

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE	:	
LICENSE OF	:	
	:	FINAL DECISION AND ORDER
KATHLEEN P. KOVATOVIC, R.Ph.,	:	ADOPTING STIPULATION
RESPONDENT.	:	

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Kathleen P. Kovatovic
4890 Stratford Dr.
Greendale, WI 53129

Pharmacy Examining Board
P.O. Box 8935
Madison, WI 53708-8935

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

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 Board. The Board has reviewed this Stipulation and considers it acceptable.

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

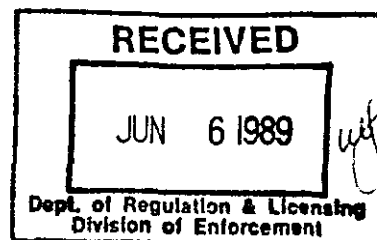
FINDINGS OF FACT

1. That Kathleen P. Kovatovic, Respondent herein, was at all times relevant to this proceeding duly licensed under the provisions of Chapter 450, Wis. Stats., to practice as a registered pharmacist in the State of Wisconsin.

2. That Kathleen P. Kovatovic holds a license as a pharmacist, number 10363, granted June 1, 1983.

3. That the Respondent's date of birth is December 27, 1949 and current address is 4890 Stratford Drive, Greendale, Wisconsin 53129.

4. That prior to March 3, 1987 Respondent on numerous occasions diverted for her personal use, from the pharmacy where she was employed as a pharmacist, and self-administered, controlled substances including Percodan, Percocet, and Tylox, all Schedule II controlled substances under sec. 161.16(2), Wis. Stats., and Tylenol with codeine #3, a Schedule III controlled substance under sec. 161.18(5), Wis. Stats., without authorization of a prescription from a practitioner.



5. On March 2, 1987, Respondent voluntarily entered DePaul Rehabilitation Hospital for in-patient treatment of chemical dependency, and was discharged after two and one-half weeks of in-patient treatment on March 20, 1987. Respondent was diagnosed with Opioid dependence syndrome. Thereupon, Respondent commenced the DePaul out-patient Impaired Professionals Program, which consisted of the following:

- a. From March 20, 1987 through May 26, 1987 day hospital program consisting of three counseling sessions per week,
- b. June 1987 through January 1988, Continuing Treatment Group meetings.
- c. March 20, 1987 through the present, weekly random witnessed urine screens, all of which have been negative for mood altering chemicals.
- d. Attendance at Narcotics Anonymous meetings on a regular basis.

6. All weekly witnessed random urine screens of Respondent are reported to have been negative for controlled substances. DePaul Rehabilitation Hospital staff, including Dr. Ned Rubin, director, Impaired Professional Program, Ms. Clara Gonia, in-patient counselor, Ms. Nancy Smith, out-patient counselor, and Dr. Robert G. Montgomery, M.D., Medical Director, Recovery Program for Professionals, have each uniformly reported to the Division of Enforcement that Respondent has very satisfactorily and successfully progressed in all aspects of her rehabilitation program through DePaul Rehabilitation Hospital. A copy of a report from DePaul Rehabilitation Hospital summarizing Respondent's progress in her rehabilitation program is attached hereto as Exhibit A.

7. Respondent has been employed as a pharmacist at the Milwaukee County Medical Complex since approximately June 1983, including the period of time during which Respondent developed and received treatment for chemical dependency. Ms. Nina Reinerio, R. Ph., pharmacy supervisor at Milwaukee County Medical Complex, and supervisor of Respondent, reported to the Division of Enforcement that Respondent consistently performed very well in her employment, "is one of our best employees", and was promoted based upon her performance in the Spring of 1988. Respondent currently works as a clinical consulting staff pharmacist in the bone marrow transplant unit at Milwaukee County Medical Complex. A copy of a report from Ms. Renario summarizing Respondent's employment performance is attached hereto as Exhibit B.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction over this matter and authority to take disciplinary action against the Respondent pursuant to Wis. Stats. sec. 450.10(1), and Wis. Adm. Code Ch. Phar 10.

2. The Wisconsin Pharmacy Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stats. sec. 227.44(5).

3. That Respondent's conduct described in paragraph 4 of the Findings of Fact violated sec. 161.41(2r)(a) and (3), Wis. Stats., and constitutes unprofessional conduct under sec. Phar 10.03(3), Wis. Adm. Code, and Respondent is therefore subject to discipline under sec. 450.10(1)(b)1., Wis. Stats.

