

BEFORE THE DELAWARE BOARD OF MEDICAL PRACTICE

IN RE: YVETTE K. BAKER, M.D.) CASE NO.: 10-108-09

Medical License: C1-0006698)

Controlled Substances Reg.: MD4124)

CONSENT AGREEMENT

A Written Complaint has been filed with the Board of Medical Practice ("Board") alleging that Yvette K. Baker, M.D. ("Dr. Baker"), a licensed medical physician and prescriber of controlled substances in the State of Delaware, has engaged in conduct with constitutes grounds for discipline under 24 Del. C. C. 17.

Dr. Baker, the State by the undersigned Deputy Attorney General, and the Board hereby enter into this Consent Agreement without the necessity of an emergency hearing before the Board.

IT IS UNDERSTOOD AND AGREED THAT:

1. Dr. Baker is a licensed medical doctor in the State of Delaware. Her medical license, number C1-0006698, was first issued in 2002 and is active. Her controlled substances registration, number MD4124, was first issued in 2002 and is active.

2. Dr. Baker's primary specialty is psychiatry/neurology.

3. Dr. Baker provides long-term pain management for many of her psychiatric patients.

4. Dr. Baker does not require pain contracts for patients who are self-pay patients and/or have private insurance.

5. [REDACTED]

④ BJS

6. [REDACTED]

④ BJS

7. Dr. Baker admits the allegations contained in paragraphs 1 through 6 herein.

④ BJS

8. Except for the allegations admitted in paragraphs 1 through 6 herein, Dr. Baker denies the allegations of the State's Complaint.

9. Dr. Baker, the State, and the Board agree that Dr. Baker's State and Federal controlled substances registrations are immediately restricted as follows:

a. Dr. Baker is restricted from prescribing, administering, dispensing and/or distributing all Schedule I, II, and III opiates, opioids, and opium derivatives including their isomers, esters, ethers, salts and salts of isomers, esters, ethers controlled substances as defined by Title 16 Chapter 47 and 21 CFR § 1300 *et seq*;

b. Dr. Baker shall fully cooperate with the Director of the Office of Controlled Substances to formalize the restriction of her controlled substances registrations including but not limited to the following:

(1) Within seven days of the signing of this Consent Agreement, Dr. Baker shall submit her State and Federal registrations to the Director of the Office of Controlled Substances;

(2) Within seven days of the signing of this Consent Agreement, Dr. Baker shall contact the Director of the Office of Controlled Substances to make arrangements to surrender all Schedule I, II, and III opiates, opioids, and opium derivatives including their isomers, esters, ethers, salts and salts of isomers, esters, ethers controlled substances in her possession or control, if any, to the Director of the Office of Controlled Substances;

c. The restrictions on Dr. Baker's controlled substances registrations will not be lifted or modified except by order of the Board of Medical Practice.

10. In addition, Dr. Baker agrees to the following terms and conditions:

a. Dr. Baker will immediately refrain from writing any prescriptions for her office staff;

b. Dr. Baker will maintain adequate medical records concerning all patient treatment and all medications prescribed, administered, dispensed and/or distributed to patients;

c. Within ninety days of the date Dr. Baker signs this Consent Agreement, she will have referred all pain management patients to pain management specialists;

d. Dr. Baker will keep all patient records adequately secured.

11. The State's Complaint for Revocation and Petition for Emergency Hearing for Temporary Suspension is hereby amended to remove the request for emergency action and temporary suspension such that the Complaint will be scheduled for a hearing pursuant to the regular procedures of the Board if the Board accepts this Consent Agreement and enters it as an Order.

12. The State's Complaint and Request for Revocation or Suspension of Dr. Baker's State and Federal controlled substances registrations will be dismissed without prejudice if the Board accepts this Consent Agreement and enters it as an Order.


13. Dr. Baker acknowledges that she is waiving her rights under 24 *Del.C.* Ch.17 and 29 *Del.C.* Ch. 101 to a hearing before the Board prior to the imposition of disciplinary sanctions.

14. Dr. Baker acknowledges that she has carefully read and understands this Consent Agreement, that she is entering into this Consent Agreement freely, knowingly, voluntarily, and after having received or having been afforded the opportunity to receive advice of counsel, and that if the Board accepts this Consent Agreement it will become a public document.

15. Dr. Baker further agrees that in the event the Board determines not to accept this Consent Agreement, neither she nor anyone on her behalf will in any way or in any forum

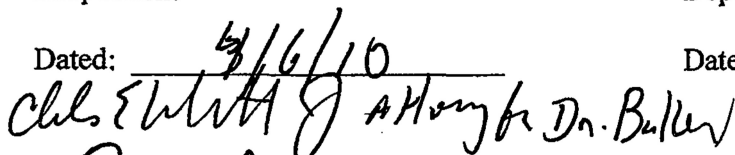
challenge the ability of the Board or any of its members to conduct an evidentiary hearing relating to the allegations in the subject Complaint on the basis of the Board's prior consideration of this proposed Consent Agreement. If the Board does not accept the Consent Agreement, the Agreement and its provisions will not be referred to at the hearing, admitted into evidence, or constitute an admission as to any of the facts alleged in the Complaint.

