

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
ELIZABETH J. LEMKE, R.Ph., : FINAL DECISION AND ORDER
RESPONDENT. : LS0512212PHM

Division of Enforcement Case # 04 PHM 068

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Elizabeth J. Lemke
506 Cedar Street
Madison, WI 53715

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Pharmacy Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Pharmacy Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Elizabeth J. Lemke, R.Ph., (DOB 7/14/1979) is duly licensed as a pharmacist in the State of Wisconsin (license # 40 13873). This license was first granted on June 23, 2003.
2. Respondent's most recent address on file with the Wisconsin Pharmacy Examining Board is 506 Cedar Street, Madison, Wisconsin.
3. At all times relevant to this action, Respondent was working as the managing pharmacist at Bergmann's Pharmacy in Madison, Wisconsin.
4. Respondent began working for Bergmann's Pharmacy in June, 2003. Soon after she started, the owner of Bergmann's Pharmacy discovered that Respondent had been taking home Bergmann Pharmacy inventory sheets and adjusting inventories at home, with the stated reasons of attempting to improve the inventory process at the store.

5. At some point in 2004, the owner of Bergmann's Pharmacy discovered an e-mail exchange between Lemke and her sister, discussing concerns of the family over the fact that one of the family members had found a bottle of Adderall in Lemke's belongings.

6. In the summer of 2004, the owner of Bergmann's Pharmacy noticed what she termed a "drastic" change in Respondent's behavior. Respondent had begun talking continuously, but not staying on any subject for any amount of time. She was sweating profusely, and was unable to sit still. Respondent explains her behavior by claiming that she had recently discontinued the use of birth control pills and was having a hormone imbalance.

7. Respondent took a week off. When she returned, her behavior was still unusual. A pharmacy technician found Respondent in the pharmacy at 12:30 a.m. She was barefoot and had difficulty with balance. Her family was present in the pharmacy. The pharmacy technician was told they were "cleaning up."

8. Respondent took an additional four weeks off. She returned to work on August 11, 2004.

9. During the week of July 31, 2004 to August 7, 2004, someone found a glass mortar and pestle in the gift shop of the pharmacy with green pills in it that were crushed up. The pills were identified as 80 mg. Oxycodone ER. Respondent points out that she had not been in the store for several weeks when the pills were found.

10. On August 9, 2004, a pharmacy technician found twelve 80 mg. Oxycodone ER pills lying loose under a computer.

11. On August 11, 2004, an intern found two loose Adderall XR 25 mg. pills.

12. Respondent returned to work on August 11, 2004 and spent considerable time alone that night in the pharmacy after closing.

13. On August 12, 2004, the owner of Bergmann's Pharmacy found a bag in the back room on a register. The bag contained several items including binder clips, pens, laundry detergent and a dog toy, as well as several old prescriptions and 78 Oxycodone 5 mg. pills. A pharmacy technician recognized the dog toy as one that Respondent had told her she was going to buy for her mother's dog.

14. On August 12, 2004, the owner of Bergmann's Pharmacy noticed that some drugs were missing. She took an inventory of Schedule II controlled substances that day and compared it to an inventory taken on August 9, 2004. She noted that there were four missing Adderall XR 20 mg. tablets, 200 missing 2 mg. amphetamine salt tablets, 9 missing Methylin 20 mg. tablets, 160 missing 20 mg. Oxycontin tablets, 340 missing 5 mg. Oxycodone tablets and 106 missing 80 mg. Oxycodone ER tablets.

15. On August 13, 2004, a police officer confronted Respondent. Respondent agreed to have her belongings and her residence searched. The officer found two bottles of prescription drugs in Respondent's handbag (Zoloft and Minocycline). Respondent stated that pharmacy customers had given them to her for disposal. While the police officer was busy searching Respondent's possessions, the owner of Bergmann's Pharmacy saw Respondent go behind a wall in the pharmacy where office supplies are stored. Thereafter, she found a number of amphetamine salt tablets in the area.

16. During the search of Respondent's residence officers found a bottle of strychnine sulfate and one small blue and yellow pill that matched the Minocycline in Respondent's handbag. Respondent stated that she had taken the strychnine from the pharmacy and was planning to dispose of it. No controlled substances were found in her residence or car.

