

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF DISCIPLINARY :  
 PROCEEDINGS AGAINST :  
 : FINAL DECISION  
 DANIEL H. HARSCH, : AND ORDER  
 RESPONDENT. :

## ORDER

A party aggrieved by this decision may petition the board for rehearing within twenty (20) days after service of this decision pursuant to Wis. Stats. sec. 227.12. The party to be named as Respondent in the petition is Daniel H. Harsch.

Dated this 1st day of June, 1983.

MJB:1mp  
pc017-552

BEFORE THE STATE OF WISCONSIN  
PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :

DANIEL H. HARSCH, :  
RESPONDENT. :

STIPULATION  
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The parties in this matter agree and stipulate as follows:

1. That the Respondent waives his right to a public hearing in this matter.
2. That the Respondent and the Complainant urge the adoption by the Pharmacy Examining Board of the attached Proposed Decision.
3. That if the terms of the Proposed Decision are not acceptable to the Pharmacy Examining Board, then neither party shall be bound by any of the terms.

Michael J. Berndt  
Michael J. Berndt, Attorney for Complainant

3/7/83  
Date

Daniel H. Harsch  
Daniel H. Harsch, Respondent

3/28/83  
Date

D.J. Weis  
D.J. Weis, Attorney for Respondent

4/4/84  
Date

MJB:az  
3507

BEFORE THE STATE OF WISCONSIN  
PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	PROPOSED DECISION
DANIEL H. HARSCH,	:	
RESPONDENT.	:	

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FINDINGS OF FACT

1. That Daniel H. Harsch, hereinafter called the Respondent, was at all times relevant to this complaint duly licensed under the provisions of Chapter 450 of the Wisconsin Statutes to practice as a registered pharmacist in the State of Wisconsin.

2. That the Respondent's pharmacist license is #9173, issued on May 12, 1977.

3. That the Respondent's last reported address is 922 River Street, Iron Mountain, Michigan 49801.

4. That the Respondent was convicted of one felony violation of section 161.41(1)(a), Wisconsin Statutes, and one felony violation of section 161.41(1)(b), Wisconsin Statutes, upon pleas of guilty on June 2, 1982, in the Circuit Court for Oneida County, Judge Robert E. Kinney, presiding.

5. That the Information in said matter charged as follows:

- a. That on April 28, 1982, in the City of Rhinelander in Oneida County, the Respondent did feloniously and knowingly deliver Desoxyn, listed in Schedule II of the Uniform Controlled Substances Act, contrary to section 161.41(1)(a), Wisconsin Statutes; and
- b. That on or about one week prior to end of September, 1981, in the City of Marshfield in Wood County, the Respondent did feloniously and knowingly deliver Pethidine, listed in Schedule II of the Uniform Controlled Substances Act, contrary to section 161.41(1)(b), Wisconsin Statutes.

6. That following said convictions the Respondent was sentenced to the Wisconsin State Prison for a term of 18 months on each count, said terms to be concurrent. The executions of said sentences were stayed and the Respondent was placed on probation for two years on each count, said terms of probation being concurrent. The court imposed the following conditions of probation:

- a. The Respondent shall be incarcerated in the county jail during non-working hours for a period of 82 days (this equaled the credit for time already served).

b. The Respondent shall make payments as follows:

- i. Fine of \$500.00;
- ii. Penalty assessment of \$60.00;
- iii. Costs of \$20.00;
- iv. Restitution of \$500.00.

7. That attached as Exhibits A, B, and C are copies of the Amended Criminal Complaint, Information, and Judgment of Conviction, respectively.

8. That in mitigation of the above, the Respondent asserts that at the time of said violations the Respondent was suffering from a mental disease, manic depression, which substantially affected his judgment. Further, the Respondent asserts that at the time of said violations the Respondent was not taking a prescribed medication which aids in controlling the disease. Attached as Exhibit D is a copy of the Respondent's pre-sentence report concerning the above criminal convictions which provides information regarding the Respondent's background and medical history.

9. That the Respondent has not practiced as a pharmacist since May, 1982.

10. That a Proposed Order substantially identical to the Proposed Order set forth below is currently pending before the Michigan Pharmacy Examining Board.

#### CONCLUSIONS OF LAW

1. That the circumstances of said convictions substantially relate to the circumstances of the practice of pharmacy.

2. That by being convicted of the above crimes, the Respondent has violated Wisconsin Administrative Code section Phar 5.03(2) and section 450.02(7)(a), Wisconsin Statutes.

3. That the Pharmacy Examining Board has jurisdiction to take disciplinary action against the Respondent for the violations set forth in Conclusion of Law #2 pursuant to section 450.02(7)(a), Wisconsin Statutes.

#### ORDER

NOW, THEREFORE, IT IS ORDERED that the license to practice pharmacy of the Respondent, Daniel H. Harsch, shall be and hereby is suspended for a period of one year commencing fifteen days from the date of this Order.

IT IS FURTHER ORDERED that following the one year suspension the Respondent will not automatically receive his license but must apply for a two-year limited license which will be granted upon proof acceptable to the Pharmacy Examining Board that the Respondent is capable of practicing pharmacy safely and competently. It is further ordered that when a limited license is granted to the Respondent, said license shall be under the following terms and conditions:

1. On a quarterly basis the Respondent shall cause to be sent to the Pharmacy Examining Board a report from a medical doctor. Said report shall address the following:
  - a. Whether the Respondent is physically and mentally capable of safely and competently practicing pharmacy.
  - b. The dates of the Respondent's visits with the medical doctor and an evaluation of the Respondent's physical and mental condition on each date.
2. If said medical doctor finds at any time that the Respondent is unable to safely and competently practice pharmacy then an immediate report shall be forwarded to the Pharmacy Examining Board.

IT IS FURTHER ORDERED that following the two year <sup>indefinite</sup> suspension, the Respondent will not be granted full licensure until he has presented adequate proof to the Pharmacy Examining Board that he is physically and mentally capable of safely and competently practicing pharmacy.

MJB:lm  
707-587