

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

**FILED**

MAY 31 2022

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

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. )

Case No. 11-11-4441

**ORDER GRANTING PLAINTIFF'S MOTION TO ENFORCE**  
**AND**  
**ORDER DENYING**  
**DEFENDANT'S MOTION TO REVIEW APPLICATION AS SUPPLEMENTED**  
**AND**  
**DEFENDANT'S MOTION IN LIMINE**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision ("Board") on November 18, 2021, at the office of the Board, 101 N.E. 51<sup>st</sup> Street, Oklahoma City, Oklahoma 73105.

Joseph L. Ashbaker, Assistant Attorney General, and Amanda Everett, Assistant Attorney General, appeared for Plaintiff. Medhat S.F. Michael ("Defendant") appeared in person and through counsel, Cynthia D'Antonio of Green, Johnson, Mumia & D'Antonio.

Plaintiff and Defendant are collectively referred to herein as the "Parties."

The Board, having heard argument of counsel, having reviewed the exhibits admitted into evidence and being fully apprised of the premises, makes the following findings of fact, conclusions of law and orders, by clear and convincing evidence:

**Findings of Fact**

1. Defendant Michael previously possessed medical license no. 23746 in the State of Oklahoma.
2. Defendant Michael voluntarily submitted to the jurisdiction of the Oklahoma State Board of Medical Licensure and Supervision of the State of Oklahoma ("Board") as noted in the Board's Order of March 6, 2014.

3. Defendant Michael freely and voluntarily relinquished his medical license and agreed to never apply for reinstatement of his Oklahoma medical license.
4. The Board accepted relinquishment of Defendant Michael's license and ordered that Defendant Michael shall never apply for reinstatement of his Oklahoma medical license.
5. The Court of Civil Appeals of the State of Oklahoma affirmed that Defendant Michael is judicially and equitably estopped from asserting the March 6, 2014 Order of the Board is not a Voluntary Submittal to Jurisdiction, and that he did not voluntarily relinquish his license, and he agreed to never reapply for licensure again in its Opinion of August 23, 2017.
6. Defendant Michael's counsel sent to the Board the Application for Licensure of Medhat Michael, M.D. and an application fee of \$500.00 on July 31, 2020.
7. Defendant Michael willfully violated and failed to comply with the Board's Order of March 6, 2014.
8. Any finding of fact which is more properly characterized as a conclusion of law is hereby incorporated as a conclusion of law.

#### **Conclusions of Law**

9. The Board retains jurisdiction to the extent necessary for failure to comply with a Board Order and to allow the Board the power to enforce disciplinary actions imposed by the Board. In the exercise of its authority, the Board may punish willful violations of its orders and impose additional penalties. 59 O.S. § 513B; Okla. Admin. Code §§ 435:5-1-7.
10. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
11. Any conclusion of law which is more properly characterized as a finding of fact is hereby incorporated as a finding of fact

#### **Orders**

**IT IS THEREFORE ORDERED** by the Oklahoma State Board of Medical Licensure and Supervision as follows:

12. The Motion to Enforce Board Order of the State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision filed herein on August 21, 2020 is **GRANTED**.
13. Defendant is fined \$5,000.00.
14. Defendant shall pay all reasonable costs expended by the Board for any legal fees and costs, as well as any investigatory costs, including but not limited to staff time, salary and travel expense, witness fees and attorney fees.

15. These Findings, Conclusions and Order resolve Defendant Michael's Motion to Review Application for Licensure for Reinstatement of Medhat Michael, MD, and Defendant's Motion in Limine. These motions are, therefore **DENIED.**

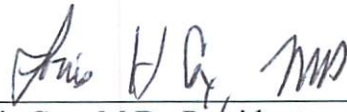
16. A copy of this Order shall be provided to Defendant as soon as it is processed

**This Order is subject to review and approval by the Oklahoma Attorney General, and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void.**

Dated this 17<sup>th</sup> day of MAY, 2021.



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



Louis Cox, M.D., President  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION

**Certificate of Service**

This is to certify that on the 31<sup>st</sup> day of May, 2021, a true and correct copy of this Order was transmitted as specified, postage prepaid, to the following:

U.S. Certified Mail

Medhat S.F. Michael, M.D.  
P.O. Box 720911  
Oklahoma City, OK 73172-0911

***Defendant***

U.S. Certified Mail, and E-Mail

Cynthia D'Antonio  
Green, Johnson, Mumina & D'Antonio  
4101 Perimeter Center Drive  
Suite 110  
Oklahoma City, Oklahoma 73112  
(405) 702-7228  
(405) 702-6898

cynthia@gjmlawyers.com

***Attorney for Defendant,  
Medhat S.F. Michael, M.D.***

E-Mail

Joseph L. Ashbaker, AAG  
STATE OF OK, OFFICE OF ATTORNEY GENERAL  
313 N.E. 21<sup>st</sup> Street

