STATE OF OHIO
THE STATE MEDICAL BOARD OF OHIO
77 SOUTH HIGH STREET
17TH FLOOR
COLUMBUS, OHIO 43215

May 10, 1991

Loren Baumgartner, M.D.
217 Palmetto
Auburndale, FL 33823

Dear Doctor Baumgartner:

Please find enclosed a certified copy of the Order and Entry approved and confirmed by the State Medical Board meeting in regular session on May 8, 1991.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken to the Franklin County Court of Common Pleas only.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

Very truly yours,

Henry G. Cramblett, M.D.
Secretary

HGC:em
Enclosures

CERTIFIED MAIL NO. P 055 327 550
RETURN RECEIPT REQUESTED

Mailed 5/14/91

STATE MEDICAL BOARD OF OHIO

CERTIFICATION

I hereby certify that the attached copy of the Order and Entry, approved by the State Medical Board, meeting in regular session on May 8, 1991, constitutes a true and complete copy of the Order and Entry in the matter of Loren Baumgartner, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

(SEAL)

Henry G. Cramblett, M.D.
Secretary

May 10, 1991
Date

STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *

*

LOREN R. BAUMGARTNER, M.D. *

FINDINGS, ORDER, AND JOURNAL ENTRY

On March 13, 1991 notice was given to Dr. Baumgartner that the State Medical Board intended to consider disciplinary action regarding his license to practice medicine and surgery in Ohio, and that he was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. In accordance with Section 119.09, Ohio Revised Code, said notice was sent on March 14, 1991 via certified mail, return receipt requested, to the last known address of Dr. Baumgartner, that being 217 Palmetto, Auburndale, FL 33823.

No request for hearing has been received and more than thirty (30) days have elapsed since the mailing of the aforesaid notice.

WHEREFORE, it is hereby ORDERED that for the reasons outlined in the March 13, 1991 letter of notice which is attached hereto and incorporated herein, accordingly, the license of Dr. Loren R. Baumgartner, M.D. to practice medicine and surgery in Ohio be REVOKED.

This ORDER shall become effective immediately.

This order is hereby entered upon the Journal of the State Medical Board of Ohio for the 8th day of May, 1991 and the original thereof shall be kept with said Journal.

(SEAL)

Henry G. Cramblett, M.D.
Secretary

May 10, 1991
Date

STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

AFFIDAVIT

I, Debra L. Jones, being duly cautioned and sworn, do hereby depose and say:

1) That I am employed by the State Medical Board of Ohio (hereinafter, "The Board");

2) That I serve the Board in the position of Chief, Continuing Medical Education, Records, and Renewal;

3) That in such position I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code;

4) That I have this day carefully examined the records of the Board pertaining to Loren R. Baumgartner, M.D.;

5) That based on such examination, I have found the last known address of record as of April 25, 1991 of Loren R. Baumgartner, M.D. to be:

217 Palmetto
Auburndale, FL 33823

6) Further, Affiant Sayeth Naught.

Debra L. Jones

DEBRA L. JONES
CHIEF, CONTINUING MEDICAL EDUCATION, RECORDS, AND RENEWAL

Sworn to and and signed before me Mary R. Roberts, Notary Public, this 20 day of September, 19 91.

(SEAL)

MARY R. ROBERTS
NOTARY PUBLIC, STATE OF OHIO
My Commission Expires July 12, 1992

STATE MEDICAL BOARD OF OHIO
77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

April 10, 1991

Loren R. Baumgartner, M.D.
217 Palmetto
Auburndale, FL 33823

Dear Doctor Baumgartner:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

(1) On or about November 14, 1990, you were found guilty of seven (7) felony counts of Distribution of Schedule II, III, and IV Controlled Substances outside of and/or without medical purpose, in the United States District Court, Middle District of Florida.

Such acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "a plea of guilty to, or a judicial finding of guilt of, a felony," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

Further, such acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "a plea of guilty to, or a judicial finding of guilt of, a violation of any federal or state law regulating the possession, distribution, or use of any drug," as that clause is used in Section 4731.22(B)(3), Ohio Revised Code.

