

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

FILE COPY

7950

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST:	:	
	:	
BLACKBURN JOHN PETERS, R.Ph.,	:	FINAL DECISION AND ORDER
RESPONDENT.	:	ADOPTING STIPULATION

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

Blackburn John Peters, R.Ph.
6608 Heidelberg Circle
Waterford, WI 53185

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 Blackburn John Peters, 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 Blackburn John Peters holds a license as a pharmacist, number 7950, granted January 30, 1970.
3. That the Respondent's date of birth is August 21, 1946 and current address is 6608 Heidelberg Circle, Waterford, WI 53185.
4. On or about May 1, 1986, respondent pleaded guilty to one misdemeanor count of possession of cocaine, a controlled substance under sec. 161.16(2)(b)(1), in violation of sec. 161.41(3), Wis. Stats. The foregoing violation occurred on January 25, 1986 when respondent was found to be in possession of 0.1 gram of cocaine, apparently for his own use. Upon entry of the plea of guilty to the foregoing violation, judgement of conviction was deferred and probation ordered under sec. 161.47, Wis. Stats. Upon payment of fines and court costs totalling \$300, and completion of six months probation, on October 27, 1986, the criminal proceeding regarding the

as requested; or if a drug or alcohol screen and confirmatory GC-MS test prove positive; or if the specific gravity of a urine specimen is below 1.008; 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, or specific gravity below 1.008, pending further written direction from the Board.

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

- i. A summary of Respondent's progress in his rehabilitation program to date, and all recommendations for continuing rehabilitation treatment,
- ii. Respondent's attendance in NA/AA meetings,
- iii. Respondent's participation in and results of his random witnessed urine and/or blood screening program.

Such quarterly reports shall be due on the dates specified under paragraph 4.a.(4) of this Order.

(e) Respondent shall arrange for agreement by his 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 his 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, including any indications of consumption of alcohol or unauthorized use of any controlled substances, notice of any positive blood and/or urine screen for alcohol or controlled substances, and any urine specimen that is below a specific gravity of 1.008.

(5) 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:

- (a) Respondent shall not practice as a pharmacist in any capacity unless he is in full compliance with this Order.
- (b) Respondent shall not be employed as or work in the capacity of a "managing pharmacist" as defined in sec. Phar 1.02(6), Wis. Adm. Code.

(c) If the result of the evaluation/assessment required under paragraph 4.b.(2) of this Order is that Respondent has a current drug abuse or dependency problem or treatment was recommended as a result of the evaluation, Respondent shall not be employed as or work in the capacity of a "pharmacist in charge" as defined in sec. Phar 1.02(9), Wis. Adm. Code, except upon the following terms and conditions:

i. Respondent shall submit to not less than three random, witnessed urine screens per week.

ii. Respondent shall attend not less than two AA/NA meetings per week, in addition to the required individual/group therapy meeting per week.

iii. Respondent shall obtain and maintain an AA/NA sponsor who shall be available as support to Respondent, selection; of whom shall be subject to approval by the Board.

iv. Respondent shall be supervised at his site of practice on a daily basis for not less than one hour per day by the managing pharmacist of the practice site, or the Respondent's employer who is a licensed pharmacist. Respondent's supervising pharmacist shall maintain a daily record of the supervision of the Respondent by log entry of the date, time and signature of the person supervising Respondent. A copy of the supervision log shall be included in the quarterly report to the Board by the supervising pharmacist.

v. Respondent's employer/supervising pharmacist shall submit within 10 days to the Board a statement of Respondent's work schedule indicating the Respondent's hours of practice. Any change in the Respondent's work schedule or managing pharmacist shall be reported to the Board within 5 days of any such change.

vi. Respondent may petition the Board for modification of these conditions for practice as a pharmacist in charge after 90 days of supervised practice and compliance by Respondent with all terms and conditions of this Order. The Board in its discretion may at any time may modify any of these terms and conditions for practice by Respondent as a pharmacist in charge, including removal of authorization under this order to practice as a pharmacist in charge, as the Board deems appropriate in the circumstances. Grounds for removal of this authorization to practice as a pharmacist in charge under this Order include, but are not limited to, change in employer or residence address of Respondent. Modification of these terms and conditions, or removal of the authorization to practice as a pharmacist in charge under this Order shall not be deemed a denial of license under section 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.

(d) Respondent shall not place nor be responsible for the placing of any orders for the purchase of any controlled substances, except as monitored and specifically approved, in writing, by his supervisor and Respondent shall not sign any invoices or receipts for controlled substances.

