

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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BEFORE THE STATE OF WISCONSIN  
MEDICAL EXAMINING BOARD

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :  
 : AFFIDAVIT OF SERVICE  
 JOHN B. BAKER, M.D., :  
 RESPONDENT :

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Glenda Nelson, being first duly sworn on oath deposes and states that she is in the employ of the Department of Regulation and Licensing, and that on October 23, 1990 she served the following upon the respondent:

FINAL DECISION AND ORDER dated October 18, 1990

by mailing a true and accurate copy of the above-described document, which is attached hereto, by certified mail with a return receipt requested in an envelope properly addressed to the above-named respondent at:

500 Third Avenue  
Suite 102  
Albany, Ga 31701  
Certified P 438 251 079

Which address appears in the files and records of the Medical Examining Board as the respondents last known address.

Glenda Nelson  
Glenda Nelson  
Department of Regulation and Licensing

Subscribed and sworn to before me  
this 25th day of October, 1990.

Duane J. Randolph  
Notary Public  
Dane County, Wisconsin  
My Commission Expires 02/07/93



### CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction of this matter and authority to take disciplinary action against the Respondent pursuant to Wis. Stats. sec. 448.02.
2. The Medical Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stats. sec. 227.44(5).
3. By having his license to practice medicine in the state of Georgia suspended and placed on probation, Dr. Baker engaged in unprofessional conduct as defined by Wis. Admin. code sec. Med 10.02 (2)(q) and is subject to discipline pursuant to Wis. Stats. sec. 448.02.

### ORDER

NOW, THEREFORE, IT IS ORDERED, that the stipulation of the parties is approved.

IT IS FURTHER ORDERED, that John B. Baker, M.D. is REPRIMANDED.

IT IS FURTHER ORDERED, that the medical license of John B. Baker, M.D. is LIMITED. The limitations shall remain in force until removed by the Medical Examining Board. Prior to removal of the limitations, Dr. Baker shall provide proof that his Georgia medical license is unrestricted (i.e. he is not serving a period of suspension or probation and no other limitations or restrictions are imposed on the license).

### LIMITATION

Respondent shall not prescribe, administer, or dispense, in the course of his office practice, any Schedule II or IIN controlled substances, except in emergency (life threatening) circumstances which shall be immediately documented and reported to the Medical Examining Board. It is hereby understood that Respondent may write orders for Schedule II and IIN controlled substances on institutionalized (including emergency room) patient's charts, if such ordering is performed in compliance with applicable statutes and rules including appropriate consultation where necessary and if the medication is to be consumed on the premises.

During the period of limitation, Respondent shall personally maintain on a daily basis an accurate and separate contemporaneous log of all Schedule III, IIN, IV, V and all injectable prescription drugs prescribed, administered or dispensed in his office, indicating the date, drug, strength, amount and diagnosis or reason for prescribing, and shall comply with all applicable statutes and rules. If a particular drug is prescribed, etc., to the same patient more than once, Respondent shall

justify the continued prescribing of the drug on the patient's office clinical record, examine the patient in the office before each prescription is written, and where appropriate, obtain proper consultation.

IT IS FURTHER ORDERED, that investigative file number 88 MED 478 is hereby closed.

IT IS FURTHER ORDERED, that this discipline shall be published in accordance with the Department of Regulation and Licensing's publication policy.

IT IS FURTHER ORDERED, that should the board determine that there is probable cause to believe that Respondent has violated the terms of this order, the Board may order that respondent's license be summarily suspended pending investigation of the alleged violation.

Dated at Madison, Wisconsin, this 18 day of October, 1990.

MEDICAL EXAMINING BOARD

by: Michael P. Rehm  
A member of the Board

STATE OF WISCONSIN  
BEFORE THE  
MEDICAL EXAMINING BOARD

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :  
JOHN B. BAKER, M.D., : STIPULATION  
RESPONDENT : 88 MED 478

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It is hereby stipulated and agreed between John B. Baker, M.D., Respondent and Ruth E. Heike, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This stipulation is entered into as a result of the pending investigation of John B. Baker's Medical license by the Division of Enforcement (file number 88 MED 478). Dr. Baker consents to the resolution of this investigation by Stipulation.

2. Dr. Baker understands that by signing this Stipulation he voluntarily and knowingly waives his rights in this matter, including the right to have a formal disciplinary complaint filed, the right to a hearing on the allegations against him at which the State has the burden of proving the allegations by a preponderance of the evidence, the right to confront and cross-examine the witnesses against him, the right to call witnesses on his own behalf and to compel their attendance by subpoena, the right to testify on his own behalf, the right to file objections to any proposed decision, and to present briefs or oral arguments to the officials who are to render the final decision, the right to petition for rehearing, and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Dr. Baker understands that this resolution of the matter does constitute disciplinary action against his license and will be published in accordance with the Department of Regulation and Licensing's policy regarding publication of disciplinary actions.

4. The Medical Examining Board has jurisdiction of this matter pursuant to Wis. Stats. sec. 448.02(3).

5. This Stipulation may be submitted directly to the Wisconsin Medical Examining Board without further notice to either party.

6. The attached Final Decision and Order may be made and entered without prior notice to any party.

7. In the event any portion of this Stipulation or the attached Final Decision and Order is not accepted by the Wisconsin Medical Examining Board, the entire Stipulation and Final Decision and Order shall be void and have no effect.

8. Dr. Baker, Dr. Baker's attorney and Ruth E. Heike, Attorney for the Department of Regulation and Licensing, may appear before the Wisconsin Medical Examining Board and argue in favor of acceptance of this Stipulation and the entry and issuance of the attached Final Decision and Order.

9. In order to resolve this case, Dr. Baker agrees to permit the Medical Examining Board to limit his license as specified in the attached Final Decision and Order.

October 3, 1990

Date

John B. Baker MD

John B. Baker, M.D.

October 8, 1990

Date

Ruth E. Heike

Ruth E. Heike, Attorney  
Department of Regulation and Licensing  
Division of Enforcement

## NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,  
the times allowed for each and the identification  
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

### 1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Medical Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

### 2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Medical Examining Board.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Medical Examining Board.

The date of mailing of this decision is October 23, 1990.

WLD:dms  
886-490