4. That Respondent has practiced or attempted to practice pharmacy while her ability to competently perform the duties of a pharmacist were impaired by drug or alcohol abuse, in violation of Wis. Stats. sec. 450.10(1)(a)3. and Wis. Adm. Code sec. Phar 10.03(7).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

That the Stipulation of the parties, attached hereto, is accepted.

IT IS FURTHER ORDERED that effective upon issuance of this order, the pharmacist license of Kathleen P. Kovatovic, Respondent, shall be SUSPENDED for a period of not less than five (5) years. The Board in its discretion may restore Respondent's license to full, unlimited status only upon petition by Respondent after completion of the aforesaid suspension period, and a showing that Respondent has complied with all terms and conditions of this Order, and a demonstration that Respondent may practice pharmacy without condition or limitation.

1. The suspension shall be stayed for a period of three months, conditioned upon compliance with the conditions and limitations outlined in paragraph 2., below.

a. The Respondent may apply for consecutive three (3) month extensions of the stay of suspension, which shall be granted upon acceptable demonstration of compliance with the conditions and limitations imposed on the Respondent's practice during the prior three (3) month period.

b. The Board may without hearing deny an application for extension of the stay, or commence other appropriate action, upon receipt of information that Respondent has violated any of the terms or conditions of this Order. If the Board denies the petition by the Respondent for an extension, the Board shall afford an opportunity for hearing in accordance with the procedures set forth in Wis. Adm. Code Ch. RL 1 upon timely receipt of a request for hearing.

c. In consideration of Respondent's regime of and progress in treatment commenced on March 2, 1987, the Board may grant a petition by the Respondent for return of full licensure upon a showing by Respondent of successful compliance for a period of thirty-four (34) months with the terms of paragraph 2., below.

d. The applications for extension under 1.a. and all required reports under 2.a-c. shall be due on the following dates:

Each and every October 1, January 1, April 1, and July 1 that this order is in effect.

2. CONDITIONS OF STAY AND LIMITATIONS.

a. Respondent shall remain free of alcohol, prescription drugs and controlled substances not prescribed by a practitioner for legitimate medical purposes. Respondent shall have her physician report in writing to the supervising physician or therapist under paragraph 2.b.(1) all medications prescribed to the Respondent within 3 days of such prescribing.

b. Rehabilitation Program. Respondent shall continue in a rehabilitation program acceptable to the board for the treatment of chemical abuse and dependency. Such program shall consist of the following elements and requirements:

(1) Respondent shall continue in a rehabilitation program under the direction and supervision of a physician or therapist acceptable to the Pharmacy Examining Board. Respondent shall immediately provide a copy of this Order to her supervising physician or therapist.

(2) Respondent shall continue in quarterly evaluation with her supervising physician or therapist to review her progress in rehabilitation. Respondent shall comply with all the recommendations for continuing or additional treatment or therapy as recommended in the professional judgment of her supervising physician or therapist.

(3) Respondent shall attend Narcotics Anonymous and/or Alcoholic Anonymous meetings or an equivalent upon a frequency as recommended by the supervising physician or therapist, but not less than one meeting per week. Attendance of respondent at such meetings shall be verified and reported monthly to the supervising physician or therapist.

(4) Respondent's rehabilitation program shall include and Respondent shall participate in a program of random, witnessed collection of urine and/or blood specimens for monitoring for presence of controlled substances and alcohol in her blood and/or urine on a frequency of not less than 4 times per month for the duration of this Order.

If the physician or therapist supervising the Respondent's plan of care or Respondent's employer deems that additional blood or urine screens are warranted, Respondent shall submit to such additional screens as requested or recommended.

The Respondent shall be responsible for obtaining a monitoring facility and reporting system acceptable to the Board.

