

FILED *CAB*

OCT 19 2009

**BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS**

KS State Board of Healing Arts

In the Matter of )  
 ) Docket No. 10-HA *00055*  
Lynne Baker, M.D. )  
Kansas License No. Pending )

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**CONSENT ORDER**

**COMES NOW**, the Kansas State Board of Healing Arts, ("Board"), by and through Stacy R. Bond, Associate Litigation Counsel ("Petitioner"), and Lynne Baker, M.D. ("Applicant"), *pro se*, and move the Board for approval of a Consent Order affecting Applicant's license to practice medicine and surgery in the State of Kansas.

The Parties stipulate and agree to the following:

1. Applicant's last known mailing address to the Board is: 3303 SW Villa West Dr., Topeka, Kansas 66614.
2. On or about March 2, 2009, Applicant submitted to the Board an application for licensure in medicine and surgery. Such application was deemed complete on July 14, 2009.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of medicine and surgery. K.S.A. 65-2801 et seq. and K.S.A. 65-2869.
4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 77-505 and 65-2838. Upon approval, these stipulations shall

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constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

5. The Kansas Healing Arts Act is constitutional on its face and as applied in the case. Applicant agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
6. Applicant voluntarily and knowingly waives her right to a hearing. Applicant voluntarily and knowingly waives her right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Applicant voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.
7. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Applicant specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.
8. The Board has received information and investigated the same, and has reason to believe that Licensee/Applicant has not been in the active practice of medicine and surgery since graduating from medical school in 1995 and that Licensee/Applicant has not been engaged in a formal educational program during the two years preceding the application for licensure.

9. Applicant is currently licensed and practicing as a D.D.S. in the state of Kansas and has practiced as such since December 21, 1999. Applicant obtained her specialty license for oral and maxillofacial surgery from the Kansas Dental Board on August 18, 2000. Applicant has continuously practiced as a D.D.S./Oral and Maxillofacial surgeon since that time.
10. Applicant currently holds an active medical physician and surgeon license in the state of Missouri. Such license was issued on March 13, 1997.
11. According to K.S.A.65-2838(b), the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.
12. All pending investigation materials regarding Applicant were fully reviewed and considered by the Board member(s) who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 24 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.
13. In lieu of conducting a formal proceeding, Applicant, by signature affixed to this Consent Order, hereby voluntarily agrees to the following limitations as a condition to being granted licensure to engage in the practice of medicine and surgery:

#### **LIMITATIONS**

- a. Licensee shall not practice medicine and surgery outside of the scope of oral and maxillofacial surgery as allowed by her D.D.S. degree and license.
14. Applicant's failure to comply with the provisions of the Consent Order may result in the Board taking further disciplinary action as the Board deems appropriate

according to the Kansas Administrative Procedure Act and Kansas Healing Arts Act.

15. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Healing Arts Act, or to investigate complaints received under the Risk Management Law, K.S.A. 64-4921 et seq., that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Healing Arts Act.

16. Applicant hereby releases the Board, its individual members (in their official and personal capacity), attorneys, employees and agents, hereinafter collectively referred to as "Releasees", from any and all claims, including but not limited to those alleged damages, actions, liabilities, both administrative and civil, including the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 et seq. arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims or demands of every kind and nature that Applicant has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Applicant shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

17. Applicant further understands and agrees that upon signature by Applicant, this document shall be deemed a public record and shall be reported to any reporting entities authorized to receive disclosure of the Consent Order.

18. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.
19. Applicant agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Applicant is not present. Applicant further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.
20. Applicant, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel and General Counsel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future proceedings on the basis that the Board member or General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.
21. Applicant acknowledges that she has read this Consent Order and fully understands the contents.
22. Applicant acknowledges that this Consent Order has been entered into freely and voluntarily.
23. All correspondence or communication between Applicant and the Board relating to the Consent Order shall be by certified mail addressed to the Kansas State

Board of Healing Arts, Attn: Compliance Coordinator, 235 S. Topeka Blvd.,  
Topeka, Kansas 66603-3068.

24. Applicant shall obey all federal, state and local laws and rules governing the practice of medicine and surgery in the State of Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.
25. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 65-2838. This Consent Order shall constitute the Board's Order when filed with the office of the Executive Director for the Board and no further Order is required.
26. This agreement does not reflect any disciplinary action nor does it result from any adverse conduct by applicant. This agreement merely reflects the established scope of practice in which applicant has demonstrated experience and competence.
27. The Board may consider all aspects of this Consent Order in any future matter regarding Applicant.

**IT IS THEREFORE ORDERED** that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

**IT IS FURTHER ORDERED** that upon meeting all technical requirements for licensure, Applicant shall be granted a license.

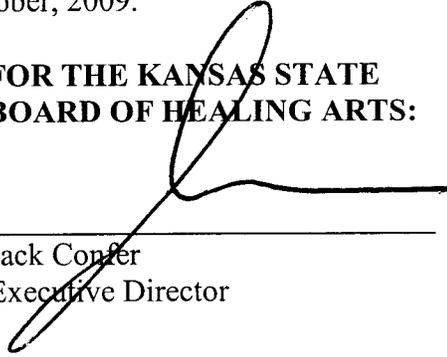
**IT IS FURTHER ORDERED** that

**LIMITATIONS**

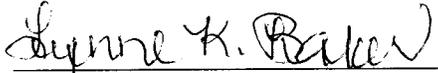
- a. Licensee shall not practice medicine and surgery outside of the scope of oral and maxillofacial surgery as allowed by her D.D.S. degree and license.

**IT IS SO ORDERED** on this 19<sup>th</sup> day of October, 2009.

**FOR THE KANSAS STATE  
BOARD OF HEALING ARTS:**

  
\_\_\_\_\_  
Jack Confer  
Executive Director

10-19-09  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Lynne Baker, D.D.S., M.D.  
Licensee

03/16/09  
\_\_\_\_\_  
Date

**PREPARED AND APPROVED BY:**

  
\_\_\_\_\_

Stacy R. Bond #17673  
Associate Litigation Counsel  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068  
785-296-3268

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 19<sup>th</sup> day of October, 2009, to the following:

Lynne Baker, D.D.S, M.D.  
Licensee  
3303 SW Villa West Dr.  
Topeka, Kansas 66614

And the original was hand-filed with:

Jack Confer  
Executive Director  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068

And a copy was hand-delivered to:

Stacy R. Bond  
Associate Litigation Counsel  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068

  
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