

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

FILE COPY

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ROSLYN I. ZELTINS, R.PH.,
RESPONDENT.

FINAL DECISION
AND ORDER
ADOPTING STIPULATION
87 PHM 28

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

Roslyn I. Zeltins, R.Ph.,
309 Sunset Street
Portage, WI 53901

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

Pharmacy Examining Board
1400 East Washington Avenue
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 disposition of this matter, subject to
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. Roslyn I. Zeltins, R.Ph., date of birth June 24, 1958, of
309 Sunset Street, Portage, Wisconsin 53901 is and was at all times relevant
to this matter duly licensed under the provisions of Chapter 450, Wis. Stats.,
to practice pharmacy in the State of Wisconsin under license #10182, first
granted on June 18, 1982.
2. Roslyn I. Zeltins, R.Ph. was at all times relevant to this matter
managing pharmacist of the Divine Savior Hospital Pharmacy and responsible for
all professional operations of said pharmacy and responsible for the
professional supervision of all personnel working in said pharmacy.
3. From October, 1985 through May 8, 1987, while Respondent was
managing pharmacist of Divine Savior Hospital Pharmacy, said pharmacy
dispensed hydromorphone, a Schedule II controlled substance, on a frequent and
continuing basis, to patient D.E., without a valid, signed written
prescription order from a practitioner, in nonemergency circumstances.

The pharmacy did later obtain signed prescription orders authorizing the dispensing of said drugs, after the fact of such dispensing.

CONCLUSIONS OF LAW

1. The Pharmacy Examining Board has jurisdiction pursuant to Chapter 450, Wis. Stats. to take disciplinary action against the Respondent.
2. The conduct of Respondent in having dispensed a Schedule II controlled substance without a prior written and signed prescription order of a practitioner, not in emergency circumstances, violated sec. 161.38(1), Wis. Stats., and sec. Phar 8.05(4), Wis. Adm. Code, which conduct constitutes unprofessional conduct under sec. 450.10(1)(a)2., Wis. Stats. and sec. Phar 10.03(1), (3) and (4), Wis. Adm. Code, and as such subjects said Respondent to discipline against her license under sec. 450.10(1)(b)1., Wis. Stats.

THEREFORE, IT IS HEREBY ORDERED:

1. The Stipulation of the parties is hereby accepted.
2. Roslyn I. Zeltins, R.Ph., shall be and hereby is REPRIMANDED.
3. Roslyn I. Zeltins, R.Ph., is hereby assessed costs pursuant to sec. 440.22, Wis. Stats. in the amount of \$100.00, which costs shall be paid to the Department of Regulation and Licensing upon adoption of this Stipulation and Order by the Pharmacy Examining Board.

Wisconsin Pharmacy Examining Board

Dated: 2/11/92

by: *James M. Gungor RPh*
Member of the Pharmacy Examining Board

I, Roslyn I. Zeltins, R.Ph., have read and understand the terms of the foregoing Order, and pursuant to the attached Stipulation hereby freely consent to the issuance of the foregoing Final Decision and Order Adopting Stipulation by the Wisconsin Pharmacy Examining Board.

1/9/92
Date

Roslyn I Zeltins RPh
Roslyn I. Zeltins, R.Ph.

RTG
ATY2-795
01/07/92

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ROSLYN I. ZELTINS, R.PH.,
RESPONDENT.

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:
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:
:

STIPULATION
87 PHM 28

It is hereby stipulated between Roslyn I. Zeltins, R.Ph., and Robert T. Ganch, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of the licenses of the above named Respondent to practice as a pharmacist in the State of Wisconsin, investigative file #87 PHM 28. The Respondent consents to the resolution of this investigation by Stipulation and without the issuance of a formal complaint.

2. The Respondent understands that by the signing of the Stipulation, the following rights are voluntarily and knowingly waived, including: the right to a hearing on the allegations against the Respondent, at which the state has the burden of proving those allegations by clear, satisfactory and convincing evidence or a preponderance of the evidence, as applicable; the right to confront and cross-examine the witnesses against the Respondent; the right to call witnesses on behalf of the Respondent and to compel their attendance by subpoena; the right of the Respondent to testify, the right to file objections to any proposed Decisions 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 under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. The Respondent admits the facts and conduct described in the attached Findings of Fact and agrees to the adoption, entry and issuance of the attached Findings of Fact, Conclusions of Law and Order Adopting Stipulation by the Pharmacy Examining Board, and agrees to pay the costs of this matter as specified in the attached Order, payment of which costs are hereby tendered with this proposed Stipulation and Order.

4. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of the Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings.

5. If the Board accepts the terms of this Stipulation, the parties to the Stipulation consent to the entry of the attached Final Decision and Order Adopting Stipulation without further notice, pleading, appearance or consent of the parties.

6. This Stipulation and the attached Final Decision and Order shall not prejudice the Pharmacy Examining Board from taking any further action regarding any conduct of any of the Respondent not stated in the attached Final Decision and Order.

7. The Division of Enforcement joins the Respondent in recommending the Pharmacy Examining Board adopt this Stipulation and issue the attached Final Decision and Order adopting Stipulation. All parties agree that the attorney for the Department of Regulation and Licensing, Division of Enforcement and the Board Advisor to this case may appear before the Pharmacy Examining Board in support of this Stipulation and attached Final Decision and Order. All parties further agree that the attorney for the Division of Enforcement and the Board Advisor for this case may respond to questions of the Pharmacy Examining Board during its deliberation in closed session.

1/9/92
Date

Roslyn I. Zeltins RPh
Roslyn I. Zeltins, R.Ph.,

January 14, 1992
Date

Robert T. Ganch
Robert T. Ganch, Attorney
Division of Enforcement

Feb 11, 1992
Date

Wisconsin Pharmacy Examining Board, by
Thomas M. Geyser RPh
A member of the Board

RTG
ATY2-795
01/07/92

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 February 13, 1992