Further, such acts, conduct, and/or omissions underlying your conviction as alleged in paragraph (1) above, individually and/or collectively constitute "failure to use reasonable care discrimination in the administration of drugs," and "failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease," as those clauses are used in Section 4731.22(B)(2), Ohio Revised Code.

Mailed 4/11/91

April 10, 1991

Further, such acts, conduct, and/or omissions underlying your conviction as alleged in paragraph (1) above, individually and/or collectively constitute "selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes," as that clause is used in Section 4731.22(B)(3), Ohio Revised Code.

Further, such acts, conduct, and/or omissions underlying your conviction as alleged in paragraph (1) above, individually and/or collectively constitute "a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established," as that clause is used in Section 4731.22(B)(6), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,

Henry G. Cramblett MD

Henry G. Cramblett, M.D.
Secretary

HGC:jmb
Enclosures:

CERTIFIED MAIL #P 055 328 867
RETURN RECEIPT REQUESTED

STATE MEDICAL BOARD OF OHIO
77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

March 13, 1991

Loren Baumgartner, M.D.
217 Palmetto
Auburndale, FL 33823

Dear Doctor Baumgartner:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

(1) On or about October 10, 1989, the State of Florida Department of Professional Regulation filed an Administrative Complaint against you with the Board of Medicine, with respect to the care and treatment you rendered to one of your patients who suffered from diabetes and an infected right foot. (A copy of which is attached hereto and fully incorporated herein).

(2) Based upon the aforementioned complaint, on or about February 2, 1990, you entered into a Stipulation with the State of Florida Department of Professional Regulation, in which you admitted the allegations of fact contained in the Administrative Complaint and agreed to a Stipulated Disposition of the matter. Such disposition included the imposition of: an administrative fine of $5000.00 against you; a reprimand from the Board of Medicine; and two (2) years of probation upon your license to practice medicine, including terms and conditions thereunder. (A copy of which is attached hereto and fully incorporated herein).

(3) On or about April 7, 1990, the State of Florida Department of Professional Regulation Board of Medicine entered a Final Order in the matter of the consideration of the aforementioned Stipulation entered into between yourself and the State of Florida Department of Professional Regulation, amending the probationary terms of the agreement, but otherwise approving and adopting it in toto. (A copy of which is attached hereto and fully incorporated herein).

Mailed 3/14/91

Such acts, conduct, and/or omissions as alleged in paragraph (3) above, individually and/or collectively constitute "the limitation, revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that would also have been a violation of this chapter, except for nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: Section 4731.22(B)(6), Ohio Revised Code.

(4) On or about October 16, 1990, you completed an application for biennial renewal of your license to practice medicine and surgery in the State of Ohio for the 1991-1992 biennium. On that application you answered "No" to question number 2.) which asks "(a)t any time since signing your last application for renewal of your certificate have you had any disciplinary action taken or initiated against you by any state licensing board(?)" and to question number 3.) which asks "(a)t any time since signing your last application for renewal of your certificate have you surrendered, or consented to (a) limitation upon a license to practice medicine(?)".

(5) In fact, on or about October 20, 1989, the State of Florida Department of Professional Regulation filed an Administrative Complaint against you; on or about February 2, 1990, you entered into a Stipulation in which you agreed to limitations upon your license to practice medicine. Additionally, on or about April 7, 1990, the State of Florida Department of Professional Regulation Board of Medicine entered a Final Order in the matter of the aforementioned Stipulation, amending several of the probationary conditions, but otherwise adopting it in toto.