To be an acceptable program, the monitoring facility shall agree to provide random and witnessed gatherings of specimens for analysis for all controlled substances and alcohol. Any specimen that yields a positive result for any controlled substance or alcohol shall be immediately subjected to a gas chromatography-mass spectrometry(hereinafter, "GC-MS") test to confirm the initial positive screen results. The monitoring facility shall agree to immediately file a written report directly with the Pharmacy Examining Board, the supervising physician or therapist, and the Respondent's supervising pharmacist upon any of the following occurrences: if the Respondent fails to appear for collection of a specimen as requested; or if a drug or alcohol screen and confirmatory GC-MS test prove positive; or if the Respondent refuses to give a specimen for analysis upon a request authorized under the terms of this Order. Respondent shall arrange for quarterly reports from the monitoring facility directly to the Board and to Respondent's supervising physician or therapist providing the dates and results of specimen analyses performed. Such reports shall be due on dates specified in paragraph 1.d. above.

The monitoring facility shall further agree to keep a formal record of the chain of custody of all specimens collected and subjected to analysis. The facility shall further agree to preserve any specimens which yielded positive results for any controlled substance or alcohol, pending further written direction from the Board.

(5) Respondent shall arrange for quarterly reports from her supervising physician or therapist directly to the Board evaluating and reporting:

- (a) A summary of Respondent's progress in her rehabilitation program to date, and all recommendations for continuing rehabilitation treatment,

- (b) Respondent's attendance in NA/AA meetings,
- (c) Respondent's participation in and results of her random witnessed urine and/or blood screening program.

Such quarterly reports shall be due on the dates specified under paragraph 1.d. of this Order.

(6) Respondent shall arrange for agreement by her supervising physician or therapist to report immediately to the Board any conduct or condition of Respondent that may constitute a danger to the public in her practice of pharmacy, and any occurrence that constitutes a failure on the part of the Respondent to comply with the requirements of this Order or treatment recommendations by the supervising physician or therapist.

c. Practice of Pharmacy: Limitations and Conditions. Any practice of Pharmacy by Respondent during the pendency of this Order shall be subject to the following terms and conditions:

- (1) Respondent shall not practice as a pharmacist in any capacity unless she is in full compliance with the rehabilitation program as specified and approved under this Order.
- (2) Respondent shall not be employed as or work in the capacity of a "managing pharmacist" or "pharmacist in charge" as defined in secs. Phar 1.02(2) and (5), Wis. Adm. Code.
- (3) Respondent shall not be employed in the practice of pharmacy except under continuing supervision of another registered pharmacist, who is in good standing with and acceptable to the Board.
- (4) Respondent shall not place nor be responsible for the placing of any orders for the purchase of any controlled substances.
- (5) Respondent shall provide her employer and any prospective employers with a copy of this Stipulation and Final Decision and Order immediately upon issuance of this Order, and upon any change in employment.
- (6) Respondent shall arrange for her supervising pharmacist to provide directly to the Board quarterly written reports evaluating Respondent's work performance, which shall include reports or information required under subparagraph (7) and (8) hereunder. Such reports shall be due on the dates specified in paragraph 1.d. of this Order.

(7) Respondent shall obtain agreement from her supervising pharmacist to monitor Respondent's access to and accountability for handling of controlled substances in order to reasonably detect loss, diversion, tampering or discrepancy relating to controlled substances. Respondent's supervisor shall include in the quarterly reports a description of Respondent's access to controlled substances and the monitoring thereof. Any loss, diversion, tampering or discrepancy shall be immediately reported to the Board.

(8) In addition to the foregoing subparagraph (7), Respondent shall obtain from her supervising pharmacist agreement to conduct accountability audits of all schedule II 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.

(9) Respondent shall arrange for agreement by her supervising pharmacist to immediately report to the Board and to the supervising physician or therapist any conduct or condition of Respondent that may constitute a danger to the public.

d. Upon request of the Board, the Respondent shall provide the Board with current releases complying with state and federal laws, authorizing release of counseling, treatment and monitoring records, and employment records.

e. The Respondent shall report to the Board any change of employment status, residence address or phone number within five (5) days of any such change.

3. Respondent shall not own in whole or in part any interest in a pharmacy except upon prior approval of the Pharmacy Examining Board.

4. Following successful compliance with and fulfillment of the provisions of paragraph 2. of this Order for a period of one year, the Respondent may petition the Board, in conjunction with an application for extension of the stay of suspension, for modification of the conditions or limitations for stay of suspension. Any such petition shall be accompanied by a written recommendation of the Respondent's supervising physician or therapist expressly supporting the specific modifications sought. A denial of such a petition for modification shall not be deemed a denial of license under sec. 227.01(3), or 227.42, Wis. Stats., or Ch. RL 1, Wis. Adm. Code, and shall not be subject to any right to further hearing or appeal.