(e) Respondent shall provide his 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.

(f) Respondent shall arrange for his 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 (g) and (h) hereunder. Such reports shall be due on the dates specified in paragraph 4.a.(4) of this Order.

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

(h) In addition to the foregoing subparagraph (g), Respondent shall obtain from his 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.

(i) Respondent shall arrange for agreement by his 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 violation of this Order or a danger to the public.

(6) Following successful compliance with and fulfillment of the provisions of paragraph 2. of this Order for a period of two years, 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.

(7) Respondent shall assure that current releases complying with state and federal laws, authorizing release of counseling, treatment and monitoring records, and employment records are on file with the Board and the Division of Enforcement at all times during the pendency of this Order.

(8) 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.

(9) 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.

5. 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 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. 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, including revocation of license.

8. This Order shall become effective immediately upon issuance by the Pharmacy Examining Board, except for subparagraph 4.b.(1) which is effective the date of signing by Respondent.

PHARMACY EXAMINING BOARD

By: Thomas M. Grogan
A Member of the Board

4/14/92
Date

I, Blackburn John Peters, 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.

Blackburn John Peters
Blackburn John Peters Respondent

4/6/92
Date

Robert S. Repischak
Robert S. Repischak
Attorney for Respondent

4/6/92
Date

RTG:skv
DOEATTY-1700

JUDGMENT DEFERRED, PROBATION ORDERED

~~XXXX~~ NO COPY OF COMPLAINT FOR COUNT ONE: Poss of Cocaine-----
STATE OF WISCONSIN, Plaintiff STATE OF WISCONSIN, Circuit Court Branch 18
v.

Blackburn John Peters

Defendant

County Milwaukee

1/29/46

Defendant Date of Birth

Court Case No.

2-347131

1/2-86
The defendant entered his/her plea of

☒ guilty

☐ not guilty

☐ no contest:

The ☒ Court

☐ Jury found the defendant guilty of:

Felony or

Date(s)

Wis. Statute(s)

Misdemeanor Class

Crime

Crime(s)

Violated

(F or M)

(A-E)

Committed

Count One: ~~XXXXXXXXXXXXXXXXXX~~

Possession of Controlled Substance-
Cocaine

161.16(2)(b)(1)

161.41(3)

M

1/25/86

committed in this County; and

Count Two: this case (Marijuana) dismissed.

On 5/1/86, the defendant having consented to disposition pursuant to Sec. 161.47, Wis. Stats., the Court entered the following determinations and orders:

IT IS DETERMINED that the defendant on 5/1/86 was eligible for probation pursuant to Sec. 161.47(1), Wis. Stats.;

IT IS ORDERED that entry of judgment of conviction is deferred and the defendant is placed on probation for a period of 6 MONTHS in the custody and control of the Department of Health and Social Services subject to its rules and orders pursuant to Sec. 973.10, Wis. Stats.

IT IS DETERMINED AND ORDERED that the record requires court-imposed conditions as follows:

☐ None ☒ As ordered below:

That the defendant has the ability to pay within that period the amounts ordered herein. Should his/her financial condition change s/he shall forthwith petition this Court for reconsideration of such conditions.

Fines: ☐ None ☒ \$ 300 Inclusion of Court Costs: ☐ None ☒ \$ Incl. 15% PA

Attorney Fees: ☐ None ☐ \$ _____; Restitution: ☐ None ☐ \$ _____

Other: ☐ None ☐ \$ _____

Mandatory ☐ Felony _____ (# counts) @ \$30.00 Amount \$ _____

Victim/Witness Surcharge ☐ Misdemeanor _____ (# counts) @ \$20.00 Amount \$ _____

(Sec. 973.045 Wis. Stats.) Paid ☐ Yes Amount \$ _____; ☐ No

That the defendant shall be incarcerated in the County Jail for the following periods:

☒ None ☐ The period of _____; and

IT IS FURTHER ORDERED that the defendant shall pay surcharges pursuant to Sec. 973.09(1)(b), Wis. Stats.;

IT IS ADJUDGED that none days sentence credit are due pursuant to Sec. 973.155, Wis. Stats., and shall be credited if probation is revoked.

IT IS FURTHER ORDERED that the defendant shall surrender into the custody of the Department of Health and Social Services as its directs.