17. Respondent denied taking any pills or other items from the pharmacy. However, she also stated, "There's good rehab for pharmacists out there. I know about it. I've heard about it."

18. Respondent was asked to submit a blood sample for a drug test. She agreed. When asked if it would show any controlled substances, Respondent stated that it might show amphetamines, because she had been taking some cough

medicine that contained amphetamines. She then added that the medicine was very old (recent cold medicines do not contain amphetamines). She then added that there might be ephedrine in her blood, and suggested that ephedrine might give a false positive for amphetamine.

19. On the way to the hospital for the blood draw, an officer asked Respondent if there would be any “oxy” in her blood. She said that there would. She then said that on August 7, 2004, she and her husband had purchased a 40 mg. pill of Oxycontin at a bar and the two of them split the pill in half and snorted it.

20. The blood draw showed both amphetamine and Oxycodone in Respondent’s blood. The level for Oxycodone was 28 micrograms per liter, which is in the therapeutic range and inconsistent with the consumption of half of a pill (20 mg.) consumed a week prior. The level for amphetamine was 830 micrograms per liter, which is more than eight times higher than the therapeutic level of 31 to 110 micrograms per liter.

21. Respondent stated that her co-workers must have put these drugs into her soda. She was in the habit of bringing a large Coca-Cloa from McDonald’s to work with her in the morning and leaving it sit behind the counter where it could be accessed by anyone.

22. On August 26, 2004, the owner of Bergmann’s Pharmacy submitted a complete inventory of medications since the most recent complete inventory in 2001. Nearly \$20,000 of medications was missing. The most common missing medications were amphetamine salt 20 mg. tablets (2,933 missing) and 5 mg. Oxycodone tablets (8,080 missing)

23. On December 27, 2004, the owner of Bergmann’s Pharmacy reported that she had discovered suspicious prescriptions for Respondent’s grandmother. Respondent’s grandmother was terminally ill and was being prescribed Oxycodone as a pain reliever. Respondent had been bringing in her grandmother’s prescriptions for Oxycodone, filling them, and taking the medication to her grandmother. However, upon checking with the physician, it was discovered that the seven prescriptions were forgeries and/or had been altered, in many cases by putting a number one in front of the actual quantity (for example, changing 60 to 160). Respondent denies altering the prescriptions. However, handwriting exemplars showed that there was a “strong likelihood” that Respondent altered these prescriptions.

24. On January 17, 2006, Respondent pled guilty/no contest to one count of Possession of Narcotic Drugs, a felony, and three counts of Obtaining Prescription Drugs with Fraud, a misdemeanor. She was sentenced to four years of probation, with various conditions including 60 days of jail time with work release.

25. Between August 13, 2004 to March 8, 2005, and mid-June, 2005 to October 17, 2005, Respondent was not employed as a pharmacist. Respondent affirmatively pledges that she will not be employed as a pharmacist from March 1, 2006 to April 12, 2006.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. §450.10, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 4-24 above constitutes a violation of Wisconsin Administrative Code §§ Phar 10.03(1), Phar 10.03(5), and Wis. Stat. §§ 450.10(1)(a)2, 450.10(1)(a)3 and 450.10(1)(b)1.

ORDER

IT IS ORDERED that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, effective the date of this Order:

SUSPENSION

A.1. The license of Elizabeth J. Lemke, R.Ph., to practice as a pharmacist in the State of Wisconsin is SUSPENDED for an indefinite period.

A.2 Respondent shall mail or physically deliver all indicia of licensure to the Department Monitor within 14 days of the

effective date of this Order.

- A.3. Upon a showing by Respondent of continuous, successful compliance for a period of at least five (5) years with the terms of this Order, including at least 600 hours of active pharmacist practice for every year the suspension is stayed, the Board may grant a petition by the Respondent under paragraph D.4. for return of full licensure. At the Board's discretion, the 5-year period may be started anew for every substantial or repeated violation of any provision of Sections C or D of this Order.
- A.4. The Board may, on its own motion or at the request of the Department Monitor, grant full licensure at any time.