Such acts, conduct, and/or omissions as alleged in paragraphs (4) and (5) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, such acts, conduct, and/or omissions as alleged in paragraphs (4) and (5) above, individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

March 13, 1991

Further, such acts, conduct, and/or omissions as alleged in paragraphs (4) and (5) above, individually and/or collectively, constitute "(t)he obtaining of, or attempting to obtain money or anything of value by fraudulent misrepresentations in the course of practice," as that clause is used in Section 4731.22(B)(8), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,

Henry G. Cramblett, M.D.
Secretary

HGC:jmb
Enclosures:

CERTIFIED MAIL #P 055 328 554
RETURN RECEIPT REQUESTED

FILED
Department of Professional Regulation
AGENCY CLERK

DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

CLERK [signature]

DATE 4-11-90

DEPARTMENT OF PROFESSIONAL REGULATION,

Petitioner,

-vs-

LOREN R. BAUMGARTNER, M.D.,

Respondent.

DPR CASE NUMBER: 0099730
LICENSE NUMBER: ME 0014257

FINAL ORDER

THIS MATTER came before the Board of Medicine (Board) pursuant to Section 120.57(3), Florida Statutes, on April 6, 1990, in Tallahassee, Florida, for consideration of a Stipulation (attached hereto as Exhibit A) entered into between the parties in the above-styled case. Upon consideration of the Stipulation, the documents submitted in support thereof, the arguments of the parties, and being otherwise advised in the premises, the Board rejected the Stipulation proposed and offered an amendment at the hearing, which amendment was accepted without objection by the parties.

IT IS HEREBY ORDERED AND ADJUDGED that the Stipulation as submitted be and hereby is approved and adopted in toto and incorporated by reference herein with the following changes:

1. Respondent shall attend 25 hours during the first year of probation of Category I Continuing Medical Education courses, 20 hours in the area of management of diabetes and 5 hours in the area of risk management or recordkeeping. Respondent shall submit a written plan to the Probationer's Committee for approval

prior to completion of said courses. These hours shall be in addition to those hours required for renewal of licensure.

2. Pursuant to paragraph 4.d., the monitoring physician must be a general practitioner with ability to treat diabetes or a specialist in endocrinology or internal medicine.

3. The Board shall delegate to the Chairman of the Probationer's Committee the authority to temporarily approve a monitoring/supervising physician. However, such approval shall remain in effect only until the next meeting of the Probationer's Committee.

Accordingly, the parties shall adhere to and abide by the terms and conditions of the Stipulation as amended.

This Order takes effect upon filing with the Clerk of the Department of Professional Regulation.

DONE AND ORDERED this 7 day of April, 1990.

BOARD OF MEDICINE

MARGARET C.S. SKINNER, M.D.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by certified mail to Loren R. Baumgartner, M.D., 217 Palmetto Street, Auburndale, Florida 33823 and William Jerry Foster, Attorney at Law, 227 East Virginia Street, Tallahassee, Florida 32301, and by interoffice delivery to Andrea Bateman, Attorney at Law, Department of Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0792, at or before 5:00 P.M., this 11 day of April 1990.

Orders/BaumgartnerL

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL REGULATION,

Petitioner,

vs.

DOAH CASE NO. 89-6956
DPR CASE NO. 0099730

LAUREN R. BAUMGARTNER, M.D.,

Respondent.

STIPULATION

LAUREN R. BAUMGARTNER, referred to as Respondent, and the Department of Professional Regulation, referred to as Department, stipulate and agree to the following joint Stipulation and Final Order of the Board of Medicine, referred to as Board, incorporating this Stipulation and agreement in this case.

STIPULATED FACTS

1. At all times material to this matter, Respondent was a licensed physician in the State of Florida having been issued license number ME 0014257.

2. Respondent was charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapter 458, Florida Statutes, and the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaint is attached and incorporated by reference as Exhibit A.

3. Respondent admits the allegations of fact contained in the Administrative Complaint attached as Exhibit A.

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in his capacity as a licensed physician, admits that in such capacity he is subject to the provisions of Chapters 455 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts set forth in the Administrative Complaint, attached hereto as Exhibit "A", if proven, constitute violations of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate Chapters 455, 458 and 893, Florida Statutes, or the rules promulgated pursuant thereto.

2. The Board shall impose an administrative fine in the amount of $5,000 against the Respondent. The fine shall be paid by the Respondent to the Executive Director of the Board within one hundred and eighty days of its imposition by Final Order of the Board.