IT IS FURTHER ORDERED that upon fulfillment of the terms and conditions of this Order the deferred proceeding shall be dismissed and the defendant discharged. ON 10-29-86 8:30 am. 2218

BY ORDER OF THE COURT Signature of Judge, Deputy or Clerk of Court	
<u>Patricia D. McCann</u>	
EXHIBIT A	
Name of Judge <u>HON. PATRICIA D. MCCANN</u>	Date Signed <u>MAY 1 1986</u>
Name of Defense Attorney <u>Joel Rosenthal</u>	Name of District Attorney <u>E. Michael McCann (SR)</u>

(affix seal)

Waterford

Pharmacy Inc.

220 EAST MAIN STREET, WATERFORD, VT. 53185

414-534-6500

51 JUL 29 1991
JULY 10, 1991

Attorney Robert T. March
P.O. Box 8935

Madison, WI 53728

RE: Blackburn Refuse

Dear Attorney March:

My attorney, Mike Dubois, asked me to write you on my statements re: stated letter concerning the above person and the proceedings against him. I assure you the following are my understanding and my attorney.

My grandparents started this Pharmacy in the 1920's and it has passed thru the generations myself. I operate the Pharmacy. It is a small pharmacy and I can only afford one other pharmacist. My father has worked for me for 2 1/2 years, working between 30 to 40 hours per week. I do not have access to a pharmacy with ~~the~~ well with in the

EXHIBIT B

Waterford

Pharmacy Inc.

220 EAST MAIN STREET, WATERFORD, WI 53185

414-534-6500

Place of Mr. Peters We are not Walgreens²
a another large chain. I can't even
afford to pay the scale that places like
Walgreens pay.

Mr. Peters has never come to work
impaired and if he cannot be present
at the store without me there, I don't know
what I will do. I have two children,
ages 9 and 12, one of which is diabetic
who needs constant supervision. Also last
Oct. my husband was diagnosed with
Cancer and has undergone treatments.

I will agree to come in daily if I'm
not on vacation or out of town, to supervise
him but I cannot be there with him
all day. In the event you do not agree,
I will have to terminate him and I don't
know what I will do to keep the store
open. I'm not overstating my concern
in this respect and I urge you to give
me this concession. Very sincerely yours,
Blaine Lippman RPH

foregoing violation was dismissed under sec. 161.47, Wis. Stats. A copy of the order of the Circuit Court for Milwaukee County, Branch 18, deferring judgement and ordering probation is attached hereto as Exhibit A.

5. Prior to July 1988, Respondent on several occasions diverted for his personal use from the pharmacy where he was employed as a pharmacist, and self administered, Parafon Forte, a prescription medication, and Equagesic, containing the active ingredient Meprobamate, a Schedule IV controlled substance under sec. 161.20(2)(g), Wis. Stats., without proper authorization of a prescription from a practitioner.

6. Respondent has abused marijuana, a Schedule I controlled substance under sec. 161.14(4)(t), Wis. Stats., on a continuing basis from 1967 through February, 1990. Respondent's typical recent abuse was approximately one marijuana cigarette a day.

7. Respondent had been employed as a retail pharmacist at Peters Drug Store, Milwaukee, under the ownership and management of Respondent's father, a Wisconsin licensed pharmacist up through the time that Peters Drug Store closed on July 1, 1988. From March 1989 to the present, Respondent has been employed at another retail pharmacy. Respondent's current managing pharmacist is knowledgeable of Respondent's controlled substances violation as of September 7, 1989. A recent report on Respondent's employment status is attached hereto as Exhibit B.

8. Respondent, in consideration of this investigation and pursuant to the attached Stipulation, has agreed to obtain a chemical dependency assessment at a certified AODA facility, subject to approval by the Board and abide by treatment and monitoring recommendations, subject to the requirements of the Board.

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 been in possession of and used cocaine in violation of sec. 161.41(3) is a violation and offense substantially related to the practice of pharmacy, and constitutes unprofessional conduct under sec. 450.10(1)(a)2. and sec. Phar 10.03(1) and (3), Wis. Adm. Code, and subjects respondent to discipline under sec. 450.10(1)(b), Wis. Stats.

4. Respondent's having diverted Parafon Forte and Equagesic from the pharmacy at which he was employed violated sec. 450.11(7)(h) and 161.41(3), Wis. Stats., which violations are substantially related to the practice of pharmacy and constitute unprofessional conduct under sec. 450.10(1)(a)2. and sec. Phar 10.03(1)(3), Wis. Adm. Code, and subjects Respondent to discipline under sec. 450.10(1)(b), Wis. Stats.