4. Respondent shall be responsible for all costs and expenses of complying with this Order and for arranging any alternative means for covering such costs and expenses.

5. The Board 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.

6. Violation of any of the terms of this Order or of any law substantially relating to the practice of pharmacy may result in a summary suspension of the Respondent's license; the denial of an extension of the stay of suspension; the imposition of additional conditions and limitations; or the imposition of other additional discipline.

7. This Order shall become effective immediately upon issuance by the Pharmacy Examining Board, except for provisions 2.a., which is effective the date of signing by Respondent.

PHARMACY EXAMINING BOARD

By: *W. R. Ashby*
A Member of the Board

6/13/89
Date

I, Kathleen P. Kovatovic, have read and understood all parts of this Order and attached Stipulation, and pursuant to the attached Stipulation, hereby consent to the entry of the foregoing Final Decision and Order by the Wisconsin Pharmacy Examining Board.

Dated this 2 day of June, 1989.

Kathleen P. Kovatovic RPh
Kathleen P. Kovatovic, Respondent

RTG:mkm
DOEATTY-650



de Paul
rehabilitation hospital

Edward T. Hida
president

April 5, 1989

Mr. Robert T. Ganch
Department of Regulation & Licensing
Division of Enforcement
P O BOX 8935
Madison WI 53708-8935

Dear Mr. Ganch:

Ref: Kathleen P. Kovatovic, R.Ph. (87 PHM 21)

Following is a summary of course of treatment for Ms. Kovatovic from date of admission through the present. Also enclosed are certified copies of treatment records from November 1987 to present.

Ms. Kovatovic was admitted to the primary inpatient treatment phase of the Recovery Program for Professionals (then known as the Impaired Professional Program), with a diagnosis of Drug Dependence-Unspecified on March 2, 1987. She successfully completed this phase of treatment and was discharged on March 20, 1987. At this time she entered the outpatient phase of the program consisting of Day Hospital therapy sessions three times per week, random urine drug screens once a week and monthly case reviews. Ms. Kovatovic was discharged from this treatment phase on May 26, 1987.

Ms. Kovatovic commenced participation in continuing treatment group therapy May 26, 1987 and continued the weekly random urine drug screens. She continued to do very well in therapy so her case reviews were changed to a quarterly basis. This regimen was continued until January 1988 when she successfully completed continuing treatment group therapy and was discharged from the group.

Ms. Kovatovic has continued in the Recovery Program for Professionals since that time providing weekly random urine drug screens and regularly attending quarterly case reviews. Her UDS have been consistently free from any and all mood-altering substances, and Ms. Kovatovic has been cooperative and compliant with all aspects of the program.

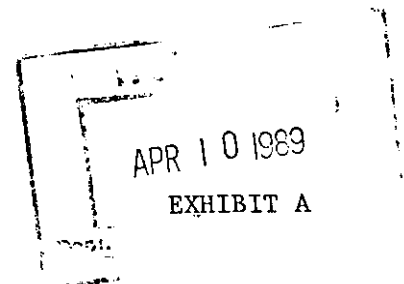
Ms. Kovatovic is very dedicated to her recovery process. Our prognosis for a successful completion in her recovery continues as does our positive advocacy stance on her behalf to continue the practice of pharmacy in Wisconsin.

If you require additional information, please do not hesitate to call.

Sincerely,

John A. Palese, M.D.
Medical Director
De Paul Hospital

/tg



enc: (Certified copies of medical records)

4143 South 13th St., Milwaukee, WI 53221 (414 281 4400)
1 800 423 6028, In Wisconsin 1 800 472 8770



MILWAUKEE COUNTY
medical complex

8700 West Wisconsin Avenue

Milwaukee, WI 53226

414-257-7900, TTY 257-5774

May 8, 1989

Robert T. Ganch, Attorney
State of Wisconsin
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, Wisconsin 53708

C O N F I D E N T I A L

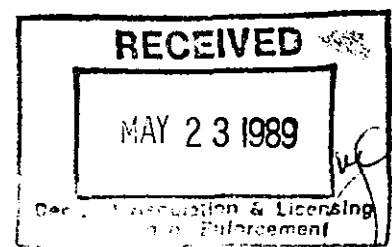
RE: 87 REB 21/Kathleen P. Kovatovic, R.Ph.

