

**BEFORE THE BOARD OF MEDICAL PRACTICE  
OF THE STATE OF DELAWARE**

<b>IN RE:</b>	)	
<b>YVETTE BAKER, M.D.,</b>	)	<b>DECISION AND ORDER</b>
<b>LICENSE NO. C1-0006698</b>	)	

**NATURE OF THE PROCEEDINGS**

A show cause hearing was held on September 1, 2009 before a quorum of the Delaware Board of Medical Practice (the "Board") at the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware, pursuant to 29 *Del. C.* § 10131(c). Dr. Baker was directed to show cause why the Board should not suspend or revoke her license to practice medicine based upon her failure to document completion of continuing medical education as attested in her application for renewal. Dr. Baker was randomly selected for audit in connection with the Board's post licensure renewal audit of its licensees.

Dr. Baker appeared *pro se*. Allison E. Reardon, Deputy Attorney General, advised the Board.

**SUMMARY OF THE EVIDENCE**

**Dr. Yvette Baker** was sworn and testified that she brought 2 of her office workers with her to testify. When she received the 1<sup>st</sup> audit notice she asked one of the workers to pull her continuing education file. When the worker went to retrieve the file it was missing. Dr. Baker asked the worker to call the Board to see what she should do. The worker said that she was told that Dr. Baker did not need to do anything and that she should wait for the Board to meet.

Dr. Baker's office manager, who started in February, filled out the online questionnaire. She only came to Dr. Baker with clarification on the 2 questions related to substance issues and malpractice claims. The manager did not ask her about the response to the continuing medical education question. She did not know about the missing continuing medical education file until she heard from the Board. She explained that she has had 3 break-ins in the office. Money, patient files, the continuing education file and letters from the Board were all taken. She did not report the break-

ins to the police until she called the Division of Professional Regulation and someone suggested that she should make a report.

Dr. Baker stated that she would like to re-create the hours. She does not belong to the AMA or APA<sup>1</sup>. She took her continuing education through courses she found in magazines and had several 1 to 2 hour sessions with drug companies. Most of the courses she took were 1-2 hours each. The providers sent back sheets with the number of credits she received for the courses. She also took courses through Medisys<sup>2</sup> and participated in moderated discussions with other physicians on different topics after which she would receive a certificate by mail showing that she received Category I continuing medical education. She and her staff have looked through about 10 -15 boxes for the certificates and have another 10 boxes to go through. She received all of the certificates by mail.

Dr. Baker testified that her specialty is psychiatry. She is not credentialed at any facility. She believes she could make up the required continuing medical education in 2-3 days. Dr. Baker added that she had also been teaching some courses that she might be able to convert into hours according to the APA list. She spent about 4 hours per week studying to teach the course and about 2 hours actually teaching the course. She teaches students from different communities.

**Tammy Heesh** was sworn and testified that she was the office worker who looked for the continuing education file. She even called the person who worked there before her and was told that the information was in a folder in the office. Ms. Heesh was also the person who called the Board and asked if Dr. Baker could do the hours now. She testified that she was told that Dr. Baker should wait for the hearing date.

**Pamela Evans** was sworn and testified that she is Dr. Baker's office manager. She completed the online renewal for Dr. Baker. She called Dr. Baker about 2 of the questions but did

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<sup>1</sup> American Medical Association (AMA) and American Psychiatric Association (APA).

<sup>2</sup> Medisys Health Communications, LLC, is a medical educational firm.

not ask her about the continuing medical education. She called the previous office manager who told her what to put down. The former office manager had an attitude and there were several break-ins after she left. They suspected that the former office manager who left about a year ago might be involved because she still had keys. After speaking to the police, Ms. Evans told Dr. Baker that the police suggested pressing charges against the former office manager but Dr. Baker would not do it. They are in the process of changing the locks and establishing procedures to secure the files. They are in the same building with a law firm and the firm has not fixed a door that is impeding the alarm system.

