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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. )

LYNN DEAN BAGGETT, (M.D.) )  
Medical License No. (14448) )

CASE NO. 89-04-861

Defendant. )

FINAL ORDER  
ON COMPLAINT OF CONTEMPT

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on September 1, 1990, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. 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 Lynn Dean Baggett, M.D., Defendant, did not appear in person or by representative, except by a written letter received August 16, 1990, requesting a continuance.

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

FINDINGS OF FACT

1. That Defendant, Lynn Dean Baggett, M.D., holds Oklahoma Medical License No. 14448.

2. That the Oklahoma Board of Medical Licensure and Supervision 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 by letter received August 16, 1990, Defendant did advise that he was an in-patient at Hazelden, Minnesota, drug and alcohol rehabilitation, and would be unable to appear for hearing on September 1, 1990, and that he requested a postponement of same. Said letter was treated as a motion for continuance and was overruled by the Board.

4. That on or around October 21, 1989, following notice and hearing, Lynn Dean Baggett, M.D., Oklahoma Medical License No. 14448, was the subject of and did receive a true and correct copy of the Final Order from the Oklahoma Board of Medical Licensure and Supervision concerning proceedings held on that date.

5. Said Order provided in pertinent part that the Defendant's medical license should be suspended for a period of three days and the three-day period was set at October 24, 25, and 26, 1989, and further said Order provided that the Defendant be placed on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years

beginning after reinstatement of his medical license on October 27, 1989, under certain enumerated terms and conditions that included the following, to-wit:

- (a) That during the period of probation Defendant will not prescribe, administer or dispense any medications for his personal use, to specifically include controlled dangerous substances.
- (b) That during the period of probation Defendant will abstain from consuming alcohol or any substance, licit or illicit, specifically including but not limited to, controlled dangerous substances, which would adversely affect his ability to practice medicine and surgery as interpreted by the Oklahoma State Board of Medical Licensure and Supervision.
- (c) That during the period of probation Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need and Defendant shall have an affirmative duty to inform any physician treating him of Defendant's previous use of alcohol and controlled dangerous substances.
- (d) During the period of probation Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of any investigator or other agent representing the Oklahoma State Board of Medical Licensure and Supervision, and Defendant will pay for testing and analysis of those specimens.
- (h) Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigation Division of the Board the cost of investigation, prosecution and probation of this case.
- (i) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after due notice to the Defendant.

6. That said Final Order has remained in full force and effect and has not been further amended, modified or vacated by the Oklahoma Board of Medical Licensure and Supervision to date.

7. That on or around July 23, 1990, Defendant did willfully, deliberately and contemptuously refuse to submit a biological fluid specimen upon request of any investigator or other agent representing the Oklahoma State Board of Medical Licensure and Supervision, in that the Defendant refused to comply with the lawful request made in person by Compliance Consultant Ralph Baldwin.

#### CONCLUSIONS OF LAW

1. That pursuant to the Oklahoma Medical Practice Act, 59 O.S. Supp. 1989, Sec. 481 et seq., the Board has continuing jurisdiction over the Defendant, and said jurisdiction includes the power to find the Defendant in contempt of the Board's jurisdiction.

2. That the evidence presented herein is a basis for any Board finding that the Defendant is in contempt of previous Board orders.

ORDER


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

1. That the Defendant's Oklahoma Medical License No. 14448, should be and the same is hereby SUSPENDED effective September 1, 1990.

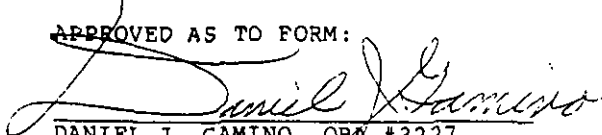
2. That the suspension shall be for a term until the Defendant presents evidence of successful completion of in-patient treatment to the Board, at which time the Defendant may appear before the Board and seek reinstatement of his Oklahoma license under terms and conditions of probation to be set by the Board at that time.

3. That Defendant should receive a copy of this Order as soon as possible.

DATED this 13 day of September, 1990.

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

APPROVED AS TO FORM:

  
DANIEL J. GAMINO OBA #3227  
Daniel J. Gamino & Associates, P.C.  
3315 NW 63  
Oklahoma City, OK 73116  
(405) 840-3741  
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 17 day of September, 1990, to:

LYNN DEAN BAGGETT  
c/o Hazelden  
Box 11  
Center City, MN 55012

