

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE COPY

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
PAUL R. STOFFEL, R.Ph., and,		90 PHM 012
MARIANNE BERGS, R.Ph.		
RESPONDENT.	:	

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

Paul R. Stoffel, R.Ph.
W53 N802 Windsor Court
Cedarburg, WI 53012

Marianne Bergs, R.Ph.
1915 Harvest Lane
Waukesha, WI 53186

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. Paul R. Stoffel (D.O.B. 5/21/52) is duly licensed in the state of Wisconsin as a registered pharmacist (license # 9042). This license was first granted on June 29, 1976.
2. Mr. Stoffel's latest address on file with the Department of Regulation and Licensing is W53 N802 Windsor Court, Cedarburg, WI 53012.
3. Marianne Bergs (D.O.B. 9/18/58) is duly licensed in the state of Wisconsin as a registered pharmacist (license # 10156). This license was first granted on June 4, 1982.

4. Ms. Berg's latest address on file with the Department of Regulation and Licensing is 1915 Harvest Lane, Waukesha, WI 53186.

5. At all times relevant herein, the Respondents were employed as staff pharmacists by the Pharmacy Corporation of America 4918 Burleigh Street, Milwaukee, Wisconsin (license # 6835).

6. On 4/4/89 the pharmacy received a prescription order from Marina View Nursing Home for patient JF which recited " Dilantin 250 mg 4x daily". The responsible staff pharmacist questioned the order and it was then corrected by the attending physician to "Dilantin 2 50 mg tablets 4x daily".

7. On 6/6/89 the pharmacy again received a prescription order from Marina View Nursing Home for patient JF which recited "Dilantin 250 mg 4x daily". Respondent Marianne Bergs received the order and entered it in the pharmacy records. She has no recollection of the order. Respondent Paul R. Stoffel filled the order after questioning the nursing home (but not the prescriber) about the dosage.

8. The records of Marina View Nursing Home for patient JF include a physician order dated 6/5/89 which recites " Dilantin 100 mg TID (use 50 mg tabs)".

9. The pharmacy at all times relevant herein maintained a medication profile for all drugs dispensed to patient JF.

CONCLUSIONS OF LAW

By the conduct described above, Respondents are subject to disciplinary action against their license to practice as a registered pharmacist in the state of Wisconsin, pursuant to Wis. Stats. sec. 450.11, and Wis. Adm. Code sec. Phar 7.01(1)(a) and (d), and Phar 10.03(2). Such conduct constitutes unprofessional conduct within the meaning of the statutes and administrative code.

The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter pursuant to Wis. Stats. sec. 450.10(1).

The Board is authorized to enter into the attached stipulation pursuant to Wis. Stats. sec. 227.44(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that :

1. The attached stipulation is accepted.

2. Paul R. Stoffel and Marianne Bergs are each REPRIMANDED for their unprofessional conduct this matter.

3. Respondents shall each pay to the Department of Regulation and Licensing a civil forfeiture in the sum of \$ 200.00 within 60 days of the date of this order, for failure to consult the patient medication profile or consult with the prescriber as necessary.

4. Respondents shall pay to the Department of Regulation and Licensing the costs of investigation and prosecution of this proceeding in the sum of \$ 595.00 within 60 days of the date of this order.

Dated this 2nd day of December, 1992.

WISCONSIN PHARMACY EXAMINING BOARD,

by: Thomas M. Gerges
a member of the Board

jh

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
PAUL R. STOFFEL, R. Ph., and,	:	90 PHM 012
MARIANNE BERGS, R.Ph.	:	
RESPONDENTS	:	

It is hereby stipulated between Paul R. Stoffel, personally on his own behalf and Marianne Bergs, personally on her own behalf, and James W. Harris, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Respondents' licensure by the Division of Enforcement. Respondents consent to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondents understand that by the signing of this Stipulation they voluntarily and knowingly waive their rights, including: the right to a hearing on the allegations against them, 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 them; the right to call witnesses on their behalf and to compel their attendance by subpoena; the right to testify themselves; 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 them under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondents are aware of their right to seek legal representation and have been provided the opportunity to seek legal advice prior to signing this stipulation.

4. Respondents agree 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. Respondents waive 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 the consideration of this attempted resolution.

. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Pharmacy Examining Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

. The Division of Enforcement joins Respondents in recommending the Pharmacy Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

Paul R. Stoffel
Paul R. Stoffel

11/11/92
Date

Marianne Berge
Marianne Berge

James W. Harris
James W. Harris, Attorney
Division of Enforcement

NOVEMBER 25, 1992
Date

jh

. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Pharmacy Examining Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

. The Division of Enforcement joins Respondents in recommending the Pharmacy Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

Paul R. Stoffel

Date

Marianne Bergs
Marianne Bergs

11-16-92

James W. Harris
James W. Harris, Attorney
Division of Enforcement

NOVEMBER 25, 1992
Date

jh

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 December 10, 1992.