

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.) CASE NO. 89-04-861
Medical License No. 14448,)
)
Defendant.)

FINAL ORDER
ON COMPLAINT OF CONTEMPT

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on June 27, 1992, 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, appeared in person, pro se, waived his right to legal counsel, and agreed to proceed without counsel, and also appeared by representative J. Darrel Smith, M.D.

The Board of Medical Licensure and Supervision en banc heard testimony, reviewed exhibits and being fully advised in the premises, the Oklahoma 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 on or around January 12, 1991, 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.
4. Said order provided in pertinent part 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 on January 12, 1991, under certain enumerated terms and conditions which included the following, to-wit:

- "(b) During the period of probation Defendant will not prescribe, administer or dispense any medications for his personal use."
- "(d) 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 or surgery as interpreted by the Oklahoma State Board of Medical Licensure and Supervision."

"(e) 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."

"3. That failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma Medical License, after additional due notice and hearing."

5. That said order has remained in full force and effect and on the above terms and conditions has not been further amended, modified or vacated by the Oklahoma Board of Medical Licensure and Supervision to date.

6. That on or around March 17, 1992, Defendant did provide a urine sample and said sample tested positive for Phentermine, a controlled dangerous substance.

7. That Defendant did not produce any prescription for the substance of Phentermine being prescribed by a physician treating him who was aware of Defendant's previous substance abuse.

8. That the Defendant's acts and omissions herein are contrary to the plain terms and conditions of the Final Order issued by the Board and are a proper subject for a contempt proceeding.

CONCLUSIONS OF LAW

1. That pursuant to the Oklahoma Medical Practice Act, 59 O.S. 1991, Sec. 481 et seq., the Board has discretion and judgment to find a Defendant in contempt of the Board Order and may impose appropriate sanctions based on that finding.

ORDER

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

1. That the Defendant, Lynn Dean Baggett, M.D., holding Oklahoma Medical License No. 14448, is found in contempt of the Board Order issued on or around January 12, 1991.

2. That the Defendant, Lynn Dean Baggett, M.D., holding Oklahoma Medical License No. 14448, should be and is hereby **SUSPENDED** from the practice of medicine and surgery for a period of 60 days beginning June 28, 1992.

3. It is further ordered that the Defendant, Lynn Dean Baggett, M.D., holding Oklahoma Medical License No. 14448, should be and is hereby placed on a term of probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years beginning August 28, 1992, under the following terms and conditions:

(a) During the period of probation Defendant will not prescribe, administer or dispense any controlled dangerous substances.

- (b) During the period of probation Defendant will not prescribe, administer or dispense any medication for his personal use.
- (c) During the period of probation Defendant is required to attend a minimum of three (3) AA meetings and one (1) professional meeting per week with documentation of attendance provided to the Board on a monthly basis.
- (d) 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 or surgery as interpreted by the Oklahoma State Board of Medical Licensure and Supervision.
- (e) 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.
- (f) 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.
- (g) During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.
- (h) That Defendant shall appear before the Board or a designated member thereof whenever requested to do so.
- (i) During the period of probation Defendant will submit to the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.
- (j) Pursuant to Title 59 O.S. Sec. 506, Defendant shall promptly pay within 30 days of receipt of invoice from the Board the costs of investigation, prosecution and probation of this case, unless the Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- (k) During the period of probation Defendant shall notify any hospital where he holds staff privileges, or clinic, or group where he practices, of the terms and conditions of this Order and supply a copy thereof.
- (l) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

4. That the jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

5. That failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma Medical License, after additional due notice and hearing.

DATED this 2 day of July, 1992.

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

APPROVED AS TO FORM:

Daniel J. Gamino
DANIEL J. GAMINO OBA #3227
Daniel J. Gamino & Associates, P.C.
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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 6 day of July, 1992, to:

LYNN DEAN BAGGETT, M.D.
5000 300 East Skelly Drive
Tulsa, OK 74135

Janet L Owens