

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,)

Plaintiff,)

v.)

AARON SCOTT BAGGETT, PT)
LICENSE NO. PT3658)

Defendant.)

JAN 22 2010

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 09-06-3796

FINAL ORDER OF PROBATION
AND ADMINISTRATIVE FINE

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on January 14, 2010, at the office of the Board, 101 N.E. 51st Street, 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 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 physical therapists in the State of Oklahoma pursuant to 59 O.S. §§ 480 *et seq.* and 887.1 *et seq.* 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.

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. During the weeks beginning May 25, 2009 and June 1, 2009, Defendant was scheduled to provide physical therapy services to Patient RPL at the rate of three (3) times per week.

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 potentially deteriorated.

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. 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).
- E. 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).
- F. 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).
- G. Falsely manipulated patient records ... in violation of OAC 435:20-5-8(b)(17).
- H. 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).

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 Physical Therapy Practice Act, and the applicable regulations. The Board is authorized to enforce these acts as necessary to protect the public health, safety and welfare.

2. Defendant is guilty of unprofessional conduct as follows:

- 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. 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).

- E. 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).
- F. 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).
- G. Falsely manipulated patient records ... in violation of OAC 435:20-5-8(b)(17).
- H. 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).

3. The Board further found that the Defendant's license should be placed on probation and subject to an administrative fine based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §887.1(9) and (10), OAC 435:20-5-8(b)(5), (9), (12), (16), (17) and (31).

Order

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

1. The license of Defendant, Aaron Scott Baggett, PT, Oklahoma license no. PT3658, is hereby placed on **PROBATION** for a period of **ONE (1) YEAR** as of the date of this hearing, January 14, 2010, under the following terms and conditions:

A. Defendant will conduct his practice in compliance with the Oklahoma Physical Therapy Practice Act as interpreted by the Board. Any question of interpretation regarding the Act or this order shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Board or its designee.

B. Defendant shall allow the Board or its designee to periodically audit his books and records immediately upon request.

C. Defendant will furnish a copy of this order to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.

D. Upon request of the Board, Defendant will request all hospitals, clinics and other facilities in which he practices to furnish the Board a written statement monitoring his practice.

E. Defendant will keep the Board informed of his current address.

F. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

G. Defendant shall promptly notify the Board of any citation or arrest for any criminal offense.

H. Defendant will keep current payment of all assessments by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of his case, which shall include but is not limited to a minimum one hundred fifty dollar (\$150.00) per month fee during the term of probation, unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.

I. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

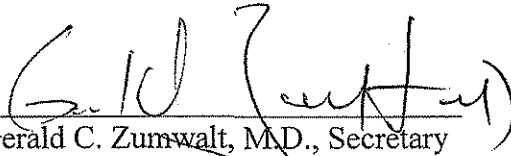
J. Defendant shall submit any required reports and forms on a timely, accurate and prompt basis to the Compliance Coordinator or designee.

K. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

2. Defendant shall pay an **ADMINISTRATIVE FINE** in the amount of **\$1,000.00**, to be paid on or before July 14, 2010.

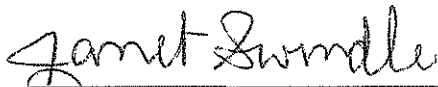
3. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

Dated this 22 day of January, 2010.


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

CERTIFICATE OF SERVICE

I certify that on the 22 day of January, 2010, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order of Probation and Administrative Fine to Aaron Baggett, 1351 S.E. Quail Drive, Bartlesville, OK 74006.


Janet Swindle