

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

MAR 17 2010

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

Plaintiff)

v.)

KENNETH EWELL BAIRD, M.D.,)
LICENSE NO. 16265,)

Defendant.)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 10-01-3905

VOLUNTARY SUBMITTAL TO JURISDICTION

Plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General for the State of Oklahoma and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Kenneth Ewell Baird, M.D., Oklahoma license no. 16265, who appears in person and through counsel, Patrick D. Souter, offer this Agreement effective March 11, 2010, for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on February 8, 2010, and further acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, Kenneth Ewell Baird, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with him and his legal counsel.

PARTIES' AGREEMENT AND STIPULATIONS

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

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. Defendant, Kenneth Ewell Baird, M.D., holds Oklahoma license no. 16265.
3. On or about April 3, 2009, Defendant was disciplined by the Texas Medical Board whereby he was ordered to attend a professional boundaries course, to obtain ten (10) hours of CME per year for two (2) years on ethics, and to pay a \$10,000.00 administrative fine. The discipline was based upon Defendant's admission that he had sexual intercourse with a patient on several occasions over a period of several months in 2005. Defendant admitted that he was the patient's family's physician before, during and after the sexual relationship with the patient.
4. Defendant is guilty of unprofessional conduct in that he:
 - A. Was subject to disciplinary action of another state or jurisdiction based upon acts or conduct by the licensee similar to acts or conduct that would constitute grounds for action as defined in this section pursuant to OAC 435:10-7-4(31).
 - B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) 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(13) and OAC 435:10-7-4(39).
 - D. Engaged in physical conduct with a patient which is sexual in nature, or in any verbal behavior which is seductive or sexually demeaning to a patient in violation of 59 O.S. §509(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. Based on the foregoing facts, Defendant, Kenneth Ewell Baird, Oklahoma license 16265, is guilty of the unprofessional conduct set forth below:

A. Was subject to disciplinary action of another state or jurisdiction based upon acts or conduct by the licensee similar to acts or conduct that would constitute grounds for action as defined in this section pursuant to OAC 435:10-7-4(31).

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) 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(13) and OAC 435:10-7-4(39).

D. Engaged in physical conduct with a patient which is sexual in nature, or in any verbal behavior which is seductive or sexually demeaning to a patient in violation of 59 O.S. §509(17).

Order

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

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

2. Defendant shall obtain **TEN (10) HOURS OF CONTINUING MEDICAL EDUCATION** per year on ethics for two (2) years.

3. Within one (1) year of the date of this Order, Defendant shall attend the **PROFESSIONAL BOUNDARIES COURSE** ordered by the Texas

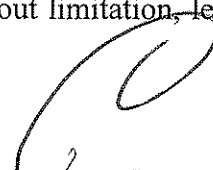
Medical Board. Defendant shall provide proof of completion of this course to the Board Secretary for his review.

4. Defendant shall pay an **ADMINISTRATIVE FINE** in the amount of **\$10,000.00** to be paid within nine (9) months of the date of this Order.

5. Prior to practicing in the State of Oklahoma, Defendant shall appear before the Board, at which time the Board shall determine terms of probation to be imposed on Defendant's Oklahoma medical license.


6. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

Dated this 11th day of March, 2010.

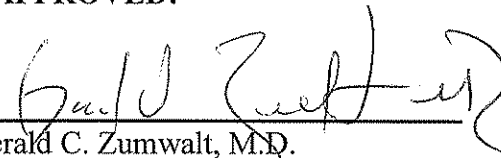


Curtis Harris, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

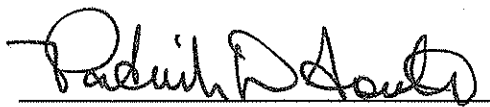
AGREED AND APPROVED:



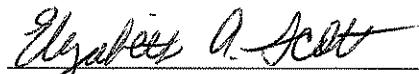
Kenneth Ewell Baird, M.D.
License No. 16265



Gerald C. Zumwalt, M.D.
Secretary and Medical Advisor to the
Board



Patrick D. Souter
Souter Law Firm, P.C.
8235 Douglas Avenue
Dallas, TX 75225



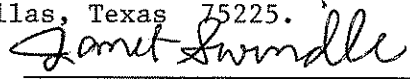
Elizabeth A. Scott, OBA #12470
Assistant Attorney General
State of Oklahoma
101 N.E. 51st Street
Oklahoma City, OK 73105

Attorney for Defendant

Attorney for the Oklahoma State Board
of Medical Licensure and Supervision

CERTIFICATE OF SERVICE

I certify that on the 15th day of March, 2010, I mailed a via first class mail, postage prepaid, a true and correct copy of this Order to Kenneth E. Baird, MD, Patrick D. Souter, 8235 Douglas Ave, Dallas, Texas 75225.



Janet Swindle, Secretary