

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE
DISCIPLINARY PROCEEDINGS AGAINST

PATRICIA Z. RESCH, R.PH.,
RESPONDENT.

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FINAL DECISION AND ORDER
ADOPTING STIPULATION
87 PHM 6

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

Patricia Z. Resch, R.Ph.
4350 Devolis Parkway
Madison, WI 53711

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 Patricia Z. Resch, 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 Patricia Z. Resch holds a license as a pharmacist, number 6184, granted April 26, 1952.
3. That the Respondent's date of birth is July 11, 1930 and current address is 4350 Devolis Parkway, Madison, WI 53711.
4. Respondent has been diagnosed with alcohol dependence syndrome and has received inpatient and outpatient treatment for such condition from Milwaukee Psychiatric Hospital and the McBride Center in Milwaukee and in Madison in December, 1988, in early August 1991 and late August 1991, and completed her most recent outpatient treatment in December 1991.
5. Respondent on three occasions in 1991 consumed alcohol while on duty as a pharmacist, and was consequently terminated from her employment as a pharmacist in July of 1991. Respondent has not practiced as a pharmacist from July 1991 to the present.

6. Respondent does not intend to return to the practice of pharmacy for the near future.

7. Respondent in consideration of this investigation and pursuant to the attached Stipulation, is willing to cooperate and abide by all requirements of the Pharmacy Examining Board for resolution of this matter.

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. Respondent's having consumed alcohol while on duty as a pharmacist constitutes unprofessional conduct under sec. 450.10(1)(a)3., Wis. Stats., and subjects Respondent to discipline under sec. 450.10(1)(b), Wis. Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the STIPULATION of the parties, attached hereto, is ACCEPTED.

2. Suspension. Effective on the date of this Order, the pharmacist license of Patricia Z. Resch, Respondent, shall be SUSPENDED for an indefinite 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.

3. Petition for Conditional Stay of Suspension or Reinstatement. Respondent may petition for, and the Board may grant, a conditional stay of suspension or conditional reinstatement of license permitting her to practice pharmacy upon such terms and conditions as the Board in its discretion deems necessary and appropriate to protect the public. Terms and conditions for stay of suspension or reinstatement may include but shall not be limited to requirements for continuing rehabilitation treatment, urine screen monitoring, practice supervision and monitoring, periodic reporting, and such other terms as are equivalent to the terms and conditions imposed by the Board in cases involving chemically dependent pharmacists. Any such petition shall include appropriate consent for release of information forms, signed by Respondent and satisfactory to the Board and the Department, complying with state and federal laws authorizing release of drug and alcohol abuse treatment records, medical records and employment records for all therapists, physicians, treatment facilities and employers for the previous 5 year period. If Respondent petitions for such stay or reinstatement, she shall demonstrate to the satisfaction of the Board that she has complied with all terms and conditions of this Order, that she has participated in an acceptable treatment and rehabilitation program for alcohol dependency syndrome and that she has complied with all treatment recommendations thereof. Respondent shall also

demonstrate that since the date of her last relapse prior to any such petition, she shall have completed a minimum 14 day inpatient AODA treatment program at an AODA certified facility, and shall demonstrate by a satisfactory record of random, witnessed urine drug screen monitoring that she has been abstinent from the use of alcohol or other unauthorized use of mood altering drugs or chemicals. Any such petition for an initial stay of suspension shall be accompanied by a written report on Respondent's rehabilitation status and recommendation from her rehabilitation therapist or physician.

4. Costs. Respondent shall pay costs of this investigation under Wis. Stats. section 440.22 in the amount \$1159.80 to the Department of Regulation and Licensing, which costs shall be paid in not less than twelve (12) monthly installments of \$96.65, due on the 10th day of each and every month, commencing December 10th, 1992, the full amount of \$1159.80 to be paid to and received by the Department not later than December 10, 1993.

5. Pharmacy Ownership Prohibited. Respondent shall not own in whole or in part any interest in a pharmacy during the period of time this Order remains in effect.

6. Respondent Responsible for Costs and Expenses of Compliance. 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.

7. No Practice While Suspended. Respondent shall not practice or attempt to practice pharmacy while her license is in suspended status.

8. Violations of Order. Violation of any of the terms of this Order or of any law substantially relating to the practice of pharmacy may result in the imposition of other additional discipline, including revocation of license.

9. Effective Date. This Order shall become effective immediately upon issuance by the Pharmacy Examining Board.

Dated this 10th day of November, 1992

PHARMACY EXAMINING BOARD

By: Thomas M. Grogan
A Member of the Board

I, Patricia Z. Resch, 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.

Nov. 9, 1992
Date

Patricia Z. Resch
Patricia Z. Resch, Respondent

Nov 9, 1992
Date

Dona J. Merg
Dona J. Merg, Attorney for Respondent

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE
DISCIPLINARY PROCEEDINGS AGAINST

PATRICIA Z. RESCH. R.PH.,
RESPONDENT

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STIPULATION
87 PHM 6

The parties in this matter, Patricia Z. Resch, R.Ph., Respondent, personally and by her attorney, Dona J. Merg, and the Department of Regulation and Licensing, Division of Enforcement, by its attorney, Robert T. Ganch agree and stipulate as follows:

1. An investigation is pending concerning the license to practice pharmacy in the State of Wisconsin of Patricia Z. Resch, R.Ph. Patricia Z. Resch, R.Ph., consents to the resolution of this matter by stipulation and without formal disciplinary proceedings.

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 him, 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 him, 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 of the Findings of Fact and Conclusions of Law in the attached Final Decision and Order Adopting Stipulation and accepts the terms of discipline of the attached Order.

4. The Respondent and the Division of Enforcement recommend that the Pharmacy Examining Board adopt this Stipulation and the attached Final Decision and Order Adopting Stipulation in this matter.

5. If the terms of this Stipulation and attached Final Decision and Order Adopting Stipulation are not acceptable to the Board, then none of the parties shall be bound by any of the terms, and this matter shall be returned to the Division of Enforcement for further proceedings.

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 the attorney 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 the Division's attorney and the Board Advisor may further respond to any questions of the Board during its deliberation on this matter in closed session. The parties further agree that each waives any objection that the Pharmacy Examining Board may be considered biased or prejudiced in any manner by the Board's consideration of this proposed Stipulation and Final Decision and Order Adopting Stipulation.

8. 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. If this Stipulation is adopted by the Wisconsin Pharmacy Examining Board, the attached Order shall become effective as stated in the Order.

November 9, 1992
Date

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

Nov. 9, 1992
Date

Patricia Z. Resch
Patricia Z. Resch, R.Ph., Respondent

Nov 9, 1992
Date

Dona J. Merg
Dona J. Merg, Attorney for Respondent

Pharmacy Examining Board, by:

Nov. 10, 1992
Date

Thomas M. Gregor
A Member of the Board

RTG
ATY2-2758

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 the 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 the State of Wisconsin Pharmacy Examining 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: the State of Wisconsin Pharmacy Examining Board.

The date of mailing of this decision is November 13, 1992.