

# 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/wscqa>.
- 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](mailto:web@drl.state.wi.gov)

FILE COPY

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

FINAL DECISION AND ORDER

CHARLES H STROHBACH, JR. R.PH.  
RESPONDENT.

92 PHM 108

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

Charles H. Strohbach, Jr., R.Ph.  
1720 South 70th Street  
West Allis, WI 53214

Wisconsin 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. Respondent Charles H. Strohbach, Jr. (dob 7/9/55) is and was at all times relevant to the facts set forth herein a registered pharmacist licensed in the State of Wisconsin pursuant to license #10319, originally granted on 7/7/70.

2. The Respondent did, on or about May 9, 1991, dispense 40@ Ibuprofen 600 mg to patient Margaret R., a woman with whom respondent was having a romantic relationship, without a prescription. Respondent then created what purported to be a telephoned prescription for this drug, and filed and profiled the purported prescription, all without the knowledge of the physician whose name was used by respondent as the prescriber.

3. The Respondent did, on or about June 15, 1991, dispense an "Ana-Kit" beesting kit to patient Margaret R., a woman with whom respondent was having a romantic relationship, without a prescription. Respondent then created what purported to be a telephoned prescription for this prescription device, and filed and profiled the purported prescription, all without the knowledge of the physician whose name was used by respondent as the prescriber. Respondent dispensed another such kit, without any other prescription or authority, and created a similarly false prescription and record, on or about May 7, 1992.

4 The Respondent did, on or about September 11, 1991, dispense 8@ diphenhydramine 25 mg purportedly to patient Adam R., the minor son of Margaret R., a woman with whom respondent was having a romantic relationship, without a prescription. Respondent then created what purported to be a telephoned prescription for this drug, and filed and profiled the purported prescription, all without the knowledge of the dentist whose name was used by respondent as the prescriber.

5 The Respondent did, on or about October 24, 1991, dispense a set of Ortho-Novum™ contraceptive tablets to patient Margaret R., a woman with whom respondent was having a romantic relationship, without a prescription. Respondent then created what purported to be a telephoned prescription for this drug, and filed and profiled the purported prescription, all without the knowledge of the physician whose name was used by respondent as the prescriber.

6. The Respondent did, on or about December 17, 1991, dispense 30@ quinine sulfate 325 mg. capsules to patient Margaret R., a woman with whom respondent was having a romantic relationship, without a prescription. Respondent then created what purported to be a telephoned prescription for this drug, and filed and profiled the purported prescription, all without the knowledge of the physician whose name was used by respondent as the prescriber.

7. The Respondent did, on or about December 20, 1991, dispense a 45 gm tube of Terazol 7™ cream 0.4% to patient Margaret R., a woman with whom respondent was having a romantic relationship, without a prescription. Respondent then created what purported to be a telephoned prescription for this drug, and filed and profiled the purported prescription, all without the knowledge of the physician whose name was used by respondent as the prescriber.

#### **CONCLUSIONS OF LAW**

8 The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter pursuant to §450 10, Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

9. The conduct described in paragraphs 2-7, above, violated one or more of the following: §§450 10(1)(a)2., and 450.11(1) and (7)(c) and (e), Wis. Stats., and § Phar 10.03(1), (2), and (5), Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

#### **ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted

IT IS FURTHER ORDERED, that Charles H. Strohbach, Jr., R.Ph., is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that the license of Charles H. Strohbach, Jr., R.Ph., to practice pharmacy is hereby SUSPENDED for 60 days (effective February 8, 1994) and until respondent takes and passes the Wisconsin Pharmacy Jurisprudence Examination. The examination may, at respondent's option, be taken through the PLATO professional development center. Respondent shall not take the examination more than twice without express permission of the Board, which shall determine in its discretion under what terms and conditions the respondent may attempt an exam after two attempts. Upon proof of passing the exam, respondent's license shall be forthwith reissued and restored by the staff of the department, without further action by the Board.

IT IS FURTHER ORDERED, that respondent shall FORFEIT \$3,000, to be paid within 60 days of this Order.

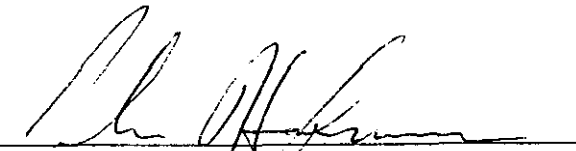
IT IS FURTHER ORDERED, that respondent shall pay COSTS in this matter in the amount of \$800, within 30 days of this order

IT IS FURTHER ORDERED, that pursuant to §227.51(3), Wis. Stats., and ch. RL 6, Wis Adm Code, if the Board determines that there is probable cause to believe that respondent has violated any term of this Final Decision and Order, the Board may order that the license of respondent be summarily suspended pending investigation of the alleged violation.

Dated this 3 day of February, 1994.

WISCONSIN PHARMACY EXAMINING BOARD

by:

  
\_\_\_\_\_

a member of the board

5276  
akt

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

-----  
IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :

CHARLES H. STROHBACH, JR. R.PH., :  
RESPONDENT. :

STIPULATION  
92 PHM 108

-----  
It is hereby stipulated between the above Respondent and the undersigned prosecuting attorney for the Division of Enforcement of the Department of Regulation and Licensing, as follows:

1. This Stipulation is entered into as a result of a pending investigation of licensure of Respondent by the Division of Enforcement. Respondent consents to the resolution of this investigation by agreement and without the issuance of a formal complaint.
2. Respondent understands that by signing this Stipulation, respondent waives the following rights with respect to disciplinary proceedings: the right to a statement of the allegations against respondent; a right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against respondent; the right to call witnesses on respondent's behalf and to compel attendance of witnesses by subpoena; the right to testify personally; 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 respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Respondent is aware of respondent's right to seek legal representation and has been provided the opportunity to seek legal advice before signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives 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 or the proposed Final Decision and Order, 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.
6. The parties agree that an attorney for the Division of Enforcement may appear before the Board, in open or closed session, without the presence of Respondent or Respondent's attorney, for the purposes of speaking in support of this agreement and answering questions that the members of the Board and its staff may have in connection with their deliberations on the case.
7. The Board Advisor in this matter may participate freely in any deliberations of the Board regarding acceptance of this Stipulation and the proposed Final Order, and may relate to the Board any knowledge and views of the case acquired during the investigation.

8. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

9. Respondent is informed that should the Board adopt this stipulation, the board's final decision and order is a public record and will be published in the Monthly Disciplinary Report issued by the department. A summary of the order will be published in the Wisconsin Regulatory Digest issued semiannually by the Board. This is standard department procedure and in no way specially directed at Respondent.

Charles H. Stotbal Jr. 1/28/94  
Respondent Date

Peter J. Ludwig 1/31/94  
Peter J. Ludwig, Attorney for Respondent Date

Arthur Heyton 2/2/94  
Prosecuting Attorney Date  
Division of Enforcement