STAY OF SUSPENSION

- B.1. The suspension shall not be stayed before March 1, 2007. After March 1, 2007, the suspension may be stayed upon Respondent providing proof, which is determined by the Board or its designee to be sufficient, that Respondent has been in compliance with the provisions of Sections C and D of this Order for the most recent three (3) consecutive months, and that Respondent's Treater is of the opinion that Respondent is able to safely practice as a pharmacist under the restrictions of this Order.
- B.2. The Board or its designee may, without hearing, remove the stay upon receipt of information that Respondent is in substantial or repeated violation of any provision of Sections C or D of this Order. Repeated violation is defined as the multiple violation of the same provision or violation of more than one provision. The Board may, in conjunction with any removal of any stay, prohibit the Respondent for a specified period of time from seeking a reinstatement of the stay under paragraph B.4.
- B.3. This suspension becomes reinstated immediately upon notice of the removal of the stay being provided to Respondent either by:
- (a) Mailing to Respondent's last-known address provided to the Department of Regulation and Licensing pursuant to Wis. Stat. § 440.11; or
 - (b) Actual notice to Respondent or Respondent's attorney.
- B.4. The Board or its designee may reinstate the stay, if provided with sufficient information that Respondent is in compliance with the Order and that it is appropriate for the stay to be reinstated. Whether to reinstate the stay shall be wholly in the discretion of the Board or its designee.
- B.5. If Respondent requests a hearing on the removal of the stay, a hearing shall be held using the procedures set forth in Wis. Admin. Code ch. RL 2. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within 60 days of receipt of Respondent's request, unless waived by Respondent. Requesting a hearing does not stay the suspension during the pendency of the hearing process.

CONDITIONS AND LIMITATIONS

Treatment Required

- C.1. Respondent shall enter into, and shall continue, in a drug and alcohol treatment with a Treater acceptable to the Board or its designee. Respondent shall participate in, cooperate with, and follow all treatment recommended by Treater.
- C.2. Respondent shall immediately provide Treater with a copy of this Final Decision and Order and all other subsequent orders.
- C.3. Treater shall be responsible for coordinating Respondent's rehabilitation, drug monitoring and treatment program as required under the terms of this Order, and shall immediately report any relapse, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor (See D.1., below). If Treater is unable or unwilling to serve as Treater, Respondent shall immediately seek approval of a successor Treater by the Board or its designee.
- C.4. The rehabilitation program shall include individual and/or group therapy sessions at a frequency to be determined by Treater, but not less than once weekly for the first year of the stayed suspension. Therapy may end only upon a determination by the Board or its designee after receiving a petition for modification as required by D.4., below.
- C.5. Treater shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's progress in the drug and alcohol treatment program. Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.

Releases

C.6. Respondent shall provide and keep on file with Treater, all treatment facilities and personnel, laboratories and collections sites current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department of Regulation and Licensing, Division of Enforcement to: (a) obtain all urine, blood and hair specimen screen results and patient health care and treatment records and reports, and (b) discuss the progress of Respondent's treatment and rehabilitation. Copies of these releases shall immediately be filed with the Department Monitor.

AA/NA Meetings

C.7. Respondent shall attend Narcotics Anonymous and/or Alcoholic Anonymous meetings or an equivalent program for recovering professionals, at the frequency recommended by Treater, but not less than one meeting per week. Attendance of Respondent at such meetings shall be verified and reported monthly to Treater and the Department Monitor.

Sobriety

C.8. Respondent shall abstain from all personal use of alcohol.

C.9. Respondent shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Respondent shall disclose Respondent's drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Respondent shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Respondent's treatment with, and provide copies of treatment records to, Treater and the Board or its designee.

C.10. Respondent shall abstain from all use of over-the-counter medications or other substances which may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent's treatment and rehabilitation.

C.11. Within 24 hours of ingestion or administration, Respondent shall report to Treater and the Department Monitor all medications and drugs, over-the-counter or prescription, taken by Respondent, shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs, and shall provide the Department Monitor with a copy of the prescription. If Respondent has not provided a release as required by C.9 above, within 24 hours of a request by Treater or the Board or its designee, Respondent shall provide releases in compliance with state and federal laws. The releases shall authorize the person who prescribed, dispensed, administered or ordered the medication to discuss Respondent's treatment with, and provide copies of treatment records to, the requester.

