WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services 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 Safety and Professional Services 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 Safety and Professional Services 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 Safety and Professional Services, 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 Safety and Professional Services 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 DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST

THOMAS K. ROSE, R.Ph., RESPONDENT. ORDER

LS 9711181 PHM

On February 25, 1999, the Wisconsin Pharmacy Examining Board issued a *Final Decision and Order* in the above-captioned matter. The decision placed various terms and conditions upon respondent's right to practice pharmacy. It also provided that Mr. Rose could petition for a removal of the limitations after five years of successful compliance with the board's requirements.

On March 3, 1999, the state's prosecutor, Arthur Thexton, filed the State's Motion to Reconsider. The thrust of the motion was that although the board had accepted the state's recommendation that the limitations upon respondent's license be imposed for at least five years, that recommendation was the result of a typographical error. It was argued that no specific time period should be established in the board's order, so that Mr. Rose is not led to believe that the board will automatically grant a petition for reinstatement to a full and unrestricted license after the passage of five years.

By a filing dated March 15, 1999, respondent's attorney, William T. Curran, submitted his *Objection to Reconsideration and Costs*. Respondent's basic position was that the five year time period was specifically argued and advanced by the state and that past decisions did not support the state's position that a longer, or indefinite limitation period should be imposed.

The board considered the motion and response at its meeting on April 13, 1999. The board does not believe that the current order should be modified. The order is clear that respondent may petition for a full, unrestricted license after five years. However, the order is also clear the board is not mandated to grant that request. That will be a determination to be made at the time of the petition, based upon all of the relevant circumstances existing at that time.

Additionally, if the board were to simply remove the reference to respondent's being able to petition for an unlimited license after five years, the time for petitioning would be "indefinite", therefore perhaps suggesting that respondent could apply for full reinstatement at any time, even within five years. The board does not desire to inadvertently leave the respondent with that impression.

It is the board's opinion that the state's motion should be denied.

Dated:	MW 3	, 1999.

PHARMACY EXAMINING BOARD

Daniel F. Luce, R.Ph.

Chairman

dfl:drr:c/rose