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IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CIVIL DIVISION

STATE MEDICAL BOARD
OF OHIO

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Michael G. Baggot, MD,
Appellant
v.

*
*
*
*

CASE NO. 95CVF05-3696

The State Medical Board of Ohio,
Appellee.

JUDGE D. Cain

Appeal from the State Medical Board of Ohio

APPELLANT'S NOTICE OF VOLUNTARY DISMISSAL

Please take notice that Appellant, Michael G. Baggot, MD, hereby voluntarily dismisses the appeal of the decision and order of the State Medical Board dated May 12, 1995.

Respectfully submitted,

KEVIN P. BYERS CO., L.P.A.

KPB/ERS

Kevin P. Byers 0040253
The LeVeque Tower
50 West Broad Street, Suite 4300
Columbus, Ohio 43215-3310
(614) 228-6283 Fax 228-6425

Attorney for Michael G. Baggot, MD

KEVIN P. BYERS CO., L.P.A. . . . 50 West Broad Street, Suite 4300
Columbus, Ohio 43215-3310 . . . (614) 228-6283

Certificate of Service

I certify a true copy of the foregoing document was placed in first class US mail, postage prepaid, this 24th day of July, 1995, addressed to Assistant Attorney General Anne. B Strait, Health & Human Services Section, 30 East Broad Street, 26th Floor, Columbus, Ohio 43215-3428.

KBYERS

Kevin P. Byers

KEVIN P. BYERS CO., L.P.A. . . . 50 West Broad Street, Suite 4300
Columbus, Ohio 43215-3310 . . . (614) 228-6283

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CIVIL DIVISION

Michael G. Baggot, MD,
Appellant

v.

The State Medical Board of Ohio,
Appellee.

*

CASE NO. _____

*

*

JUDGE _____

*

Appeal from the State Medical Board of Ohio

APPELLANT'S NOTICE OF APPEAL

Pursuant to RC 119.12, notice is hereby given that Appellant, Michael G. Baggot, MD, appeals the decision and order of the State Medical Board dated May 12, 1995, certified on May 12, 1995, mailed May 12, 1995, (copy attached as Exhibit A.) The Medical Board order is not supported by the necessary quantum of reliable, probative and substantial evidence nor is it in accordance with law.

Respectfully submitted,

KEVIN P. BYERS CO., L.P.A.

KP BYERS

Kevin P. Byers 0040253
The LeVeque Tower
50 West Broad Street, 28th Floor
Columbus, Ohio 43215-3300
(614) 228-6283 Fax 228-0921

Attorney for Michael G. Baggot, MD

STATE MEDICAL BOARD
OF OHIO
MAY 30 PM 3:07

KEVIN P. BYERS CO., L.P.A. 50 West Broad Street, 28th Floor
Columbus, Ohio 43215-3300 (614) 228-6283

Certificate of Service

I certify that true copies of the foregoing document were hand delivered this 30th day of May, 1995, to the State Medical Board of Ohio, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0315 and to Assistant Attorney General Lili C. Kaczmarek, Health & Human Services Section, 30 East Broad Street, 26th Floor, Columbus, Ohio 43215-3428.

KBYERS

Kevin P. Byers

KEVIN P. BYERS CO., L.P.A. . . . 50 West Broad Street, 28th Floor
Columbus, Ohio 43215-3300 . . . (614) 228-6283

STATE MEDICAL BOARD
OF OHIO
95 MAY 30 PM 3:07



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43260-0315 • (614) 469-7031

May 12, 1995

Michael G. Baggot, M.D.
2650 Edison Avenue, P.O.Box 697
Granite City, IL 62040-0697

Dear Doctor Baggot:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of R. Gregory Porter, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on May 10, 1995, including a Motion approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken to the Franklin County Court of Common Pleas only.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

A handwritten signature in cursive script, appearing to read "T. E. Gretter".

Thomas E. Gretter, M.D.

