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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY

PROCEEDINGS AGAINST: **FINAL DECISION AND ORDER**

JEAN M. FLESC H, R.Ph. 98 PHM 73

RESPONDENT. LS9902092PHM

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

Ms. Jean M. Flesch, R.Ph.
2905 Capitol Dr.
Appleton, WI 54914

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 Jean M. Flesch, R.Ph. (dob 8/30/1961) 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 #10633, originally granted on 3/20/1985.
2. On 12/8/1998, a DOE investigator observed on two occasions an unlicensed person transfer prescriptions to patients without consultation from a pharmacist. The respondent was present and on duty at the pharmacy, but allowed a pharmacy technician to handle the transactions. The respondent did not have any interaction with either patient.

CONCLUSIONS OF LAW

- A. 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.
- B. The conduct described in paragraph 2, above, violated § Phar 7.01(1)(e) Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes. Each and every patient (or patient's agent) must receive a face-to-face consultation from a registered pharmacist (or supervised intern, whether the prescription is new or a refilled or renewed prescription. This duty is non-delegable and is not satisfied by having auxiliary staff ask if the patient has questions.

ORDER

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

IT IS FURTHER ORDERED, that Jean M. Flesch, R.Ph., is REPRIMANDED for her unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that respondent shall FORFEIT \$250, to be paid within 60 days, for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that respondent shall pay COSTS in this matter in the amount of \$100, 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 February 9, 1999.

WISCONSIN PHARMACY EXAMINING BOARD, by:

s/ Daniel F. Luce, R.Ph.
a member of the board