Drug and Alcohol Screens

C.12. Respondent shall enroll and begin participation in a drug and alcohol monitoring program which is approved by the Department pursuant to Wis. Adm. Code § RL 7.11 ("Approved Program"). A list of Approved Programs is available from the Department Monitor.

C.13. At the time Respondent enrolls in the Approved Program, Respondent shall review all of the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program – including any positive test for any controlled substance or alcohol - is a substantial violation of this Order. The requirements shall include:

- (a.) Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
- (b.) Production of a urine specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.

C.14. The Approved Program shall require the testing of urine specimens at a frequency of not less than 96 times per year, for the first year of this Order. After the first year, the frequency may be reduced only upon a determination by the Board or its designee after receiving a petition for modification as required by D.4., below.

C.15. If any urine, blood or hair specimen is positive or suspected positive for any controlled substances or alcohol, Respondent shall promptly submit to additional tests or examinations as the Treater or the Board or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.

C.16. In addition to any requirement of the Approved Program, the Board or its designee may require Respondent to do any or all of the following: (a) submit additional urine specimens, (b) submit blood, hair or breath specimens, (c) furnish any specimen in a directly witnessed manner.

C.17. All confirmed positive test results shall be presumed to be valid. Respondent must prove by a preponderance of the evidence an error in collection, testing or other fault in the chain of custody.

C.18. The Approved Program shall submit information and reports to the Department Monitor in compliance with the requirements of Wis. Adm. Code § RL 7.11.

Practice Limitations

C.19. Respondent shall not practice as a pharmacist in any capacity unless Respondent is in full compliance with the rehabilitation and treatment programs as specified and approved under this Order. Respondent shall not practice as a pharmacist in any capacity other than in the presence of another pharmacist without approval of the Board.

C.20. Respondent shall not be employed as or work in the capacity of a "managing pharmacist" as defined in Wis. Admin. Code § Phar 1.02(6) without approval of the Board.

C.21. Respondent shall not be employed as or work in the capacity of a "pharmacy technician" as defined in Wis. Admin. Code § Phar 7.015(1) without approval of the Board.

C.22. Respondent shall not be employed as or work in the capacity of a "pharmacist in charge" as defined in Wis. Admin. Code § Phar 1.02(9) while under the terms of this Order, except as otherwise allowed herein. Respondent may petition the Board for modification of this prohibition against practice as a pharmacist in charge pursuant to the terms of paragraph D.4. In addition to complying with the conditions of paragraph D.4., any such petition shall be accompanied by written request of the managing pharmacist, which shall include a complete work schedule of all pharmacists employed in the pharmacy indicating the proposed work schedule and supervision pattern for Respondent. The Board in its discretion may at any time modify any of the terms regarding practice by Respondent as a pharmacist in charge, including removal of authorization under this Order of Respondent to practice as a pharmacist in charge, as the Board deems appropriate in the circumstances. Grounds for modification or removal of the authorization to practice as a pharmacist in charge may include, but shall not be limited to, change in employer, managing pharmacist or residence address of the Respondent.

C.23. Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to supervisory personnel (including the managing pharmacist) at all pharmacies where Respondent is engaged in the practice of pharmacy as defined at Wis. Stat. § 450.01(16). The Board or the Department in its discretion may conduct unannounced inspections and/or audits, and make copies, of pharmacy records and inventory where Respondent is employed as a pharmacist. EMPLOYERS WHO ARE DEA REGISTRANTS ARE INFORMED THAT IF RESPONDENT HAS BEEN CONVICTED OF ANY FELONY RELATING TO CONTROLLED SUBSTANCES, THE EMPLOYER MUST RECEIVE A WAIVER OF 21 CFR §1301.76 UNDER 21 CFR §1307.03 BEFORE EMPLOYING RESPONDENT.

C.24. It is Respondent's responsibility to arrange for written reports from supervisors to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance, and shall include the number of hours of active pharmacist practice worked during that quarter.