5. Respondent's having used marijuana violated sec. 161.41(2r)(a), which violation is substantially related to the practice of pharmacy and constitutes unprofessional conduct under sec. 450.10(1)(a)2. and sec. Phar 10.03(1)

and (3), Wis. Adm. Code, and subjects Respondent to discipline under sec. 450.10(1)(b), Wis. Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The Stipulation of the parties, attached hereto, is accepted.

2. Blackburn John Peters, R.Ph., is hereby assessed a FORFEITURE in the amount of \$1000.00, which shall be paid in not less than twelve equal monthly installments commencing on May 1, 1992 and shall be paid in full not later than May 1, 1993.

3. Blackburn John Peters, R.Ph., is hereby assessed COSTS of this investigation and proceeding pursuant to sec. 440.22, Wis. Stats., in the amount of \$1960.15, which shall be paid in not less than twelve equal monthly installments commencing on May 1, 1992 and shall be paid in full not later than May 1, 1993.

4. Effective on the date of this Order, the pharmacist license of Blackburn John Peters, Respondent, shall be SUSPENDED for a period of five (5) years. The Board in its discretion may restore Respondent's license to full, unlimited status only upon petition by Respondent 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.

a. The suspension shall be STAYED for a period of three months, conditioned upon compliance with the conditions and limitations outlined in paragraph 4.b., below.

(1) 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 for rehabilitation and practice during the prior three (3) month period.

(2) 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.

(3) Upon a showing by Respondent of successful compliance with the terms of paragraph 4.b.(3) or 4.b.(4), as applicable, the Board may grant a petition by the Respondent for return of full licensure.

(4) The applications for extension under 4.a.(1) and all required reports under 4.a. and b. shall be due on the following dates:

August 1, 1992 and each and every following
November 1, February 1, May 1 and August 1
that this order is in effect.

b. CONDITIONS OF STAY AND LIMITATIONS.

(1) Respondent shall remain free of alcohol, prescription drugs and controlled substances not prescribed by a practitioner for legitimate medical purposes. Respondent shall have his physician report in writing to the supervising physician or therapist under paragraphs 4.b.(3) and 4.b.(4) all medications prescribed to the Respondent within 3 days of such prescribing.

(2) EVALUATION/ASSESSMENT. Respondent shall undergo and complete within 14 days of the date of this order a complete evaluation and assessment for chemical abuse and/or dependency by a qualified physician or therapist (hereinafter, "supervising physician or therapist"), at an accredited drug and alcohol abuse/dependency treatment facility. The evaluation/assessment shall be conducted on an inpatient basis and shall be for a minimum 72 hours stay, unless the supervising physician or therapist in his/her professional judgment recommends a longer stay. Respondent shall obtain from the Pharmacy Examining Board prior approval of the drug and alcohol abuse/dependency treatment facility and the supervising physician or therapist. Respondent shall immediately provide a copy of this order to his supervising physician or therapist. The supervising physician or therapist performing the assessment shall be provided with copies of the Division of Enforcement's investigative materials regarding this matter for review prior to the date of assessment. A full written report of the evaluation and assessment shall be provided directly to the Board by the supervising physician or therapist within 30 days of the date of this order. The chemical dependency assessment report shall include:

- (a) Evaluation of Respondent's level of cooperation in the assessment and influence thereof on the assessment's conclusions,
- (b) Diagnosis of Respondent's condition, if any,
- (c) Recommendations for treatment, if any,
- (d) Work restrictions if any, and
- (e) If a diagnosis of chemical abuse or dependency is made or treatment is recommended, prognosis for Respondent's success in rehabilitation.

(3) NEGATIVE EVALUATION/ASSESSMENT, MONITORING. If the result of the evaluation/assessment required under paragraph 4.b.(2) of this Order is that Respondent does not have a current drug abuse or dependency problem or treatment was not recommended as a result of the evaluation, for a period of one year following the date of this Order, Respondent shall participate in a program of random, witnessed collection of urine and/or blood specimens for monitoring for the presence of all controlled substances, including in particular but not limited to Tetrahydrocannabinols, and alcohol in his blood and/or urine on a frequency of not less than four times per month. All urine screens shall include testing and reporting of the specific gravity of the urine specimen.

The urine screening program under this subparagraph shall be conducted through a state certified AODA treatment center which shall be approved by the Board, and shall comply with all requirements specified under subparagraph 4.b.(4) of this Order.

The Respondent shall be subject to the practice conditions, monitoring, supervision and reporting requirements specified under subparagraphs 4.b.(5)(a)-(b), (d)-(i) of this Order.