Secretary

TEG:em

Enclosures

CERTIFIED MAIL RECEIPT NO. P 741 124 579
RETURN RECEIPT REQUESTED

Mailed 5-12-95



STATE MEDICAL BOARD OF OHIO

State High Street, 17th Floor • Columbus, Ohio 43260-4315 • (614) 466-3931

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of R. Gregory Porter, Attorney Hearing Examiner, State Medical Board; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on May 10, 1995, including a Motion approving and confirming the Report and Recommendation as the Findings and Order of Order of the State Medical Board of Ohio, constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Michael G. Baggot, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

(SEAL)

A handwritten signature in cursive script, appearing to read "T. Gretter M.D.", written over a horizontal line.

Thomas E. Gretter, M.D.
Secretary

5/12/95

Date



STATE MEDICAL BOARD OF OHIO

77 South High Street, Columbus, Ohio 43260-1198, (614) 467-2900

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

MICHAEL GERARD BAGGOT, M.D.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on the 10th day of May, 1995.

Upon the Report and Recommendation of R. Gregory Porter, Hearing Examiner, Medical Board, in this matter designated pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that the application of Michael Gerard Baggot, M.D., for reinstatement of his certificate to practice medicine and surgery in Ohio be DENIED.

This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board.

Thomas E. Gretter, M.D.
Secretary

(SEAL)

5/12/95

Date

REPORT AND RECOMMENDATION
IN THE MATTER OF MICHAEL GERARD BAGGOT, M.D.

The Matter of Michael Gerard Baggot, M.D., came on for hearing before me, R. Gregory Porter, Esq., Hearing Examiner for the State Medical Board of Ohio, on December 6, 1994.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated July 13, 1994 (State's Exhibit 1), the State Medical Board notified Michael Gerard Baggot, M.D., that it proposed to take disciplinary action against, or refuse to register or reinstate, his certificate to practice medicine and surgery in Ohio.
1. The Board alleged that, on or about April 26, 1991, Dr. Baggot entered into a Consent Agreement with the State of Illinois Department of Professional Regulation. Dr. Baggot's Illinois license was suspended and subjected to other disciplinary action based on his alleged improper prescribing of controlled substances. The Board alleged that such acts, conduct, and/or omissions, individually and/or collectively, constituted: "the limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that also would have been a violation of this chapter, except for nonpayment of fees,' as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: Sections 4731.22(B)(2), (B)(3), and (B)(6), Ohio Revised Code."
 2. The Board further alleged that Dr. Baggot inappropriately answered "No" to a question on his application for reinstatement of his license to practice medicine and surgery in Ohio. Said application was submitted on or about January 8, 1993, and completed in or about May 1994. The Board alleged that such acts, conduct, and/or omissions, individually and/or collectively, constituted: "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board,' as that clause is used in Section 4731.22(A), Ohio Revised Code"; and/or "publishing a false, fraudulent, deceptive, or misleading statement,' as that clause is used in Section 4731.22(B)(5), Ohio Revised Code."

Dr. Baggot was advised of his right to request a hearing in this Matter.

- B. By letter received by the Board on August 12, 1994 (State's Exhibit 2), Dr. Baggot requested a hearing.

II. Appearances

- A. On behalf of the State of Ohio: Lee I. Fisher, Attorney General, by Ava W. Serrano, Assistant Attorney General.
- B. On behalf of Respondent: Dr. Baggot, having been notified of his right to appear at the hearing in person or by representative, did not appear at the hearing either in person or by representative.