Dear Mr. Ganch:

This letter is a follow-up to our telephone conversation regarding Ms. Kathleen Kovatovic and her employment at the Milwaukee County Medical Complex. As I explained at that time, Kathy has been an exemplary employee. All performance evaluations, both before and after her inpatient admission at DePaul Hospital, were only positive. She has always been a most valued employee and there have been no incidents which have required further action at any time during the past two years.

As of January, 1988, Kathy was moved into a staff pharmacist position on the Bone Marrow Transplant Unit. Although several persons on staff at that time had expressed interest in being selected for this position, Kathy was chosen based on her knowledge, abilities, and dedication. As a result of being chosen for this position, Kathy works ten hours per day, eight days in a row (Monday through Monday). Another person works the same schedule on the opposite days. Although this job demands that Kathy perform all distributive functions for the Bone Marrow Units while she is on duty, the primary focus of the position is clinical in nature. Kathy is required to attend rounds daily with the members of the medical staff, to make recommendations for changes in therapy, and to monitor patients' progress and drug therapy.

EXHIBIT B



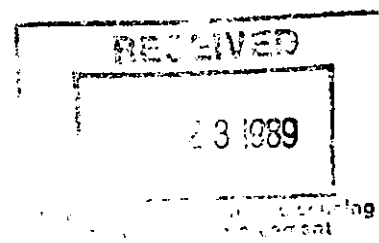
Member, Milwaukee Regional Medical Center

Robert T. Ganch
May 8, 1989
Page 2

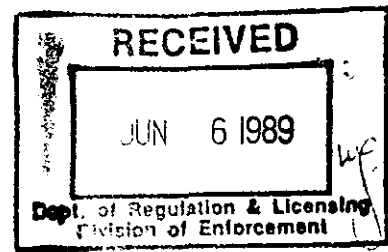
As I related in our telephone conversation, Kathy is not closely supervised during her day to day activities. She does have access to controlled substances. However, since Kathy's return to work on May 4, 1987, she has continued to attend outpatient group meetings on a weekly basis. In addition, Kathy submits to a weekly urine drug test. If controlled substances are detected in any sample, Milwaukee County Medical Complex will be notified by DePaul Hospital.

Sincerely,

Nina A. Reinerio, R.Ph.
Assistant Director of Pharmacy
Milwaukee County Medical Complex
8700 West Wisconsin Avenue
Wauwatosa, Wisconsin 53226



STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD



IN THE MATTER OF THE
LICENSE OF

KATHLEEN P. KOVATOVIC, R.Ph.,
RESPONDENT.

STIPULATION

The parties in this matter agree and stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Department of Regulation and Licensing, Division of Enforcement, on behalf of the Pharmacy Examining Board of Kathleen P. Kovatovic's licensure as a pharmacist (case file 87 PHM 21). Kathleen P. Kovatovic consents to the resolution of this investigation by stipulation and without the issuance of a formal disciplinary complaint and hearing.

2. The Respondent understands by signing this Stipulation that she voluntarily and knowingly waives her rights in this matter, including the right to a hearing on the allegations against her, at which time the State has the burden of proving the allegations by preponderance of the evidence, the right to confront and cross-examine the witnesses against her, the right to call witnesses on her own behalf and to compel their attendance by subpoena, the right to testify in her own behalf, 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 and the Wisconsin Administrative Code.

3. The Respondent admits the allegations and statements found in the attached Final Decision and Order.

4. The Respondent and the Complainant recommend the Pharmacy Examining Board to adopt this Stipulation and the attached Final Decision and Order in this matter.

5. If the terms of this Stipulation and attached Final Decision and Order are not acceptable to the Board, then none of the parties shall be bound by any of the terms.

6. The attached Findings of Fact, Conclusions of Law, Final Decision and Order may be made and entered in this matter by the Wisconsin Pharmacy Examining Board, without prior notice to any party.

7. All parties agree that Counsel for the Department of Regulation and Licensing, Division of Enforcement and the Board Advisor appointed in this matter may appear before the Wisconsin Pharmacy Examining Board to argue in favor of acceptance of this Stipulation and the entry of the attached Findings of Fact, Conclusions of Law, Final Decision and Order. The parties further agree that Complainant's attorney and the Board Advisor may further respond to any questions of the Board during its deliberation on this matter in closed session.