3. The Respondent shall receive a reprimand from the Board of Medicine.

4. Effective on the date of the filing of the Final Order incorporating the terms of this Stipulation, Respondent's license to practice medicine shall be placed on probation for a period of two (2) years. The terms and conditions of probation shall include:

a. Respondent shall comply with all state and federal statutes, rules and regulations pertaining to the

practice of medicine, including Chapters 455, 458, and 893, Florida Statutes, and Rule 21M, Florida Administrative Code.

b. Respondent shall appear before the Board or its designated probationer's committee at the first meeting after said probation commences, at the last meeting of the Board or its designated probationer's committee preceding termination of the probation, quarterly and at such other times as requested by the Board or its probationer's committee. Failure of Respondent to appear as requested or directed shall be considered a violation of the terms of this Stipulation, and shall subject the Respondent to disciplinary action.

c. In the event the Respondent leaves the State of Florida for a period of thirty days or more or otherwise does not engage in the active practice of medicine in the State of Florida, then certain provisions of Respondent's probation (and only those provisions of said probation) shall be tolled as enumerated below and shall remain in a tolled status until Respondent returns to active practice in the State of Florida. Respondent must keep current residence and business addresses on file with the Board. Respondent shall notify the Board within ten (10) days of any changes of said addresses. Furthermore, Respondent shall notify the Board within ten (10) days in the event that Respondent leaves the active practice of medicine in Florida.

d. Respondent shall not practice except under the indirect supervision of a physician fully licensed under Chapter 458, Florida Statutes, approved by the Board of its

Probationer's Committee. Respondent shall have the monitoring physician with him at his first probation appearance before the Board's Probationer's Committee. Prior to approval of the monitoring physician by the committee, the Respondent shall provide to the monitoring physician a copy of the Administrative Complaint and Final Order filed in this case. A failure of the Respondent or the monitoring physician to appear at the scheduled probation committee meeting shall constitute a violation of the Board's Final Order. Prior to the approval of the monitoring physician by the committee, Respondent shall submit to the committee a current curriculum vitae and description of the current practice from the proposed monitoring physician. Said materials shall be received in the Board office no later than fourteen days before Respondent's first scheduled probation appearance. The attached provisions regarding monitoring physicians are incorporated herein as part of the terms and conditions of this Stipulation. The responsibilities of the monitoring physician shall include:

i. Respondent's monitoring physician shall appear before the probationer's committee at the first meeting of said committee following commencement of the probation, and at such other times as directed by the committee. It shall be Respondent's responsibility to ensure the appearance of his monitoring physician as requested or directed. Failure of the monitoring physician to appear as requested or directed shall constitute a violation of the

terms of this Stipulation and shall subject the physician to disciplinary action.

ii. Respondent's monitoring physician shall submit reports on a quarterly basis, in affidavit form, which shall include:

a. Brief statement of why physician is on probation.

b. Description of probationer's practice.

c. Brief statement of probationer's compliance with terms of probation.

d. Brief description of probationer's relationship with monitoring physician.

e. Detail any problems which may have arisen with probationer.

Respondent shall be responsible for ensuring that the monitoring physician submits the required reports.

iii. Be available for consultation with Respondent whenever necessary, at a frequency of at least once per week.

iv. Review 25% percent of Respondent's patient records on a random basis at least once every month, for the purpose of ascertaining appropriateness of diagnosis, treatment and prompt completion of medical records.

v. Review all of Respondent's patient records for patients treated for/with diabetes.

vi. Consult with Respondent on all cases involving diabetes. For the purposes of this Stipulation, the scope of consultation shall be as follows:

As the proper course of treatment

vii. Report to the Board any violations by the probationer of Chapters 455 and 458, Florida Statutes, and the rules promulgated pursuant thereto.

iv. Maintain contact with Respondent on a frequency of at least once per week. In the event that the monitor is not contacted by Respondent on a frequency of at least once per week, then the monitoring physician shall immediately report this fact to the Board, in writing.

