

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

FILED

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

NOV 06 2009

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

vs.)

CASE NO. 09-06-3796

AARON SCOTT BAGGETT, PT)
LICENSE NO. PT3658,)

Defendant.)

COMPLAINT

COMES NOW the 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, and for its Complaint against the Defendant, Aaron Scott Baggett, PT, alleges and states as follows:

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physical therapists in the State of Oklahoma pursuant to 59 O.S. §§ 480 *et seq.* and 887.1 *et seq.*

2. Defendant, Aaron Scott Baggett, PT holds physical therapist license no. PT3658 in the State of Oklahoma.

3. In or around May and June 2009, Defendant worked as a physical therapist at Green Country Rehabilitation in Tulsa, Oklahoma.

PATIENT RPL

4. On May 25, 2009, May 27, 2009, May 29, 2009 and June 5, 2009, Defendant was scheduled to provide physical therapy services to Patient RPL.

5. Defendant's employer subsequently began receiving telephone calls regarding treatments which Defendant had been scheduled to give that week that had not been given. Defendant's employer contacted Patient RPL's family and learned that Defendant had not shown

up for any of the treatments scheduled May 25, 2009, May 27, 2009, May 29, 2009, or June 5, 2009.

6. Defendant's employer reviewed the patient chart and found that with respect to each of these four (4) dates, Defendant signed Alteration of Service Delivery forms representing that the patient or the patient's family had cancelled the scheduled physical therapy sessions. Defendant dated these forms on the dates therapy was to be given.

7. Defendant's employer contacted Patient RPL's family and learned that the treatments had not been cancelled by the patient or his family. Defendant later admitted that the treatments had not been cancelled by the patient but instead, that he simply did not show up for the treatments. Defendant admits that he falsely filled out the Alteration of Delivery forms by representing that the patient had cancelled the treatments.

8. Defendant has additionally admitted that he falsely dated the Alteration of Service Delivery forms to make it appear that the patient had cancelled the treatments on the scheduled dates and that he had filled out the forms on the date of the missed visit. In fact, the forms were filled out over one (1) month after the missed visits, but back-dated.

9. In the absence of the scheduled physical therapy visits, Patient RPL's condition significantly deteriorated. He lost his ability to walk and subsequently fell as a result of the missed treatments.

PATIENT JPL

10. Defendant's employer contacted other patients with treatments scheduled for late May 2009 and learned that Defendant had not shown up for the treatments scheduled for Patient JPL on May 25, 2009 and May 27, 2009.

11. Defendant's employer reviewed the patient chart and found that with respect to both of these dates, Defendant signed Alteration of Service Delivery forms representing that the patient or the patient's family had cancelled the scheduled physical therapy sessions. Defendant dated these forms on the dates therapy was to be given.

12. Defendant's employer contacted Patient JPL's family and learned that the treatments had not been cancelled by the patient or her family. Defendant later admitted that the treatments had not been cancelled by the patient but instead, that he simply did not show up for the treatments. Defendant admits that he falsely filled out the Alteration of Delivery forms by representing that the patient had cancelled the treatments.

13. Defendant has additionally admitted that he falsely dated the Alteration of Service Delivery forms to make it appear that the patient had cancelled the treatments on the scheduled dates and that he had filled out the forms on the date of the missed visit. In fact, the forms were filled out over one (1) month after the missed visits, but back-dated.

PATIENT EML

14. Defendant's employer additionally contacted Patient EML and learned that Defendant had not shown up for the treatment scheduled for Patient EML on May 25, 2009.

15. Defendant's employer reviewed the patient chart and found that Defendant signed an Alteration of Service Delivery form representing that the patient or the patient's family had cancelled the scheduled physical therapy session. Defendant dated this form on the date therapy was to be given.

16. Defendant's employer contacted Patient EML's family and learned that the treatment had not been cancelled by the patient or her family. Defendant later admitted that the treatment had not been cancelled by the patient but instead, that he simply did not show up for the treatment. Defendant admits that he falsely filled out the Alteration of Delivery form by representing that the patient had cancelled the treatment.

17. Defendant has additionally admitted that he falsely dated the Alteration of Service Delivery form to make it appear that the patient had cancelled the treatment on the scheduled date and that he had filled out the form on the date of the missed visit. In fact, the form was filled out over one (1) month after the missed visit, but back-dated.

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

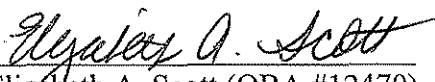
- A. Is guilty of conduct unbecoming a person licensed as a physical therapist or physical therapy assistant or guilty of conduct detrimental to the best interests of the public or his profession in violation of 59 O.S. §887.13(9).
- B. Is guilty of any act in conflict with the ethics of the profession of physical therapy in violation of 59 O.S. §887.13(10).
- C. Engaged in dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public in violation of OAC 435:20-5-8(b)(5).
- D. Participated in fraud, abuse and/or violation of state or federal laws in violation of OAC 435:20-5-8(b)(8).
- E. Engaged in conduct which potentially or actually jeopardizes a patient's life, health or safety in violation of OAC 435:20-5-8(b)(9).

- F. Engaged in negligence while in practice of physical therapy or violating the "Standards of Ethics and Professional Conduct" adopted by the Board in violation of OAC 435:20-5-8(b)(12).
- G. Engaged in the improper management of medical records,, inaccurate recording, falsifying or altering or failing to complete documentation of patient records in violation of OAC 435:20-5-8(b)(16).
- H. Falsely manipulated patient records ... in violation of OAC 435:20-5-8(b)(17).
- I. Violated any provision of the Physical Therapy Practice Act or the rules and regulations of the board ... in violation of OAC 435:20-5-8(b)(31).
- J. Left a patient care assignment without properly advising the appropriate personnel in violation of OAC 435:20-5-8(b)(24).

WHEREFORE, plaintiff requests that the Board conduct a hearing, and upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a physical therapist in the State of Oklahoma.

Dated this 6th day of November, 2009.

Respectfully submitted,


Elizabeth A. Scott (OBA #12470)
Assistant Attorney General
5104 N. Francis, Suite C
Oklahoma City, OK 73118
(405) 848-6841, ext. 126

Attorney for State ex rel.
Oklahoma Board of Medical Licensure and
Supervision