oklahoma City, Oklahoma for detox. Defendant agreed that she would begin detox at St. Anthony no later than November 15, 2008.

m. On November 24, 2008, Investigator Washbourne confirmed that Defendant had not entered the St. Anthony detox program at that time as required by the PRC.

n. On December 2, 2008, Investigator Washbourne confirmed that Defendant had refused to submit to a drug test by the HPRP on December 1, 2008 as required by her contract with the program.

o. Defendant is guilty of unprofessional conduct in that she:

i. Habitually uses habit-forming drugs in violation 59 O.S. §509(4) and OAC 435:10-7-4(3).

ii. 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).

iii. Is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).

iv. Is physically or mentally unable to practice and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).

v. Has failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).

5. I hereby my wallet card and my wall certificate as evidence of my intent to surrender my license.

6. I hereby agree that I will not apply for reinstatement of my Oklahoma medical license for a minimum of one year from the entry of the Order Accepting Voluntary Surrender in Lieu of Prosecution, and that if the Board ever reinstates my Oklahoma medical license, it will be under terms of probation to be set by the Board at the time of reinstatement.

7. As a condition to accepting my surrender of license in lieu of prosecution, I acknowledge that the Board may require me to pay all costs expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expense, witness fees and attorney fees.

DATED this 20th day of May, 2009.

M. Janice Young MD
Mary Janice Young, M.D.

Subscribed and sworn before me this 20th day of May, 2009.



Christina C Hampton
Notary Public

My commission expires on 01/06/2013.

ACCEPTED:

Gerald C. Zumwalt M.D.
Gerald C. Zumwalt, M.D.
Secretary
Oklahoma State Board of Medical
Licensure and Supervision

Date: 5-21-09