EVIDENCE EXAMINED

I. Testimony Heard

No testimony was presented

II. Exhibits Examined

In addition to State's Exhibit 1, noted above, the following exhibits were identified by the State and admitted into evidence in this Matter:

- A. State's Exhibit 2: Undated letter from Dr. Baggot to the Board, received by the Board on August 12, 1994, in which Dr. Baggot requested a hearing, and presented some arguments on his behalf. (2 pp.)
- B. State's Exhibit 3: August 17, 1994 letter to Dr. Baggot from the Board, advising that a hearing initially set for August 26, 1994 was postponed pursuant to Section 119.09, Ohio Revised Code.
- C. State's Exhibit 4: August 24, 1994 letter from Dr. Baggot to the Board; the envelope was attached. (2 pp.)
- D. State's Exhibit 5: August 24, 1994 letter to Dr. Baggot from the Board scheduling the hearing for December 6, 1994. (3 pp.)
- E. State's Exhibit 6: Dr. Baggot's application for restoration of his Ohio license. (71 printed pp., including p. 2a; the printed pages have been numbered and circled by the Hearing Examiner.)
- F. State's Exhibit 7: Certified copy of the Dr. Baggot's Consent Order from the State of Illinois Department of Professional Regulation; a March 28, 1994 Certification of Proceedings is attached. (6 pp.)

- G. State's Exhibit 8: December 1, 1994 "Thank you" card to the State's representative from Dr. Baggot; the envelope is attached. (2 pp.)

SUMMARY OF THE EVIDENCE

All transcripts and exhibits, whether or not specifically referred to hereinafter, were thoroughly reviewed and considered by the Hearing Examiner prior to his findings and recommendations in this Matter.

1. Michael Gerard Baggot, M.D., received his medical education at the National University of Ireland, graduating in 1946. From January 1948 through June 1949, he worked in an anesthesiology clinical fellowship at Alton Ochsner Medical Foundation, New Orleans. From July 1948 through December 1948, Dr. Baggot was an anesthesiology resident at Buhl Hospital in Sharon, Pennsylvania. He also served as an anesthesiology resident from January 1949 through January 1950 at Memorial Hospital and St. Catherine's Hospital, in New York City and Brooklyn, respectively. (State's Exhibit 6, p. 40) On his application for restoration of his Ohio license, Dr. Baggot listed his areas of specialty as anesthesiology, general practice, and emergency medicine. (State's Exhibit 6, p. 11) At the time he filed the application, he was working for the Missouri Department of Mental Health at Bellefontaine Habilitation Center, in St. Louis. (State's Exhibit 6, p. 54)
2. Dr. Baggot's Ohio license was issued on January 23, 1951. In 1992, Dr. Baggot considered coming to Ohio, possibly going to work in a state penitentiary. (State's Exhibit 6, pp. 8, 9) On October 1, 1992, he wrote to the Board, requesting a copy of his Ohio license. The Board replied on November 3, 1992, and informed him that his license had expired on December 31, 1976. (State's Exhibit 6, p. 7) Dr. Baggot wrote later that his secretary had allowed it to lapse without informing him. (State's Exhibit 8)
3. On January 14, 1994, the Board received Dr. Baggot's application for reinstatement of his Ohio license. (State's Exhibit 6, p. 9) He answered "YES" to questions 7 and 10 of the Additional Information section, and left the answers to questions 8, 11, and 12 blank. All other responses were negative, including question 16, which asked, "Have you ever been denied, or surrendered, a state or federal controlled substance or drug registration; had it revoked, terminated, or restricted in any way; or been warned, reprimanded, or fined by, or been requested to appear before, the responsible agency?" At the end of the questionnaire, he explained that "Illinois temporarily suspended my license alleging that I had prescribed too many diet pills. ..." (State's Exhibit 6, pp. 11-14)

On January 24, 1994, the Board requested, among other things, that Dr. Baggot answer questions 8, 11, and 12. (State's Exhibit 6, pp. 24-25) The Board

received his affirmative responses to these questions on February 2, 1994.
(State's Exhibit 6, pp. 32-34)

Various items pertaining to Dr. Baggot's application for reinstatement were still being received by the Board as late as May 1994. (State's Exhibit 6, pp. 59-70)

4. On April 26, 1991, Dr. Baggot entered into a Consent Order with the State of Illinois Department of Professional Regulation. Stipulation 2 stated:

Information has come to the attention of the Department that for an extended period of time Respondent prescribed controlled substances for the treatment of obesity and depression, which the Department alleges constituted nontherapeutic prescribing. In addition, the Department further alleges that one patient was hospitalized due to drug dependency on Darvocet as a result of said prescribing by the Respondent.
(State's Exhibit 7)

