

**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.)
)
MEDHAT S.F. MICHAEL, M.D.,)
LICENSE NO. MD 23746,)
)
Defendant.)

FILED

JAN 15 2021

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 11-11-4441

**THIRD ORDER OF CONTINUANCE
WITH NOTICE OF HEARING**

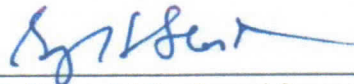
The undersigned Secretary for the Oklahoma State Board of Medical Licensure and Supervision (“Board”), in consideration of an agreement of the parties, enters the following orders:

1. On March 6, 2014, an Order Accepting Voluntary Surrender to Jurisdiction (“2014 VSJ”) was filed, including but not limited to violations of sexual misconduct, prescribing violations, failure to cooperate with the Board investigation, and fraud in obtaining licensure. The 2014 VSJ provided that the Board accepted Defendant’s relinquishment of license and ordered that he shall never apply for reinstatement.
2. Defendant applied for reinstatement of his medical license on August 3, 2020.¹
3. On August 21, 2020, a Motion to Enforce Board Order (“*Pltfs Motion to Enforce*”) the 2014 VSJ, was filed by AAG Joseph Ashbaker for Plaintiff. Defendant was served on August 27, 2020 by PPS #2017-72. Hearing was set for September 10, 2020.
4. A Continuance Order was filed on September 3, 2020. Hearing on the *Pltfs Motion to Enforce* was reset to the November 5, 2020 Board meeting.
5. On September 25, 2020, a Motion to Review Application for Licensure for Reinstatement (“*Def’s Motion to Review Application*”), was filed by Stanley M. Ward of Ward & Glass, LLP as counsel for Defendant. A Supplement to the Motion to Review Application was filed October 8, 2020. Hearing was set for November 5, 2020.

¹ By agreeing to Defendant’s request to continuance, Plaintiff does not waive any objections to Defendant’s right to seek reinstatement.

6. On October 29, 2020, Defendant requested continuance of hearing on (1) *Pltfs Motion to Enforce*, and, (2) *Def's Motion to Review Application* to the January 2021 Board meeting. An Agreed Order of Continuance with Notice of Hearing, was filed November 4, 2020, resetting the hearing and all deadlines to January 21, 2021.
7. Defendant's Motion in Limine was filed October 30, 2020 ("*Def's Motion in Limine*"). Hearing was set for January 21, 2021.
8. On January 6, 2021 Defendant filed new Case No. CV-2021-35, in District Court, Oklahoma County, Oklahoma, *Michael v. State ex rel. Okla. BD of Med. Lic. and Supv.*, along with an application for temporary injunction against the Board. A hearing date is being considered.
9. On January 13, 2021, Defendant's Motion for Continuance was filed.
10. The parties have conferred and hereby request a continuance of the hearing on: (1) *Pltfs Motion to Enforce*, (2) *Def's Motion to Review Application*, and (3) *Def's Motion in Limine*, to the March 11, 2021 Board meeting.
11. This request for continuance is not being made for purposes of delay, but rather due to the pending Case No. CV-2021-35, District Court, Oklahoma County, Oklahoma, making a continuance reasonable and in the interest of justice.
12. The Board finds that the ends of justice served by granting of such continuance outweigh the best interest of the public and the Defendant in a speedy hearing, and for good cause shown the requested continuance is **GRANTED**.
13. Premises considered and for good cause shown, (1) *Pltfs Motion to Enforce*, (2) *Def's Motion to Review Application*, and (3) *Def's Motion in Limine*, are scheduled for hearing at the meeting of the Board on March 11, 2021. All deadlines are reset to the Scheduling Order for the March 11, 2021 Board meeting, attached hereto as **Exhibit 1**.
14. Please take notice that (1) *Pltfs Motion to Enforce*, (2) *Def's Motion to Review Application*, and (3) *Def's Motion in Limine*, will be heard by the Board at the March 11, 2021 meeting of the Board, which will begin at 9:00 a.m. The meeting will take place at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105-1821.

Dated this 15th day of January, 2021.



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

Certificate of Service

This is to certify that on the 15th day of January, 2021, a true and correct copy of this Order was transmitted as specified, postage prepaid, to the following:

U.S. Certified Mail, and E-Mail

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*Attorney for Plaintiff,
Oklahoma State Board of Medical
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Nancy Thiemann, Legal Assistant

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SCHEDULING ORDER – MARCH 2021

This Scheduling Order is issued pursuant to Okla. Admin. Code § 435:3-3-7. Alteration of this Scheduling Order shall only be approved upon written motion for good cause shown, to the Board Secretary or Trial Examiner.

1.	File dispositive motions	January 28, 2021
2.	File and exchange final witness and exhibit lists	February 4, 2021
3.	Discovery completed/answered	February 18, 2021
4.	Pre-trial conference (as needed, to review contested items)	<u>earlier or by:</u> February 18, 2021
5.	File Motion for Continuance	March 4, 2021
6.	Board Hearing	March 11, 2021



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

- **Answer** – Defendant shall file a written answer under oath, to the complaint, within 20 days after service of the citation. If the answer is not filed, the defendant shall be considered in default. 59 O.S. § 503; 12 O.S. § 2012, Okla. Admin. Code § 435:3-3-8 *et seq.* Failure to file an answer may subject defendant to default judgment.
- **Final Witness Lists** - Final Witness Lists shall include witness contact information, including address and telephone number, as well as a brief summary of anticipated testimony.
- **Discovery** - The failure of a party to have sufficient time to exercise any discovery mechanism on account of a lack of time shall not of itself constitute good cause for the granting of a continuance. Okla. Admin. Code § 435:3-3-9.
- **Motions prior to hearing – Okla. Admin. Code § 435:3-3-10(a-b).**
 - (a) Motions in regard to any matter as set forth on 435:3-3-13 shall be filed with the Trial Examiner at the offices of the Board. The Trial Examiner is authorized to schedule oral argument on such motions or may accept written argument only. The Order of the Trial Examiner shall be in writing and shall be appealable to the Board prior to the hearing. The Trial Examiner shall not have authority to dismiss a case or limit what matters are heard by the Board.
 - (b) Motions shall be heard and/or ruled upon by the Trial Examiner at the scheduled pretrial conference.
- **Continuance** – Continuance requests shall be filed at the offices of the Board. The Secretary of the Board, or the Trial Examiner at the pre-trial conference, may receive and rule on motions for continuance filed prior to seven (7) days before the hearing date. If the continuance is denied, the party may renew the request and move for a continuance at the hearing. Okla. Admin. Code § 435:3-3-7(c).
- **Settlement** – Unless precluded by law, informal disposition may be made of any individual proceeding by stipulation, agreed settlement, consent order, or default. 75 O.S. § 309(E). The Board may accept a Voluntary Submittal to Jurisdiction (VSJ) entered into by staff and defendant; and, VSJ's shall be the responsibility of the Secretary of the Board or Executive Director in his/her absence. Okla. Admin. Code § 435:5-1-5-1. The Board may accept Surrender in Lieu of Prosecution (SILOP) in lieu of prosecuting a pending disciplinary action or filing formal disciplinary proceedings only as provided in this section. 59 O.S. § 509.1(E), *et seq.*