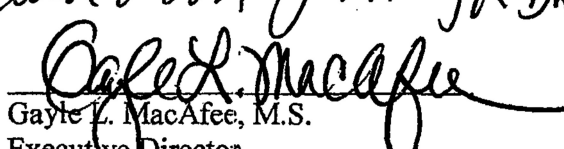
16. This Consent Agreement shall be effective upon execution by Dr. Baker, the Executive Director of the Board of Medical Practice, and the undersigned Deputy Attorney General for the State upon approval by the Board of Medical Practice.



Yvette K. Baker, M.D.
Respondent


Dated: 4/6/10


Charles E. Whitely, Attorney for Dr. Baker



Gayle L. MacAfee, M.S.
Executive Director
Delaware Board of Medical Practice

Dated: 4/06/10



Barbara J. Gadbois (I.D. No. 2544)
Deputy Attorney General

Dated: 4/6/10



JOSEPH R. BIDEN, III
ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
NEW CASTLE COUNTY
820 NORTH FRENCH STREET
WILMINGTON, DELAWARE 19801

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FRAUD DIVISION (302) 577-8600
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TTY (302) 577-5783

New Castle County – Civil Division, Sixth Floor – (302) 577-8323

April 15, 2010

Mr. James L. Collins
Director
Division of Professional Regulation
Cannon Building, Suite 203
861 Silver Lake Boulevard
Dover, DE 19904-2467

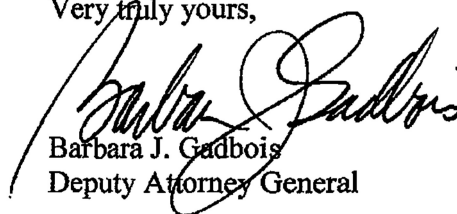
RE: Yvette K. Baker, M.D. -- Case No. 38-05-10

Dear Mr. Collins:

Enclosed is a copy of the Public Order of the Board of Medical Practice dated April 6, 2010 approving the Consent Agreement on Dr. Baker's Certificate to Practice Medicine (C-10006698) and Certificate for Controlled Substances (MD 4124). Per the terms of the Consent Agreement, I respectfully request that the State's Complaint and Request for Immediate Revocation or Suspension of Dr. Baker's Certificate for Controlled Substances (MD 4124) filed on March 25, 2010 be dismissed without prejudice.

Thank you for your cooperation. Please let me know if you have any questions.

Very truly yours,



Barbara J. Gadbois
Deputy Attorney General

cc: Sam Nickerson, Investigative Supervisor
Jennifer D. Oliva, Deputy State Solicitor
Charles E. Whitehurst, Jr., Esquire
Gayle L. MacAfee, M.S., Executive Director, Board of Medical Practice
David Dryden, R.Ph., J.D., Director of the Office of Controlled Substances

BEFORE THE DELAWARE BOARD OF MEDICAL PRACTICE

IN RE: YVETTE K. BAKER, MD

Case No.: 10-108-09

LICENSE NUMBER: C1-0006698

and Controlled Substance: MD4124

PUBLIC ORDER

WHEREAS, the Board of Medical Practice ("Board") has reviewed and approved the attached Consent Agreement on the Certificate to Practice Medicine (C1-0006698) and Certificate for Controlled Substances (MD 4124) issued to Yvette K. Baker, M.D. as an Order of the Board.

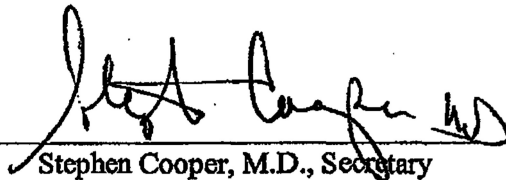
Pursuant to 24 Del.C. § 1735 a copy of this Order shall be served by certified mail, return receipt requested, upon Yvette K. Baker, M.D.

SO ORDERED this 6th day of April, 2010.

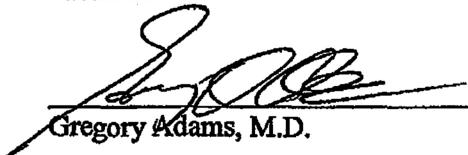
BOARD OF MEDICAL PRACTICE



Raymond L. Moore, Sr., Public Member,
President



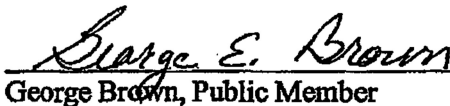
Stephen Cooper, M.D., Secretary



Gregory Adams, M.D.



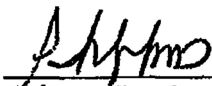
John Banks, Public Member



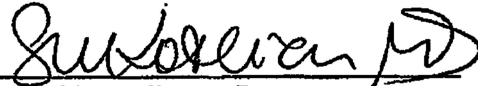
George Brown, Public Member



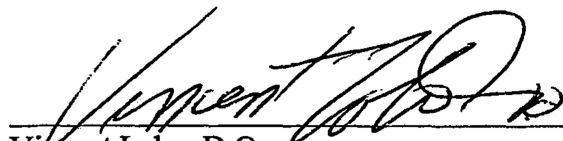
Vance Daniels, Public Member



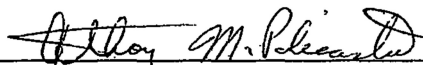
Galicano Inguito, M.D.



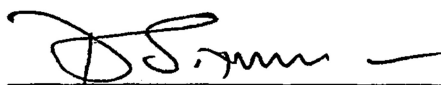
Sophia Kotliar, M.D.



Vincent Lobo, D.O.



Anthony M. Policastro, M.D.



Daryl Sharman, M.D.

Date Mailed: 4/07/10