Oklahoma City, Oklahoma 73105

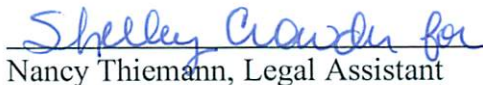
(405) 521-3921

(405) 521-6246 facsimile

joe.ashbaker@oag.ok.gov

***Attorney for Plaintiff,***

***Oklahoma State Board of Medical  
Licensure and Supervision***



Nancy Thiemann, Legal Assistant



**FILED**

**MAY 17 2022**

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

**JOHN M. O'CONNOR**  
**ATTORNEY GENERAL**  
**ATTORNEY GENERAL OPINION**  
**2022-10A**

Billy H. Stout, M.D., Board Secretary  
State Board of Medical Licensure and Supervision  
101 N.E. 51st Street  
Oklahoma City, OK 73105

May 12, 2022

Dear Dr. Stout:

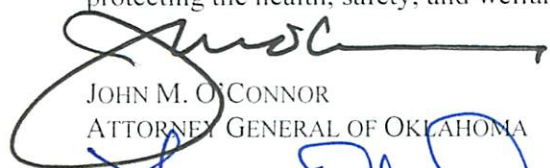

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Medical Licensure and Supervision intends to take in case 11-11-4441.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act authorizes the Board to suspend, revoke or order other appropriate sanctions against the license of a physician for unprofessional conduct.<sup>1</sup> 59 O.S.2022, § 503. The Board may reasonably believe that the proposed action is necessary to deter future violations and to protect the public.

After discipline by the Board in 2014, the parties entered an agreed order whereby the defendant surrendered his license and agreed to *never* reapply for licensure in this state. On March 6, 2014, the Board issued an order accepting the voluntary surrender to jurisdiction. *See* 2015 A.G. Opin. 183A. In June 2018, the defendant filed a motion to modify the order to allow him to reapply for licensure, and in September 2018, the Board denied the motion. *See* 2018 A.G. Opin. 374A. In July 2020, the defendant submitted the required fee and application for licensure, but in response, the Board moved to enforce the Board's March 2014, order accepting the voluntary surrender to jurisdiction. The defendant then filed a motion to review application for licensure and a motion in limine.

The Board proposes to (1) deny the defendant's motions, (2) grant the Board's motion to enforce and, (3) require the defendant to pay a \$5,000 fine and all reasonable costs. The Board may reasonably believe the proposed action is necessary to deter future violations.

It is, therefore, the official opinion of the Attorney General that the State Board of Medical Licensure and Supervision has adequate support for the conclusion that this action advances the State's policy of protecting the health, safety, and welfare of the citizens of Oklahoma.

  
JOHN M. O'CONNOR  
ATTORNEY GENERAL OF OKLAHOMA  
  
THOMAS R. SCHNEIDER  
DEPUTY GENERAL COUNSEL

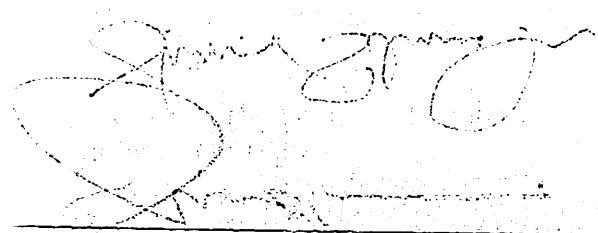
<sup>1</sup> Oklahoma statutes and the Board rules define "unprofessional conduct" to include "[d]ishonorable or immoral conduct which is likely to deceive, defraud, or harm the public[]" and "[c]ommission of any act of sexual abuse, misconduct, or exploitation . . ." 59 O.S.2021, §§ 503, 509(8); OAC 435:10-7-4(23).



10/10/2010 10:10:10 AM

Dear Sir,  
I am pleased to inform you that your application for the position of [Job Title] has been successful. We are pleased to have you on board.

Yours faithfully,  
[Name]



Thank you for your interest in our organization. We look forward to your start on [Date].

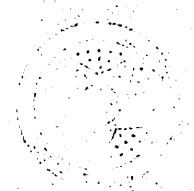
Should you have any queries, please do not hesitate to contact me. We are committed to providing a supportive and professional environment for all our employees.

Best regards,  
[Name]

Human Resources Department  
[Company Name]

10/10/2010 10:10:10 AM  
[Name]  
[Address]  
[City]

10/10/2010 10:10:10 AM  
[Name]



MVA 13 588  
L11110