



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-031017-024)

In The Matter Of:

ELSEBETH CSIZMADIA-BAUMGARTNER, R.Ph.

9368 W.S.R. 163

P. O. Box 386

Oak Harbor, Ohio 43449

(R.Ph. No. 03-2-12603)

INTRODUCTION

THE MATTER OF ELSEBETH CSIZMADIA-BAUMGARTNER CAME FOR HEARING ON APRIL 7, 2004, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT P. GIACALONE, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

ELSEBETH CSIZMADIA-BAUMGARTNER WAS NOT PRESENT NOR WAS SHE REPRESENTED BY COUNSEL AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Lori J. Brown, State of Ohio Disciplinary Counsel

Respondent's Witnesses

None

State's Exhibits

1. Copy of Notice of Opportunity For Hearing letter [10-17-03]
1A-1E. Procedurals
2. Order, Disciplinary Counsel v. Elsebeth Baumgartner, a.k.a., Elsebeth Martha Baumgartner, Case No. 02-2237, Supreme Court of Ohio [09-24-03]; Decision, Disciplinary Counsel v. Baumgartner, 100 Ohio St. 3d 41, 2003-Ohio-4756 [09-24-03]
3. Findings of Fact, Conclusions of Law and Recommendation of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio, In re: Complaint against Elsebeth M. Baumgartner, Case No. 01-86 [12-30-02]
4. Copy of the Transcript of Proceedings, Disciplinary Counsel vs. Elsebeth Baumgartner, Case No. 01-86, Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio [09-26-02 and 09-27-02]

5. Complaint by Individual (Falsification) [01-07-02]; Journal Entry [01-30-02]; Judgment Entry, Conviction and Sentence [07-26-02]; Judgment Entry [not dated]; Judgment Entry [09-23-03]; Order for Arrest and Detention For Violation of Probation [01-30-04]; Bench Warrant [01-30-04] State of Ohio vs. Elsebeth Baumgartner, Case No. CRB 020025A, Ottawa County Municipal Court
6. Complaint By Individual (Escape) [01-09-03]; Journal Entry [01-09-03]; Order[01-14-03]; Order [not dated]; Response to Motion of Defendant [not dated]; Judgment Entry [not dated]; Judgment Entry, Conviction and Sentence [04-17-03]; Entry and Order [03-04-03]; Journal Entry [04-17-03]
7. Copy of two Sandusky Register newspaper articles [10-21-03 and 03-24-04]; Copy of two Port Clinton News Herald newspaper articles [03-31-04]
8. Certified copy of an unsigned letter to David Rowland from Elsebeth Baumgartner, R.Ph., J.D. [04-05-04]; Copy of eight computer e-mail letters [04-05-04 to 04-07-04]
9. Certified copy of facsimiles from Elsebeth Csizmadia-Baumgartner for Motion to Dismiss, Motion in Limine, Motion to Disqualify, Praecipe, Motion to Compel Witness and Exhibit List, Objections of Respondent [04-06-04 and 04-07-04]

Respondent's Exhibits

None

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witness, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the State Board of Pharmacy indicate that Elsebeth Csizmadia-Baumgartner was originally licensed by the State of Ohio as a pharmacist on August 9, 1978, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.
- (2) Elsebeth Csizmadia-Baumgartner is impaired mentally to such a degree as to render her unfit to practice pharmacy, to wit: the Supreme Court of Ohio has stated: "we share the concern that respondent, who is apparently also a licensed pharmacist and has no history of professional disciplinary sanctions, may suffer from some mental illness or other disability that is compromising her professional judgment and contributing to the misconduct . . ." Disciplinary Counsel v. Baumgartner (2003), 100 Ohio St. 3d - 41.

CONCLUSION OF LAW

The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being impaired mentally to such a degree as to render her unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-2-12603, held by Elsebeth Csizmadia-Baumgartner effective as of the date of the mailing of this Order. Further, the Board suspends the revocation and suspends indefinitely her identification card pending the following conditions:

- (A) Elsebeth Csizmadia-Baumgartner, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) Elsebeth Csizmadia-Baumgartner, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return her identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.
- (C) Elsebeth Csizmadia-Baumgartner must obtain, within one hundred twenty (120) days after the effective date of this Order, a full psychiatric evaluation by a psychiatrist licensed to practice in Ohio and must abide by the treatment plan as designed by that psychiatrist. The psychiatrist must provide an initial status report, which includes the recommended treatment plan, directly to the Board office within ten days after completing the assessment.
- (D) Elsebeth Csizmadia-Baumgartner may request a reinstatement hearing after one hundred twenty (120) days from the date of this Order. Elsebeth Csizmadia-Baumgartner must appear in person before the Board at that hearing and she must provide all of the following:
 - (1) Proof of compliance with the licensed psychiatrist's recommended treatment plan;
 - (2) A report from the licensed psychiatrist, mailed directly from the psychiatrist to the Board office, stating that, in the licensed psychiatrist's professional opinion, Elsebeth Csizmadia-Baumgartner is fit to return to the practice of pharmacy and is fit to effectively deal with the people involved in the practice of pharmacy.
 - (3) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
 - (4) Compliance with the terms of this Order.
- (E) If reinstatement is not accomplished within three years of the effective date of this Order, Elsebeth Csizmadia-Baumgartner must show successful completion of the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination approved by the Board.

Further, if Elsebeth Csizmadia-Baumgartner does not obtain the required psychiatric evaluation within the one hundred twenty (120) day period, her license to practice pharmacy in Ohio will be permanently revoked.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/Nay-0).

MOTION CARRIED.

SO ORDERED.