Dr. Baggot neither admitted or denied this allegation. Represented by counsel, he waived his right to a hearing on the merits of the Illinois Board's allegations. Dr. Baggot and the Illinois Board agreed to various Conditions that included: indefinite suspension for a minimum of three years; 100 hours per year of approved CME for three years, for a total of 300 hours of CME; passing a clinical examination administered by the Department; and indefinite suspension of Dr. Baggot's controlled substance license, not to be restored until two years after the restoration of his medical license. (State's Exhibit 7)

5. Although Dr. Baggot did not appear or present any written arguments at hearing, he presented some arguments in his August 12, 1994 hearing request (State's Exhibit 2), in his application materials (State's Exhibit 6), and in his "Thank You" note to the State's representative (State's Exhibit 8). His arguments in State's Exhibit 2 are a bit bewildering, but he indicated that obtaining reinstatement of his Ohio license was no longer a priority; Dr. Baggot requested that the Board apologize, refund his payment, and allow him to withdraw his application. In State's Exhibit 8, he indicated that he had no plans to practice in Ohio, and again requested a refund of his money.

FINDINGS OF FACT

1. On or about January 14, 1994, Michael Gerard Baggot, M.D., submitted to the State Medical Board an application for reinstatement of his Ohio license. The application was not complete until at least May 1994.
2. In the Additional Information section of his application, Dr. Baggot indicated that the State of Illinois had disciplined his license in that state.

On or about April 26, 1991, Dr. Baggot entered into a Consent Order with the State of Illinois Department of Professional Regulation, in which, among other things, his license to practice medicine and surgery in Illinois was indefinitely suspended for a minimum of three years, his license to prescribe controlled substances in that state was suspended, he was required to complete 300 hours of approved Continuing Medical Education, and required to pass a clinical examination to be administered by the Department. The Consent Order was based on allegations that, for an extended period of time, Dr. Baggot prescribed controlled substances for the treatment of obesity and depression, which the Department alleged constituted nontherapeutic prescribing; the Department further alleged that one of Dr. Baggot's patients was hospitalized for drug dependency on Darvocet as a result.

3. In response to question 16 which asked, "Have you ever been denied, or surrendered, a state or federal controlled substance or drug registration; had it revoked, terminated, or restricted in any way; or been warned, reprimanded, or fined by, or been requested to appear before, the responsible agency," Dr. Baggot answered "NO."

In fact, as set forth in Finding of Fact #2, above, Dr. Baggot's license to prescribe controlled substances in the State of Illinois was suspended on or about April 26, 1991.

CONCLUSIONS OF LAW

1. As set forth in Findings of Fact #1 and #2, noted above, the Illinois Consent Order constituted "the limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that also would have been a violation of this chapter, except for nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: Section 4731.22(B)(3), Ohio Revised Code. The foundation of the Illinois action was the allegation that Dr. Baggot "prescribed controlled substances for the treatment of obesity and depression, which the Department alleges constituted nontherapeutic prescribing." Such conduct would, under Ohio law, constitute "[s]elling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes ..." as that clause is used in Section 4731.22(B)(3), Ohio Revised Code. However, the evidence is insufficient to conclude that Dr. Baggot's conduct would constitute "[f]ailure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease," as those clauses are used in Section 4731.22(B)(2), Ohio Revised Code; or "[a] departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is

established," as that clause is used in Section 4731.22(B)(6)(a), Ohio Revised Code. Although it is tempting to conclude that Dr. Baggot's conduct would constitute such violations, this hearing examiner is unwilling to make such a determination without the benefit of expert testimony. Nevertheless, this Board, with its composite expertise, may conclude that Dr. Baggot's conduct, and the subsequent Illinois action, violated Section 4731.22(B)(22), Ohio Revised Code, to wit: Sections 4731.22(B)(2) and (B)(6)(a), Ohio Revised Code.

