

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

FILED

OCT 02 1998

IN THE MATTER OF THE
APPLICATION OF

LYNN DEAN BAGGETT

FOR REINSTATEMENT OF
MEDICAL LICENSE NO. 14448

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OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Application No. 6218

**FINAL ORDER REINSTATING SPECIAL LICENSE
UNDER TERMS OF PROBATION**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision on September 24, 1998, at the Board's office, 5104 North Francis, Suite C, Oklahoma City, Oklahoma 73118, pursuant to notice given as required by law and rules of the Board.

Lynn Dean Baggett, Applicant, appeared in person and with his legal counsel, Gene Stipe.

The Board *en banc* heard testimony, reviewed the exhibits presented, and being fully apprised of the premises, made the following Findings of Fact:

Findings of Fact

1. Applicant applied for reinstatement of his Oklahoma medical license as a physician and surgeon.
2. The Board *en banc* has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board
3. On May 15, 1997, after due notice and hearing, the Board revoked Applicant's special license issued under terms of probation March 22, 1996 for, *inter alia*, habitual intemperance or the habitual use of habit-forming drugs. The revocation in May 1997 was Applicant's second licensure revocation. His license in the State of Oklahoma has been suspended three times previously.
4. More than twelve months following revocation, Applicant submitted application for reinstatement of his license in accordance with 59 O.S. 1997 Supp. §508.2.

5. Applicant's special license should be reinstated under the terms and conditions set forth below, and Applicant shall be placed on indefinite probation and have his practice limited to the Oklahoma State Department of Corrections, Maximum Security Facility, McAlester, Oklahoma.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear an application for reinstatement of a medical license any time after the expiration of 12 months from the date of revocation under 59 Okla. Stat. §508.2.

2. The Board may issue a special license pursuant to its authority in 59 Okla. Stat. §493.3 and the rules of the Board and may impose practice parameters and other restrictions as necessary to protect the health, safety and welfare of the public under 59 Okla. Stat. §480 *et seq.*

3. The Board, under 59 Okla. Stat. §506, may place a person whose license has been revoked or suspended on probation for an indefinite period of time following a second offense.

ORDER

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

1. Applicant shall be **ISSUED A SPECIAL LICENSE** limiting his practice to the Oklahoma State Department of Corrections, Maximum Security Facility, McAlester, Oklahoma.

2. Applicant shall be placed on probation of an indefinite duration under the following terms and conditions:

A. During the period of probation, Applicant will not prescribe, administer, dispense or possess any drugs in Schedules II - V.

B. Applicant will not re-apply for state and federal registration for controlled dangerous substances unless authorized to do so by the Board.

C. During the period of probation, Applicant will keep duplicate, serially numbered prescriptions of all substances readily retrievable, in numerical order and will furnish copies to investigators or other authorized agents of the Board immediately upon request.

D. During the period of probation, Applicant will not authorize any personnel under his supervision to initiate an order for a prescription to be issued.

E. During the period of probation, Applicant will practice in a controlled environment approved by the Board or its designee, and Applicant's practice will be limited to the Oklahoma State Department of Corrections, Maximum Security Facility, McAlester, Oklahoma.

F. Applicant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Board. Any question of interpretation regarding the Act shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Applicant until clarification of interpretation is received by Applicant from the Board.

G. During the period of probation, Applicant will request all hospitals or facilities in which he anticipates practice to furnish to the Board a written statement regarding monitoring of his practice while performing such services.

H. During the period of probation, Applicant will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Board.

I. During the period of probation, Applicant will do open or invasive surgical procedures only under the direct supervision of and in the immediate presence of a licensed medical doctor practicing in the same specialty as Applicant. Further he will submit to the Board a document authored by the supervising physician stating his intention to accept this supervisory responsibility.

J. During the period of probation, Applicant will not supervise allied health professionals.

K. During the period of probation, Applicant will submit biological fluid specimens including, but not limited to, blood and urine for analysis upon request of the Board or its designee, and Applicant will pay for the analysis thereof.

L. During the period of probation, Applicant will not prescribe, administer or dispense any medications for personal use.

M. During the period of probation, Applicant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Applicant will obtain and utilize a personal family physician who is located in the immediate geographic vicinity of McAlester, Oklahoma who is approved in advance by the Board Secretary. Applicant has the affirmative duty to inform any and every doctor treating him of the Board Order immediately upon initiation of treatment.

N. During the period of probation, Applicant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances.

O. During the period of probation, Applicant will abide by the post care contract from Rush Behavioral Center and the recommendations contained in a letter from Rush to

William O'Melia, M.D., dated April 1, 1997, and Applicant shall furnish copies thereof to the Board.

P. During the period of probation, Applicant will continue psychiatric treatment under a psychiatrist approved by the Board or its designee, for psychotherapy and medication management. Applicant will follow the treatment regimen suggested by his treating psychiatrist including, but not limited to, frequency and duration of counseling sessions and types and amounts of medications to be utilized. Applicant will authorize each psychiatrist or counselor to send quarterly reports to the Board's Compliance Coordinator or other designee and will release in writing any and all records of that treatment to the Board.

Q. During the period of probation, Applicant will keep the Board informed of his current address.

R. During the period of probation, Applicant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case.

S. Until such time as all indebtedness to the Board has been satisfied, Applicant will reaffirm said indebtedness in any and all bankruptcy proceedings.

T. Applicant will execute such releases of medical, counseling and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant to obtain copies of medical records and to authorize the Compliance Consultant to discuss Applicant's case with Applicant's treating physicians and/or any physicians holding Applicant's records.

U. Each week Applicant will attend the weekly meeting of the Physician's Recovery Committee and at least three other recovery group meetings approved by the Board Secretary and will submit on a monthly basis proof satisfactory to the Board to document his attendance.

V. Applicant will appear before the Board or its designee whenever requested to do so.

3. Failure to meet any of the terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Applicant's special license, after due notice and hearing. If Applicant's license is revoked or suspended in the future, Applicant will not thereafter re-apply for a medical license in the State of Oklahoma.

4. A copy of this written order shall be sent to Applicant as soon as it is processed.

Dated this 7th day of October, 1998.

George M. Brown, Jr., M.D.
George M. Brown, Jr., M.D., Secretary
Oklahoma State Board of Medical
Licensure and Supervision

Certificate of Service

On the 5 day of October, 1998, a true and correct copy of this order was mailed, postage prepaid, to the Applicant, Lynn Dean Baggett, 1215 N. West Street, McAlester, Oklahoma 74501 and to Gene Stipe, Stipe Law Firm, 4111 Lincoln Blvd., Oklahoma City, OK 73105.

Janet L Owens