

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

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.)	
the OKLAHOMA BOARD OF MEDICAL)	
LICENSURE AND SUPERVISION,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 93-05-1517
)	
MICHAEL EWART-SERGEANT, M.D.,)	
Medical License No. 10691,)	
)	
Defendant.)	

ORDER OF REVOCATION

NOW ON this 18th day of November, 1994, there comes on for hearing before the Oklahoma Board of Medical Licensure and Supervision (the "Board") the above styled and numbered administrative action. The hearing is conducted pursuant to the Board's authority as granted by the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. §§ 480, et seq., and Article II of the Oklahoma Administrative Procedures Act, 75 O.S.1991, §§ 308a, et seq. The Board appeared by and through its counsel of record, Susan B. Loving, Attorney General of Oklahoma, and James Robert Johnson, Assistant Attorney General. The defendant appeared in person and by and through counsel of record, Joseph J. Reinke, Attorney at Law. And the Board, having heard the testimony of the witnesses called, having reviewed the exhibits introduced and otherwise being fully apprised of the facts and law herein makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

The Board finds that a preponderance of the evidence supports the following Findings of Fact:

1. Defendant is a licensed physician in the State of Oklahoma and the Board of Medical Licensure and Supervision has licensure jurisdiction over him;
2. The defendant, Michael Ewart Sergeant, has engaged in the practice of prescribing Ketalar (generic name "Ketamine"), an anesthetic, in the treatment of migraine headaches of his patient R.P. Ketalar is not approved for the treatment of migraine headaches. Further, the defendant prescribed Ketalar for home health care administration to patient R.P. without the availability of proper resuscitation equipment and for administration by a person not licensed to administer Ketalar. Further, the defendant prescribed Ketalar for use in conjunction with Xanax, Carisprodol and Nubain without proper regard for the condition of his patient R.P.;
3. The conduct of the defendant constituted a reckless disregard for the welfare of his patient R.P.;
4. Until suspended by emergency suspension provisions of the Act on August 15, 1994, the defendant continued to prescribe Ketalar to other patients for migraines and pain control contrary to the approved and accepted use of Ketalar and with reckless disregard for the welfare of his patients.

CONCLUSIONS OF LAW

1. The Oklahoma Board of Medical Licensure and Supervision has jurisdiction in this matter by virtue of the provisions of the Oklahoma Medical Practice Act, 59 O.S.1991, §§ 481 et seq., as amended;
2. By virtue of the provisions of the Oklahoma Medical Practice Act, the Board has the power and jurisdiction to enforce the provisions of the Oklahoma Medical Practice Act to protect the public health, safety and welfare;
3. The defendant's conduct above constitutes a violation of the Medical Practice Act, 59 O.S. § 509, and OAC 435:10-7-4 (11), (15),

(17), (18), (24) and (41);

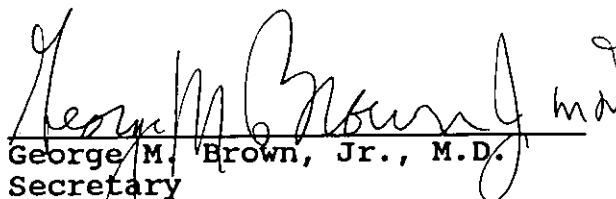
4. The defendant perpetuates a significant harm to the public health, safety and welfare by continuing the acts and omissions set forth in the above allegations.

ORDER

IT IS THEREFORE THE ORDER OF THE BOARD that the license to practice medicine and surgery in the State of Oklahoma of Michael Ewart Serjeant, the defendant, is hereby REVOKED.

Pursuant to the authority of the Board granted in 59 O.S. § 509.1, and promulgated in the rules of the Board, the defendant shall pay the costs of this action.

Done this 18th day of November, 1994.


George M. Brown, Jr., M.D.
Secretary
Board of Medical Licensure and
Supervision

Approved as to form:

~~James Robert Johnson
Assistant Attorney General
Attorney for the Board~~

~~Joseph Reinke
Attorney for Defendant~~

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