



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY (Docket No. D-060112-055)

In The Matter Of:

ELIZABETH ANN BAISHNAB, R.Ph.

21701 Scenic Pointe
Strongsville, Ohio 44149
(R.Ph. No. 03-1-20941)

This Settlement Agreement is entered into by and between Elizabeth Ann Baishnab and the Ohio State Board of Pharmacy, a state agency charged with enforcing the Pharmacy Practice Act and Dangerous Drug Distribution Act, Chapter 4729. of the Ohio Revised Code.

Elizabeth Ann Baishnab voluntarily enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Elizabeth Ann Baishnab acknowledges that by entering into this agreement she has waived her rights under Chapter 119. of the Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Elizabeth Ann Baishnab is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about January 12, 2006, pursuant to Chapter 119. of the Ohio Revised Code, Elizabeth Ann Baishnab was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Elizabeth Ann Baishnab requested a hearing; it was scheduled. The January 12, 2006, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Elizabeth Ann Baishnab was originally licensed by the State of Ohio as a pharmacist on February 22, 1995, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.

- (2) Elizabeth Ann Baishnab did, on or about January 26, 2005, prior to the dispensing of Rx #90526746, fail to review the patient profile in order to conduct prospective drug utilization review, to wit: Elizabeth Ann Baishnab failed to review the patient profile for over-utilization, incorrect drug dosage and duration of drug treatment, and misuse. Elizabeth Ann Baishnab received a prescription for metolazone 2.5 mg, to be taken one tablet daily, quantity 60 with 5 refills, Elizabeth Ann Baishnab processed the prescription and it was subsequently dispensed with methotrexate 2.5 mg, which had not been specifically prescribed by the physician. The patient subsequently experienced severe harm. Such conduct is in violation of Rule 4729-5-20 of the Ohio Administrative Code.

Elizabeth Ann Baishnab neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated January 12, 2006; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Elizabeth Ann Baishnab knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Elizabeth Ann Baishnab agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.
- (B) Elizabeth Ann Baishnab must obtain, within sixty days from the effective date of this Agreement, two hours of continuing pharmacy education (0.2 CEUs) on preventing medication errors, which may not also be used for license renewal.

Elizabeth Ann Baishnab acknowledges that she has had an opportunity to ask questions concerning the terms of this agreement and that all questions asked have been answered in a satisfactory manner. Any action initiated by the Board based on alleged violation of this Agreement shall comply with the Administrative Procedure Act, Chapter 119. of the Ohio Revised Code.

Elizabeth Ann Baishnab waives any and all claims or causes of action she may have against the State of Ohio or the Board, and members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement. Elizabeth Ann Baishnab waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

This Settlement Agreement shall be considered a public record, as that term is used in Section 149.43 of the Ohio Revised Code, and shall become effective upon the date of the Board President's signature below.

Elizabeth Ann Baishnab, R.Ph., Respondent

09/12/2006
Date of Signature

John T. Bulloch, Attorney for Respondent

09/12/2006
Date of Signature

James E. Turner, President, Ohio State Board of Pharmacy

09/12/2006
Date of Signature

Sally Ann Steuk, Ohio Assistant Attorney General

09/12/2006
Date of Signature