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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOHN R. SCHMITT, R.Ph.,
RESPONDENT.

MODIFICATION OF ORDER
(September 1999)

To: John R. Schmitt, R.Ph.

2710 Cormier Road

Green Bay, WI 54313

On August 13, 1997, the State of Wisconsin Pharmacy Examining Board issued a *Final Decision and Order* in the above-captioned matter. Among the terms and conditions set forth in the board's order was that Mr. Schmitt could not be employed nor work in the capacity of a "pharmacist-in-charge", as defined in Phar 1.02 (9), Wis. Adm. Code, and that his pharmacy practice must be performed in the presence of another pharmacist. By a *Modification of Order* dated March 10, 1999, the board authorized Mr. Schmitt to act as a pharmacist-in-charge for a maximum of four hours per week.

Mr. Schmitt has requested that his practice supervision requirement be modified to permit him to practice without supervision of another pharmacist on one weekend every five weeks. His request was supported by his employer and treatment facility. The record indicates that the progress of Mr. Schmitt in treatment has been such as to permit him additional practice as a pharmacist-in-charge. However, the board does not believe that he should be permitted to practice unsupervised for a full weekend, or two, full consecutive days. The board believes that Mr. Schmitt should, however, be allowed to practice one 8-hour shift on either Saturday or Sunday every fifth weekend. Accordingly, the board granted the corresponding modification to Mr. Schmitt's Order.

Based upon the foregoing,

IT IS HEREBY ORDERED that John R. Schmitt, R.Ph., may act as a pharmacist-in-charge within the meaning of section Phar 1.02 (9), Wis. Adm. Code, and thereby perform professional pharmacy services without the continuous presence and supervision of another licensed pharmacist for a maximum of twelve (12) hours per week, with eight (8) of those hours to be provided on either Saturday or Sunday of every fifth weekend.

FURTHERMORE, IT IS ORDERED that the authorization for John R. Schmitt, R.Ph., to act as a pharmacist-in-charge is limited to the performance of such pharmacy services at, and while in the employ of, Osco Drug #454, Green Bay, Wisconsin.

FURTHERMORE, IT IS ORDERED that in all other respects, the previous orders of the board in this matter remain in full force and effect.

Dated: September 15, 1999.

STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

Daniel F. Luce, R.Ph.

Chairman