8. That this agreement in no way prejudices the Pharmacy Examining Board from any further action against Respondent based on any acts not stated in the present Findings of Fact which might be violative of the Wisconsin Pharmacy Examining Board Statutes and Rules.

9. That if this Stipulation is adopted by the Wisconsin Pharmacy Examining Board, the attached Order shall become effective as stated in the order.

June 6, 1989
Date

Robert T. Ganch
Robert T. Ganch, Attorney
Department of Regulation and Licensing
Division of Enforcement

6-2-89
Date

Kathleen P. Kovatovic RPh.
Kathleen P. Kovatovic, R.Ph., Respondent

Pharmacy Examining Board, by:

6/13/89
Date

101 R. Schuy
A Member of the Board

RTG:mkm
DOEATTY-650

NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with

STATE OF WISCONSIN PHARMACY EXAMINING BOARD

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon

STATE OF WISCONSIN PHARMACY EXAMING BOARD

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following:

STATE OF WISCONSIN PHARMACY EXAMING BOARD

The date of mailing of this decision is June 16, 1989.

WLD:dms
886-490

227.49 Petitions for rehearing in contested cases. (1) A petition for rehearing shall not be a prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3) (e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

(3) Rehearing will be granted only on the basis of:

(a) Some material error of law

(b) Some material error of fact.

(c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

(4) Copies of petitions for rehearing shall be served on all parties of record. Parties may file replies to the petition.

(5) The agency may order a rehearing or enter an order with reference to the petition without a hearing, and shall dispose of the petition within 30 days after it is filed. If the agency does not enter an order disposing of the petition within the 30-day period, the petition shall be deemed to have been denied as of the expiration of the 30-day period.

(6) Upon granting a rehearing, the agency shall set the matter for further proceedings as soon as practicable. Proceedings upon rehearing shall conform as nearly may be to the proceedings in an original hearing except as the agency may otherwise direct. If in the agency's judgment, after such rehearing it appears that the original decision, order or determination is in any respect unlawful or unreasonable, the agency may reverse, change, modify or suspend the same accordingly. Any decision, order or determination made after such rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination.

227.52 Judicial review; decisions reviewable. Administrative decisions which adversely affect the substantial interests of any person, whether by action or inaction, whether affirmative or negative in form, are subject to review as provided in this chapter, except for the decisions of the department of revenue other than decisions relating to alcohol beverage permits issued under ch. 125, decisions of the department of employee trust funds, the commissioner of banking, the commissioner of credit unions, the commissioner of savings and loan, the board of state canvassers and those decisions of the department of industry, labor and human relations which are subject to review, prior to any judicial review, by the labor and industry review commission, and except as otherwise provided by law.

227.53 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally

disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59 (6) (b), 182.70 (6) and 182.71 (5) (g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. The petition may be amended, by leave of court, though the time for serving the same has expired. The petition shall be entitled in the name of the person serving it as petitioner and the name of the agency whose decision is sought to be reviewed as respondent, except that in petitions for review of decisions of the following agencies, the latter agency specified shall be the named respondent.

1. The tax appeals commission, the department of revenue.

2. The banking review board or the consumer credit review board, the commissioner of banking.

3. The credit union review board, the commissioner of credit unions.

4. The savings and loan review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings and loan review board shall be the named respondents.

(c) Copies of the petition shall be served, personally or by certified mail, or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon all parties who appeared before the agency in the proceeding in which the order sought to be reviewed was made.

(d) The agency (except in the case of the tax appeals commission and the banking review board, the consumer credit review board, the credit union review board, and the savings and loan review board) and all parties to the proceeding before it, shall have the right to participate in the proceedings for review. The court may permit other interested persons to intervene. Any person petitioning the court to intervene shall serve a copy of the petition on each party who appeared before the agency and any additional parties to the judicial review at least 5 days prior to the date set for hearing on the petition.

(2) Every person served with the petition for review as provided in this section and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance clearly stating the person's position with reference to each material allegation in the petition and to the affirmance, vacation or modification of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the attorney general, and shall be filed, together with proof of required service thereof, with the clerk of the reviewing court within 10 days after such service. Service of all subsequent papers or notices in such proceeding need be made only upon the petitioner and such other persons as have served and filed the notice as provided in this subsection or have been permitted to intervene in said proceeding, as parties thereto, by order of the reviewing court.