### IN AND BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

#### STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,
STATE BOARD OF MEDICAL
EXAMINERS,

Plaintiff,

vs.

MICHAEL E. SERJEANT, M.D.,
Medical License No. 10691,

Defendant.

## FINAL ORDER

This cause comes on for hearing before the Oklahoma Board of Medical Examiners en banc on September 5, 1986, at 5104 North Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff, and the Defendant, Michael E. Serjeant, M.D., appeared in person and announced he wanted to proceed without counsel and waived his right to representation by legal counsel.

The Board of Medical Examiners en banc heard the testimony and reviewed the exhibits, and being fully advised in the premises, the Board of Medical Examiners therefore finds as follows:

# FINDINGS OF FACT

- 1. That Michael E. Serjeant, M.D., holds Oklahoma Medical License No. 10691.
- 2. That the Board of Medical Examiners en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
- 3. That an audit of controlled dangerous substances at the Defendant's clinic covering the period of time from November 1, 1985 through May 5, 1986 revealed that approximately 1,567 dosage units of controlled dangerous substances received by the clinic were unaccounted for during the audit time period and further that clinic dispensing records indicate that controlled dangerous substances were dispensed to "Mr.", "CNIS", "Nami", "Marie", "M.S.", "Kan", and "Nen" for a total of 485 dosage units.
- 4. That a prescription survey conducted in reference to certain scheduled drugs reveals that patient D.R. received approximately 12 prescriptions for a total of 1,425 dosage units of Xanax from January 9, 1986 through April 28, 1986, for an average of 13.07 dosage units per day.
- 5. That the survey reveals that patient C.C. received 6 prescriptions for a total of 1,400 dosage units of Xanax from

November 19, 1985 through April 4, 1986, for an average of 10.29 dosage units per day.

- 6. That the survey reveals that patient J.S. received approximately 8 prescriptions for a total of 1,000 dosage units of Xanax from February 14, 1986 through April 25, 1986, for an average of 14.25 dosage units per day.
- 7. That the survey reveals that patient L.B. received 6 prescriptions for a total of 1,125 dosage units of Xanax from November 12, 1985 through February 4, 1986, for an average of 13.39 dosage units per day.
- 8. That the aforesaid patient records and records of other patients reveal that scheduled drugs were being prescribed in excess of the amount considered for the medical need presented.
- 9. That the Defendant has changed internal procedures in his office and that he now keeps complete and accurate records of the purchase and disposal of controlled drugs and of narcotic drugs.

### CONCLUSION OF LAW

- 1. That Michael E. Serjeant, M.D., holding Oklahoma Medical License No. 10691, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, §509, Paragraph 17, to-wit:
  - "17. 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."
- 2. That Michael E. Sergeant, M.D., is in violation of the Rules and Regulations promulgated by this Board, specifically Section IX, Rules 1, 2 and 6, to-wit:
  - "Rule 1: Indiscriminate or excessive prescribing, dispensing or administering of Controlled or Narcotic drugs."
  - "Rule 2: Prescribing, dispensing or administering of Controlled or Narcotic drugs in excess of the amount considered good medical practice."
  - "Rule 6: Dispensing, prescribing or administering a Controlled substance or Narcotic drug without medical need."

### ORDER

IT IS THEREFORE ORDERED BY THE Board of Medical Examiners of Oklahoma as follows:

1. That the Defendant, Michael E. Serjeant, M.D., holding Oklahoma Medical License 10691, be and is hereby placed on probation to the Oklahoma State Board of Medical Examiners for a period of five years, beginning on September 5, 1986, under the following terms and conditions:

- That within six months of the date, September 5, 1986, (a) the Defendant must obtain formal certification as an authorized clinical investigator of the disease. agarophobia, being treated with a controlled dangerous substance Xanax, or, in the alternative, the Defendant must immediately cease and desist prescribing Xanax or any other controlled dangerous substance in amounts in excess of guidelines set forth by the manufacturer and the United States Food and Drug Administration.
- That during the period of probation Defendant will (b) furnish to the Office of the Oklahoma State Board of Medical Examiners all current legal addresses and any change of address in writing.
- Defendant shall appear before the Oklahoma Board of (c) Medical Examiners or any designated member thereof whenever requested to do so.
- (6) That the Defendant shall keep the Board apprised of his status and the Board retains continuing jurisdiction to review prescriptions of controlled dangerous substances prescribed, administered or dispensed by the Defendant during this term of probation.

DATED this 6th day of October

MARK R. JOHNSON, M.D., Secretary

State Board of Medical Examiners

APPROVED AS TO FORM:

DANIEL J. GAMINO

Daniel J. Gamino & Associates, P.C.

3315 Northwest 63rd Street

Oklahoma City, Oklahoma 73116

(405) 840-3741

ATTORNEY FOR PLAINTIFF

### CERTIFICATE OF MAILING

I hereby certify that on the 7th day of October, 1986, I deposited in the U. S. Mails, postage prepaid, a true and correct copy of the above and foregoing Final Order addressed to:

Michael E. Serjeant, M.D. c/o Eastmoor Doctors Clinics 1501 Southeast 4th, Suite C

Moore, Oklahoma