e. In the event that the Respondent's monitoring physician is unable or unwilling to fulfill his responsibilities as a monitoring physician, as specified above, then the Respondent shall immediately advise the Board of this fact. Respondent shall further submit to the Chairman for the Board's Probationer's Committee the name of a temporary monitoring physician for approval. Prior to the approval of the monitoring physician by the committee, Respondent shall submit to the committee a current curriculum vitae and a description of the current practice from the proposed monitoring physician. Said materials shall be received in the Board office no later than fourteen days before Respondent's first scheduled probation appearance. The Respondent shall not practice pending approval of this temporary monitoring physician by the Chairman of the Probationer's Committee. Furthermore, Respondent shall make arrangements with his temporary monitoring physician to appear before the Probationer's Committee at its next regularly

scheduled meeting, for approval of the monitoring physician by the Committee. Failure to appear by the monitoring physician as directed shall constitute a violation of the Board's Final Order. Respondent shall only practice under the auspices of the temporary monitoring physician (approved by the Chairman) until the next regularly scheduled meeting of the Probationer's Committee whereat the issue of the Committee's approval of the Respondent's new monitoring physician shall be addressed.

f. Respondent understands that during the course of the probation, quarterly reports shall be prepared by investigators with the Department detailing Respondent's compliance with the terms and conditions of this probation. Respondent waives confidentiality of these reports as to the Department only so that the Board may review these reports.

g. Respondent shall comply with all of the terms and conditions of the Stipulation.

h. Respondent shall pay all costs necessary to comply with the terms of the Final Order issued based on this Stipulation. Such costs include, but are not limited to, the cost of preparation of investigative reports detailing compliance with the terms of this Stipulation.

i. Respondent shall appear before the Board at the meeting of the Board where this Stipulation is considered. Respondent, in conjunction with the consideration of this Stipulation by the Board, shall respond to questions under oath from the Board, Board Staff or Department Staff.

j. Should this Stipulation be rejected, no statement made in furtherance of this Stipulation, by the Respondent may be used as direct evidence against the Respondent in any proceeding; however, such statements may be used by the Petitioner for impeachment only.

k. Respondent and the Department fully understand that this joint Stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or the Department against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit "A" herein.

l. Upon the Board's adoption of this Stipulation, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the joint Stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the Board incorporating said Stipulation.

m. Upon the Board's adoption of this Stipulation, the parties hereby agree that each party will bear his own attorney's fees and costs resulting from prosecution and/or defense of this proceeding. Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this disciplinary proceeding.

n. This Stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes

the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Stipulation. Furthermore, should this joint Stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this Stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

SIGNED this 2 day of February, 1990.

Lauren R. Baumgartner, M.D.

LOREN R. BAUMGARTNER, M.D.

Sworn to and subscribed before me this 2 day of February, 1990.

NOTARY PUBLIC

My Commission Expires: 12/17/90

APPROVED this 12th day of February, 1990.

Larry Gonzalez
Secretary

By: Stephanie A. Daniel
Chief Attorney
Medical Section

1754

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL REGULATION,

Petitioner,

CASE NO. 0099730

v.

LAUREN R. BAUMGARTNER, M.D.,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner", and files this Administrative Complaint before the Board of Medicine against Lauren R. Baumgartner, M.D., hereinafter referred to as "Respondent", and alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.30, Florida Statutes, Chapter 455, Florida Statutes, and Chapter 458, Florida Statutes.

2. Respondent is and has been at all times material hereto a licensed physician in the State of Florida, having been issued license number ME 0014257. Respondent's last known address is 217 Palmetto Street, Auburndale, Florida 33823.

3. Between on or about March 25, 1985, and on or about April 29, 1988, Respondent was the treating physician for Patient E.M. During that time period, Patient E.M. suffered from diabetes and an infected right foot, among other conditions not relevant to this complaint.

4. During the above-mentioned time period, Respondent actually saw Patient E.M. on March 27, 1985, April 16, 1985, June 25, 1985, July 16, 1985, August 12, 1985, August 31, 1987, April 15, 1988, April 20, 1988, April 22, 1988, and April 29, 1988. The problem of an infected right foot first surfaced on or about April 15, 1988.