2. The acts, conduct, and/or omissions of Dr. Baggot, individually and/or collectively, as set forth in Finding of Fact #3, above, constitute "... misrepresentation ... in applying for or securing any license or certificate issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code; and/or "publishing a false ... or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code. Dr. Baggot's negative response to question 16 was technically an error. On the same page, however, he informed the Board of his Illinois disciplinary action. An intent to deceive need not be proven by the State in order to demonstrate violation of these two sections. Prospective licensees clearly have an obligation to furnish correct and complete information in their application forms. Nevertheless, it would appear from the record that Dr. Baggot complied with the spirit of the law, if not the letter. Therefore, these particular violations should not form the basis of any further disciplinary action against Dr. Baggot, and were not considered by the Hearing Examiner in reference to his proposed order.

PROPOSED ORDER

It is hereby ORDERED that the application of Michael Gerard Baggot, M.D., for reinstatement of his certificate to practice medicine and surgery in Ohio be DENIED.

This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board.


R. Gregory Porter
Attorney Hearing Examiner



STATE MEDICAL BOARD OF ILLINOIS

EXCERPT FROM THE DRAFT MINUTES OF MAY 10, 1995

REPORTS AND RECOMMENDATIONS

.....

Dr. Garg asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Michael Gerard Baggot, M.D.; Clyde D. Brown, M.D.; Michael E. Coutts, M.T.; Vincent Tripi, D.O.; John Sy Uy, M.D.; and Brent Woodfield, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Stienecker	- aye
	Dr. Gretter	- aye
	Dr. Egner	- aye
	Dr. Agresta	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Mr. Sinnott	- aye
	Dr. Heidt	- aye
	Dr. Steinbergh	- aye
	Dr. Garg	- aye

Mr. Sinnott noted that he did not read the hearing record in the matter of Clyde D. Brown, M.D.

Dr. Garg asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Stienecker	- aye
	Dr. Gretter	- aye
	Dr. Egner	- aye
	Dr. Agresta	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Mr. Sinnott	- aye

Dr. Heidt - aye
Dr. Steinbergh - aye
Dr. Garg - aye

In accordance with the provision in Section 4731.22(C)(1), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of this matter. Dr. Gretter did not serve as Secretary in any of these cases.

.....
Mr. Albert left the meeting at this time.

All Enforcement Coordinators and all Assistant Attorneys General left the meeting at this time.

REPORT AND RECOMMENDATION IN THE MATTER OF MICHAEL GERARD BAGGOT, M.D.

.....
DR. AGRESTA MOVED TO APPROVE AND CONFIRM MR. PORTER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF MICHAEL GERARD BAGGOT, M.D. DR. GRETTTER SECONDED THE MOTION.

.....
A vote was taken on Dr. Agresta's motion to approve and confirm:

VOTE:

Dr. Bhati	- aye
Dr. Stienecker	- aye
Dr. Gretter	- aye
Dr. Egner	- aye
Dr. Agresta	- aye
Dr. Buchan	- aye
Ms. Noble	- aye
Mr. Sinnott	- aye
Dr. Heidt	- aye
Dr. Steinbergh	- aye

The motion carried.



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

July 13, 1994

Michael G. Baggot, M.D.
P.O. Box 697
Granite City, IL 62040

Dear Doctor Baggot:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) On or about January 8, 1993, you submitted a Restoration Application to the State Medical Board of Ohio. However, you did not complete your application until in or about May, 1994.
- (2) In response to question seven (7) of the Additional Information section of the application, you indicated that the State of Illinois had placed restrictions on your license.

On or about April 26, 1991, you entered into a Consent Order with the State of Illinois, Department of Professional Regulation, in which your license to practice medicine and surgery was indefinitely suspended, your license to prescribe controlled substances in that state was suspended, you were required to complete 300 hours of Continuing Medical Education and required to pass a state clinical examination. This Consent Order was entered into based on allegations that you prescribed controlled substances for the treatment of obesity and depression for non-therapeutic purposes over an extended period of time and prescribed Darvocet to a patient leading to his/her drug dependence and requiring his/her hospitalization. A copy of the Consent Order is attached hereto and fully incorporated herein.