Ms. Evans stated that she personally placed 6 or 7 pieces of paper documenting the continuing medical education taken by Dr. Baker in the file that is now missing.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

As mandated by the Delaware General Assembly, the Board requires all of its licensees to complete continuing medical education (“CME”) biennially. *See* 24 Del. C. §1713 (d), 24 Del. C. §1723 (c) and Board Regulation 22.0. A licensee’s failure to complete the required CME increases the risk that the licensee will engage in unsafe or incompetent practices, thereby posing a threat to the general public’s safety and welfare. Licensees are permitted to renew their licenses online. As part of that process they must attest to having completed the mandatory CME. If selected for audit a licensee must document their attestation.

The Board conducted a random post renewal audit of CME. Dr. Baker was selected for audit and was directed to document the CME to which she attested having completed on her application for renewal. Although Dr. Baker’s office manager completed the online renewal form, Dr. Baker is ultimately responsible for verifying that the answers are accurate and that any documentation supporting the responses is retained in the event of an audit.

The Board considered Dr. Baker’s testimony and the testimony of her office staff as to why Dr. Baker was unable to provide any evidence of CME. If their testimony is accepted, an unfortunate

series of events including office break-ins and a lack of procedures for securing files and documentation of CME contributed to her inability to document the CME. Unfortunately, it appears to the Board based on Dr. Baker's testimony that a good deal of what she testified to having taken, such as the hours she spent with drug companies and her unaccredited teaching, may not even count as acceptable CME. The bottom line is that Dr. Baker is unable to document any continuing medical education. The first audit notice went out on June 5, 2009 and the hearing in this matter did not occur until September 1<sup>st</sup>. The Board believes that Dr. Baker should have been able to contact providers to document at least some of the CME. As it stands, Dr. Baker has provided no documentation to demonstrate that she met the CME requirements mandated by the General Assembly.

### **ORDER**

Based on the above findings, by a vote of 10 members to 2 with one member abstaining<sup>3</sup>, the Board orders the following:

1. Dr. Baker is ordered to pay a \$500.00 fine payable to the "State of Delaware" and delivered to the Board's Executive Director within ninety (90) days of the date of this Order;
2. Dr. Baker must complete forty (40) credit hours of Category I CME and provide documentation of completion to the Board's Executive Director within ninety (90) days of the date of this Order;
3. Dr. Baker will be flagged for audit in the next renewal cycle and no portion of the forty (40) total make-up credits for the 2006-2008 renewal period may be counted toward the 2008-2010 renewal period; and
4. Should Dr. Baker fail to remit the fine and evidence of the required CME within ninety (90) days of the date of this Order, the Board's Executive Director shall cause this matter to

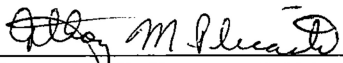
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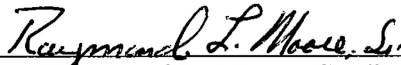
<sup>3</sup> Dr. Senu-Oke and Mr. Moore opposed the motion. Dr. Policastro abstained.

be brought back before the Board for further hearing and possible additional disciplinary action.

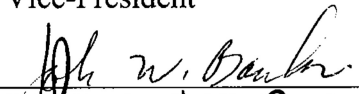
IT IS SO ORDERED this 6<sup>th</sup> day of October, 2009.

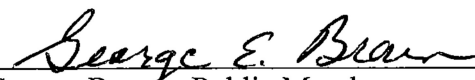
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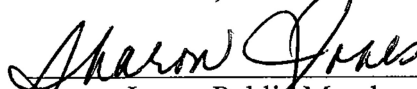
  
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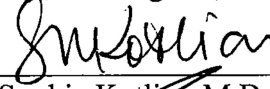
  
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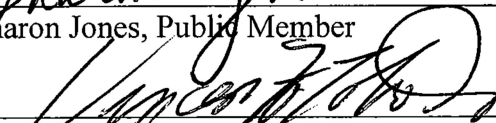
  
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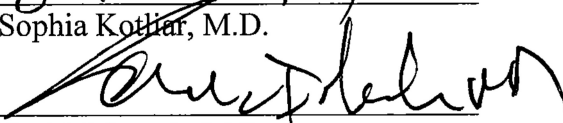
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Date Mailed: 10/09/09