

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

**FILED**

STATE OF OKLAHOMA )  
EX REL. THE OKLAHOMA BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )

NOV 26 2003

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

v. )

Case No. 03-08-2702

LYNN DEAN BAGGETT, M.D., )  
LICENSE NO. 14448 )

Defendant. )

**FINAL ORDER OF REVOCATION**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on November 20, 2003, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and pro se.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

***Findings of Fact***

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.*

2. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

3. Defendant, Lynn Dean Baggett, M.D., holds Oklahoma license no. 14448, and is authorized to practice as a physician and surgeon in the State of Oklahoma.

4. On October 24, 1989, Defendant's license was **SUSPENDED** by the Board based upon substance abuse.
5. On October 27, 1989, Defendant's license was reinstated under a five (5) year term of **PROBATION**.
6. On September 1, 1990, Defendant's license was **SUSPENDED INDEFINITELY** based upon substance abuse.
7. On January 12, 1991, Defendant's license was reinstated under a five (5) year term of **PROBATION**.
8. On June 28, 1992, Defendant's license was **SUSPENDED** based upon substance abuse.
9. On August 28, 1992, Defendant's license was reinstated under a five (5) year term of **PROBATION**.
10. On February 11, 1994, Defendant's license was **REVOKED** based upon substance abuse.
11. On March 22, 1996, Defendant's license was reinstated as a special license under terms of **INDEFINITE PROBATION**.
12. On June 5, 1997, Defendant's license was **REVOKED** based upon substance abuse.
13. On October 2, 1998, Defendant's special license was reinstated under a term of **INDEFINITE PROBATION**.
14. On September 19, 2002, Defendant was granted a full license under the existing terms of probation.
15. Defendant is currently licensed to practice under an Order Modifying Terms of Probation dated November 21, 2002.
16. The Order Modifying Terms of Probation sets forth Defendant's indefinite term of probation beginning October 2, 1998, and provides as follows:
  - 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 will furnish copies thereof to the Board.
- V. 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.

17. The provisions cited above have not been modified or deleted but remain in full force and effect as terms and conditions of Defendant's probation.

18. On July 31, 2003, Defendant provided an observed urine specimen at the request of Tom Sosbee, Compliance and Education Coordinator for the Board. The urine specimen subsequently tested positive for Ethanol. Defendant later admitted to Mr. Sosbee that he had consumed a quantity of whiskey on the morning of July 31, 2003. He also admitted that he had consumed alcohol on at least two (2) other occasions.

19. Defendant is guilty of unprofessional conduct in that he:

A. Habitually uses habit-forming drugs in violation 59 O.S. §509(5) and OAC 435:10-7-4(3).

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).

C. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(14) and OAC 435:10-7-4(39).

D. Is unable 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 physician condition in violation of 59 O.S. §509(16) and OAC 435:10-7-4(40).

E. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).

### *Conclusions of Law*

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant is guilty of unprofessional conduct in that he:

A. Habitually uses habit-forming drugs in violation 59 O.S. §509(5) and OAC 435:10-7-4(3).

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).

C. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(14) and OAC 435:10-7-4(39).

D. Is unable 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 physician condition in violation of 59 O.S. §509(16) and OAC 435:10-7-4(40).

E. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).

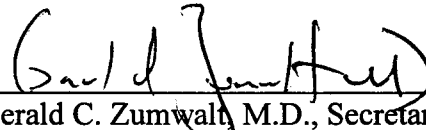
3. The Board further found that the Defendant's license should be revoked based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509 (5), (8), (9), (14) and (16) and OAC Title 435:10-7-4 (3), (11), (17), (39) and (40).

*Order*

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

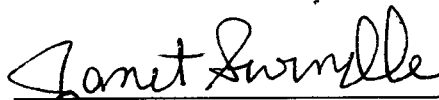
1. The license of Defendant, Lynn Dean Baggett, M.D., Oklahoma license no. 14448, is hereby **REVOKED** as of the date of this hearing, November 20, 2003.
2. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

Dated this 26 day of November, 2003.

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

**CERTIFICATE OF SERVICE**

I certify that on the 26 day of November, 2003, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Lynn Baggett, 510 S. 15<sup>th</sup> Street, McAlester, OK 74501.

  
Janet Swindle