Your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "(t)he limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority,

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July 13, 1994

for an action that also would have been a violation of this chapter, except for nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: Sections 4731.22(B)(2), (B)(3) and (B)(6), Ohio Revised Code.

- (3) In response to question 16 which asked, "Have you ever been denied, or surrendered, a state or federal controlled substance or drug registration; had it revoked, terminated, or restricted in any way; or been warned, reprimanded, or fined by, or been requested to appear before, the responsible agency," you answered "No."

In fact, your license to prescribe controlled substances was suspended in Illinois on or about April 26, 1991, as a result of the Consent Order described in paragraph 2.

Your acts, conduct, and/or omissions as alleged in paragraph (3) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (3) above, individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

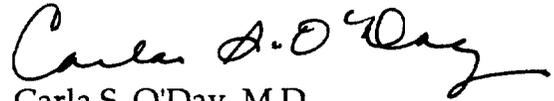
You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

July 13, 1994

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in cursive script that reads "Carla S. O'Day". The signature is written in black ink and is positioned above the printed name and title.

Carla S. O'Day, M.D.
Secretary

CSO:jmb

Enclosures:

CERTIFIED MAIL #P 348 885 316
RETURN RECEIPT REQUESTED

STATE OF ILLINOIS
93 JUN 19 PM 4:55

STATE OF ILLINOIS

DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION)
of the State of Illinois,)
)
Complainant,)
)
vs.)
)
M. Gerard Baggot, M.D.,)
License Number: 036-036797)
Controlled Substance License Number:)
003-036-036797)
)
Respondent.)

No. 89-196-LEG

CONSENT ORDER

The Department of Professional Regulation by Susan J. Link, one of the Department's attorneys, and, M. Gerard Baggot, M.D., Respondent, hereby agree to the following:

STIPULATIONS

1. M. Gerard Baggot, M.D., is licensed as a Physician and Surgeon in the State of Illinois, holding License No. 036-036797 and Controlled Substance License No. 003-036-036797. At all times material to the matter set forth in this Consent Order, such licenses have been in good standing with the Department, and, in active status in Illinois since 1959, and, the Department has had jurisdiction over the subject matter and parties herein.
2. Information has come to the attention of the Department that for an extended period of time Respondent prescribed controlled substances for the treatment of obesity and depression, which the Department alleges constituted non-therapeutic prescribing. In addition, the Department further

alleges that one patient was hospitalized due to drug dependency on Darvocet as a result of said prescribing by the Respondent.

3. Respondent neither admits nor denies said allegations. As mitigation to any charges, Respondent states that he is 74 years of age, married, and has nine children. He further states that he has been practicing well over thirty years, and has never had any prior administrative action taken by this agency. In addition, he presently has staff privileges at three hospitals, all of which are in good standing and have been during the course of his career.
4. The allegations as set forth herein, if proven to be true, would constitute grounds for suspending or revoking Respondent's license as a Physician and Surgeon, and, his Controlled Substance License on the authority of Illinois Revised Statutes 1989, Chapter 111, Paragraph 4400-22(a)(17), and, Illinois Revised Statutes, 1989, Chapter 56-1/2, Paragraph 1304(a)(5).
5. As a result of the foregoing allegations, the Department held an Informal Conference at the offices of the Department in Springfield, Illinois on January 8, 1991. Respondent appeared in person at that time, represented by his attorney, William Dowd. Robert Schaefer appeared as the Deputy Medical Coordinator for the State of Illinois; Susan J. Link appeared as an attorney for the Department; Terry Thornhill attended as an investigator; and, Virgil Wikoff represented the Medical Disciplinary Board. Subsequent to said meeting,

Respondent retained Shari Dam as his counsel.