C.25. Respondent shall obtain agreement from his managing pharmacist to monitor Respondent's access to and accountability for handling of controlled substances and other abuseable prescription drugs in order to reasonably detect loss, diversion, tampering, or discrepancy relating to controlled substances and other abuseable prescription drugs. Respondent's supervisor shall include in the quarterly reports a description of Respondent's access to controlled substances and other abuseable drugs and the monitoring thereof. Any loss, diversion, tampering, or discrepancy shall be immediately reported to the Board.

C.26. In addition to the foregoing subparagraph, Respondent shall obtain from his supervising pharmacist agreement to conduct a full and exact (not estimated) count of all controlled substances in inventory immediately, and accountability audits of all controlled substances every six months for the duration of this Order. The audit shall be conducted by and certified by a licensed pharmacist other than Respondent, who shall be approved by the Board. A summary of all audits required under this subparagraph shall be included in the quarterly report following the audit, however, any discrepancy or missing drugs indicated by the audits shall be immediately reported in writing to the Board.

C.27. Respondent shall arrange for agreement by his managing pharmacist to immediately report to the Board and to the Treater any conduct or condition of Respondent that may constitute a violation of this Order or a danger to the public.

C.28. Respondent shall not own in whole or in part any interest in a pharmacy during the period of time this Order remains in effect.

C.29. Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

MISCELLANEOUS

Department Monitor

D.1. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or

delivered to:

Department Monitor
Wisconsin Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264
Telephone: (608) 267-3817
department.monitor@drl.state.wi.us

Required Reporting by Respondent

- D.2. Respondent is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Respondent shall promptly notify the Department Monitor of any failures of the Treater, treatment facility, Approved Program or collection sites to conform to the terms and conditions of this Order. Respondent shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this Order by Respondent. Additionally, every three (3) months the Respondent shall notify the Department Monitor of the Respondent's compliance with the terms and conditions of the Order, and shall provide the Department Monitor with a current address and home telephone number.

Change of Treater or Approved Program by Board

- D.3. If the Board or its designee determines the Treater or Approved Program has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Board or its designee may direct that Respondent continue treatment and rehabilitation under the direction of another Treater or Approved Program.

Petitions for Modification of Limitations or Termination of Order

- D.4. Respondent may petition the Board for modification of the terms of this Order or termination, however no such petition for modification shall occur earlier than one year from the date of this Order, no such petition shall be made any earlier than three months from the date the Board has acted on the last such petition, and no such petition for termination shall occur other than in compliance with paragraph A.3. Any such petition for modification shall be accompanied by a written recommendation from Respondent's Treater expressly supporting the specific modifications sought. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Respondent shall not have a right to any further hearings or proceedings on the denial.

Costs of Compliance

- D.5. Respondent shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

Costs of Proceeding

- D.6. Respondent shall pay costs of One Thousand, Eight Hundred Dollars (\$1,800.00) to the Department of Regulation and Licensing, within ninety (90) days of this Order. In the event Respondent fails to timely submit any payment of costs, the Respondent's license (# 40 13873) SHALL REMAIN SUSPENDED, without further notice or hearing, and without the potential for a stay, until Respondent has complied with the terms of this Order.

Additional Discipline

- D.7. In addition to any other action authorized by this Order or law, violation of any term of this Order may be the basis for a separate disciplinary action pursuant to Wis. Stat. § 450.10.

Dated at Madison, Wisconsin this 12th day of April, 2006.

By: Michael Bettiga, A Member of the Board

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
ELIZABETH J. LEMKE, R.Ph., : STIPULATION
RESPONDENT. : LS# 0512212PHM

Division of Enforcement Case # 04 PHM 068

Respondent Elizabeth J. Lemke, R.Ph., personally and by her attorney Chalres Kenyon, and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending formal complaint against Respondent's licensure (OLS case # LS 0512212PHM, DOE Case # 04 PHM 068). Respondent consents to the resolution of this matter by stipulation.

2. Respondent understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has obtained the advice of legal counsel prior to signing this stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Pharmacy Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Pharmacy Examining Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's final decision and order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Elizabeth J. Lemke
506 Cedar St.
Madison, WI 53715

Date

Attorney Charles Kenyon
5555 Odana Road
Madison, WI 53719

Date

Jeanette Lytle, Attorney
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708

Date