5. Respondent performed tests for glucose levels in Patient E.M. on the following dates, with the following results:

Date	Type of Test	Results
March 27, 1985	Glucose levels	400+ (abnormal)
April 17, 1985	Glucose levels	400+++++ (abnormal)
April 18, 1985	Serum glucose	675 (abnormal)
June 25, 1985	Serum glucose	550 (abnormal)
June 25, 1985	Glucose levels	400+++ (abnormal)
July 16, 1985	Glucose levels	300 (abnormal)
April 15, 1988	Urinalysis	++++
April 15, 1988	Glucose levels	460 (abnormal)

6. Respondent's patient records for E.M. reflect almost no record of physical examination of the patient during the relevant time periods of treatment. The records contain no documentation of a patient history and contain no documentation of pulses for the patient. Despite the existence of abnormal glucose levels which revealed uncontrolled diabetes, Respondent's medical records for Patient E.M. do not reflect documentation of additional or adequate glucose testing.

7. On or about April 15, 1988, when the patient first arrived at Respondent's office complaining of an infected right foot, a notation was made of multiple blisters secondary to hot water. On that date, Respondent prescribed hospitalization and insulin. The latter was prescribed in response to the elevated

glucose level of 460 and 4+ sugar in the urine. On that date, the patient was apparently on Tolinace.

8. Respondent's medical records for Patient E.M. for April 15, 1988, are inadequate in that they do not contain documentation of the patient's temperature. The records contain inadequate documentation of the physical examination and inadequate documentation of the patient history, as it related to the infected right foot. The records further do not reflect the amount of Tolinace which the patient was taking at the time of the office visit and do not document whether or not Respondent prescribed further Tolinace for the patient.

9. A return visit for Patient E.M. was scheduled for April 20, 1988. On that date, Patient E.M. did not show up for evaluation and treatment.

10. On or about April 22, 1988, Respondent again saw Patient E.M. On that date, Respondent noted that the patient refused to be hospitalized. Respondent further noted that some of the blisters on the patient's right foot showed some improvement. On or about April 22, 1988, Respondent performed or ordered no glucose testing on Patient E.M.

Count One

11. Petitioner realleges paragraphs one (1) through ten (10) above as if fully set forth herein this Count One.

12. Respondent, in the care of Patient E.M., failed to practice medicine with that level of care, skill and treatment which a reasonably prudent similar physician recognizes as

acceptable under similar conditions and circumstances, in one, some or all of the following respects:

a. Respondent failed to maintain adequate records to document the evaluation and treatment of Patient E.M. The records contain no documentation of an appropriate patient history or physical examination. The records contain no documentation of the medicine which E.M. was taking during the relevant time periods. The records contain inadequate documentation of Respondent's evaluation of the test results.

b. Respondent failed to perform adequate testing to appropriately evaluate Patient E.M.'s condition. Specifically, the laboratory testing was both inadequate and not performed as frequently as warranted by the Patient's condition. Appropriate x-ray studies were not performed.

c. Respondent appears to have failed to recognize the severity of the patient's condition.

13. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes, by failing to practice medicine with that level of care, skill and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the provisions of Section 766.102 when enforcing this paragraph.

Count Two

14. Petitioner realleges paragraphs one (1) through ten (10) above as if fully set forth herein this Count Two.

15. Respondent failed to maintain adequate medical records to justify his course of treatment of Patient E.M.

16. 18. Based on the foregoing, Respondent violated Section 458.331(1)(m), Florida Statutes, by failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results and test results.

WHEREFORE, Petitioner respectfully requests the Board of Medicine enter an Order imposing one or more of the following penalties: revocation or suspension of the Respondent's license to practice medicine, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 20th day of October, 1989.

Larry Gonzalez, Secretary

By: Stephanie A. Daniel
Chief Attorney
Medical Section

FILED
Department of Professional Regulation
AGENCY CLERK

CLERK

DATE October 20, 1989