6. Respondent has been advised of the right to have the pending allegations reduced to written charges, the right to a hearing, the right to contest any charges brought, and the right to administrative review of any order resulting from a hearing. Respondent knowingly waives each of these rights, as well as waiving any right to administrative review of this Consent Order.
7. Respondent and the Department have agreed, in order to resolve this matter, that Respondent be permitted to enter into a Consent Order with the Department, providing for the imposition of disciplinary measures which are equitable and expeditious in the circumstances and which are consistent with the best interests of the people of the State of Illinois.

CONDITIONS

WHEREFORE, the Department, through Susan J. Link, its attorney, and M. Gerard Baggot, M.D., agree:

- A. Respondent's medical license is hereby suspended indefinitely for a minimum of three years.
- B. Prior to restoration of Respondent's medical license, Respondent shall complete 100 hours of CME courses for each of the three years, or a total of 300 hours, and, submit proof thereof to the Department. All courses to be submitted in compliance with the requirements under this order shall be pre-approved by the Medical Coordinator or Deputy Medical Coordinator.

- C. In addition, prior to restoration, Respondent shall successfully pass a clinical examination administered by the Department.
- D. The Respondent may request to take the clinical examination after his license has been suspended for 2-1/2 years.
- E. At no time shall the Respondent's suspended license be a bar to taking the clinical examination.
- F. Respondent's controlled substance license shall be suspended indefinitely, and not be subject to restoration until such time as Respondent's medical license has been reinstated for two years.
- G. All requests for course approval or submission of completed work should be submitted to:

Deputy Medical Coordinator
c/o Illinois Department of Professional Regulation
320 West Washington, Third Floor
Springfield, IL 62786

- H. Upon the submission of a Petition for Restoration of Respondent's Medical License, the Department agrees that it will be expeditious in its procedural implementation of the hearing process, so as not to unduly delay the Respondent's right to a hearing and a final resolution regarding said request for reinstatement.
- I. Any violation by Respondent of the terms and conditions of this Consent Order shall be grounds for the Department to immediately file a Complaint to revoke the Respondent's license to practice as a Physician and Surgeon in the State of Illinois.

Respondent retained Shari Dam as his counsel.

6. Respondent has been advised of the right to have the pending allegations reduced to written charges, the right to a hearing, the right to contest any charges brought, and the right to administrative review of any order resulting from a hearing. Respondent knowingly waives each of these rights, as well as waiving any right to administrative review of this Consent Order.
7. Respondent and the Department have agreed, in order to resolve this matter, that Respondent be permitted to enter into a Consent Order with the Department, providing for the imposition of disciplinary measures which are equitable and expeditious in the circumstances and which are consistent with the best interests of the people of the State of Illinois.

CONDITIONS

WHEREFORE, the Department, through Susan J. Link, its attorney, and M. Gerard Baggot, M.D., agree:

- A. Respondent's medical license is hereby suspended indefinitely for a minimum of three years.
- B. Prior to restoration of Respondent's medical license, Respondent shall complete 100 hours of CME courses for each of the three years, or a total of 300 hours, and, submit proof thereof to the Department. All courses to be submitted in compliance with the requirements under this order shall be pre-approved by the Medical Coordinator or Deputy Medical Coordinator.

J. This Consent Order shall become effective ten (10) days after approved by the Director.

3-26-91
DATE

Susan J. Link
Susan J. Link
Attorney for the Department

April 13, 1991
DATE

Thomas R. Chiola
Thomas R. Chiola
Controlled Substance Hearing Officer

3 14 91
DATE

M. Gerard Baggot, M.D.
M. Gerard Baggot, M.D.
Respondent

3-19-91
DATE

Shari Dam
Shari Dam
Attorney for the Respondent

93 JAN 19
PM 4:35
STATE MEDICAL BOARD
OFFICE

4-17-91
DATE

Jack B. [Signature]
Member of Medical Disciplinary Board

The foregoing Consent Order is approved in full.

Dated this 26th day of April, 1991.

Nikki M. Zollar
Nikki M. Zollar, Director