If Respondent has complied with all terms and conditions of this Order, upon completion of the one year period of urine screen monitoring under the terms and conditions of this subparagraph, and upon written petition by Respondent, the Board shall reinstate Respondent's license to practice pharmacy to full unlimited status.

(4) POSITIVE EVALUATION/ASSESSMENT, REHABILITATION PROGRAM. If the evaluation/assessment concludes that there is a current drug abuse or dependency problem or recommends treatment, Respondent shall arrange for and enter and remain in a rehabilitation program acceptable to the Board for the treatment of chemical abuse and dependency. Respondent shall obtain a supervising physician or therapist who shall be responsible for the Respondent's total assessment and rehabilitation program. Such a program shall consist of the following elements and requirements:

(a) The rehabilitation program shall include and Respondent shall participate in individual and/or group therapy sessions for the first year of the stayed suspension upon a schedule as recommended by the supervising physician or therapist, but not less than once weekly. Such therapy shall be conducted by the supervising physician or therapist, or another qualified physician or therapist as designated by the supervising physician or therapist and acceptable to the Board. After the first year of stayed suspension, this requirement for therapy sessions may be modified only upon written petition, and a written recommendation by the supervising physician or therapist expressly supporting the modifications sought. A denial of such petition for modification shall not be deemed a denial of the 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.

(b) Respondent shall attend Narcotics Anonymous and/or Alcoholic Anonymous meetings or an equivalent program for recovering professionals, 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.

(c) 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 the presence of all controlled substances, including in particular but not limited to Tetrahydrocannabinols, and alcohol in his blood and/or urine on a frequency of not less than:

- i. Eight times per month for the first year following the date of this order.
- ii. Six times per month for the second year following the date of this order.
- iii. Four times per month for the third through fifth years following the date of this order.

All urine screens shall include testing and reporting of the specific gravity of the urine specimen.

The random drug and alcohol screening program shall include weekends and holidays for collection of specimens. Failure of the drug and alcohol screening program to be conducted on a random basis shall be deemed a violation of this Order and may result in denial of extension of Stay of Suspension, disapproval of the monitoring facility or program, or other action as deemed appropriate by the Board.

The Respondent shall appear and provide a specimen not later than 5 hours following a request for a specimen, but in no event later than the same calendar date that the request is made.

If the physician or therapist supervising the Respondent's plan of care, Respondent's employer, the Pharmacy Examining Board or the Department of Regulation and Licensing, Division of Enforcement deems that additional blood or urine screens are warranted, Respondent shall submit to such additional screens as requested or recommended. The supervising physician or therapist shall exceed the above stated minimum frequency for obtaining drug and alcohol screens to prevent ability of Respondent to predict that no further screens will be required for a given period because the minimum frequency for that period has been met.

The Respondent shall be responsible for obtaining a monitoring facility and reporting system acceptable to the Board. Respondent shall immediately provide a copy of this Order to the monitoring facility conducting the collection of specimen and/or chemical analyses upon specimens for the random witnessed drug and alcohol screening program.

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

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE
DISCIPLINARY PROCEEDINGS AGAINST

BLACKBURN JOHN PETERS, R.Ph.,
RESPONDENT

STIPULATION
86 PHM 8

The parties in this matter, Blackburn John Peters, R.Ph., Respondent, personally and by his attorney, John S. Repischak, and the Department of Regulation and Licensing, Division of Enforcement, Complainant, by its attorney, Robert T. Ganch agree and stipulate as follows:

1. Blackburn John Peters, R.Ph., consents to the resolution of this disciplinary proceeding by stipulation and without a hearing.
2. The Respondent understands by signing this Stipulation that he voluntarily and knowingly waives his 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 his own behalf and to compel their attendance by subpoena, the right to testify in his 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 him 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, except Finding of Fact #5. and Conclusion of Law #4. which Respondent denies but chooses not to contest, in the attached Final Decision and Order and accepts the terms of discipline of the attached Order.
4. The Respondent and the Complainant recommend that the Pharmacy Examining Board 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, and this matter shall be returned to the Administrative Law Judge 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 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. 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.

April 10, 1992
Date

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

4/6/92
Date

Blackburn John Peters, R.Ph.
Blackburn John Peters, R.Ph., Respondent

4/6/92

Robert S. Repischak
Robert S. Repischak
Attorney for Respondent

Pharmacy Examining Board, by:

4/14/92
Date

Thomas M. Gargor
A Member of the Board

RTG:skv
ATY2-1700

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 April 15, 1992.