

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

STATE OF OKLAHOMA

FILED

JUN 05 1997

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, ex rel.)
OKLAHOMA BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION.)

Plaintiff.)

vs.)

CASE NO. 89-04-861

LYNN D. BAGGETT, M.D.)
Spec. Medical License No. 14448.)

Defendant.)

FINAL ORDER
OF REVOCATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision on May 15, 1997, 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 D. Baggett, M.D., Defendant appeared in person, without legal counsel and agreed to proceed without counsel.

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

FINDINGS OF FACT

1. That Defendant, Lynn D. Baggett, M.D., holds Oklahoma Spec. Medical License No. 14448.
2. That the 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 the law and the rules of the Board.
3. That on or around March 22, 1996, following notice and hearing, the Oklahoma Board of Medical Licensure and Supervision did issue a Final Order Issuing Special License With Terms of Probation. The terms and conditions imposed by the Board included the following, to-wit:

2. That Doctor Baggett does accept and agree to the probation under the following terms and conditions:

(d) During the period of probation, Doctor Baggett 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 Doctor Baggett will take no medication except that which is, authorized by a physician treating him for a legitimate medical need and Doctor Baggett shall have an affirmative duty to inform any physician treating him of his previous use of alcohol and controlled dangerous substances."

4. That said Final Order Issuing Special License With Terms of Probation issued following hearing of March 22, 1996, has not been amended or modified by the Board and all terms thereof still remain in full force and effect.

5. That a urine sample collected from the Defendant on or around November 21, 1996, was analyzed by the St. Anthony Drug Testing Laboratory, 1000 W. Lee, Oklahoma City, OK 73102. That drug screen did test positive for Tramadol (Ultram).

6. That Dr. Baggett did not report to the Compliance and Education Coordinator any medication he was taking that would test positive nor did Dr. Baggett provide evidence that such medication was authorized by any physician treating him for a legitimate medical need after Dr. Baggett informed the treating physician of Dr. Baggett's previous use of alcohol and controlled dangerous substances.

7. That Defendant is perpetuating significant harm to public health, safety and welfare by the acts and omissions set forth above.

CONCLUSION OF LAW

1. That Lynn D. Baggett, M.D., holding Spec. Oklahoma Medical License No. 14448, is in violation of the Oklahoma Medical Practice Act, 59 O.S. Supp. 1996, Sec. 509 (5) and (16), to-wit:

"(5) Habitual intemperance or the habitual use of habit-forming drugs."

"(16) The inability to practice medicine with reasonable skill and safety to patients by reason of

age, illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.”

2. That Defendant Baggett, M.D., is also in violation of the Rules and Regulations promulgated by this Board, specifically Rule 435:10-7-4, Paragraphs (3), (11), and (39), to-wit:

“(3) The habitual or excessive use of any drug which impairs the ability to practice medicine with reasonable skill and safety to the patient.”

“(11) Conduct likely to deceive, defraud, or harm the public.”

“(39) Violation of any of the provisions of the Medical Practice Act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board.”


ORDER

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

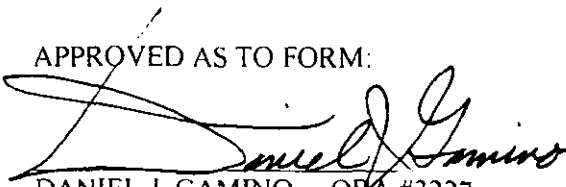
1. That the Oklahoma Medical License of Defendant Lynn D. Baggett, M.D., identified as Oklahoma Spec. Medical License No. 14448, should be and is hereby REVOKED.

2. That the Defendant should receive a copy of this Order after it is processed by the Board staff.

DATED this 5 day of June, 1997.


GERALD C. ZUMWALT, M.D.,
Secretary/Medical Director
Oklahoma 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 1 day of June, 1997, to:

LYNN D. BAGGETT

RT. 3 BOX 130G

MCALISTER, OK 74501

Janet L. ...