

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

THEODORE S. REGALIA, R.Ph.	<b>FINAL DECISION AND ORDER</b>
RESPONDENT.	97 PHM 50
	LS9906164PHM

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

*Mr. Theodore S. Regalia, R.Ph.*  
*8536 N. Pelham Pkwy*  
*Bayside, WI 53217*

*Wisconsin Pharmacy Examining Board*  
*P.O. Box 8935*  
*Madison, WI 53708-8935*

*Department of Regulation and Licens ing*  
*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 Theodore S. Regalia, R.Ph. (dob 3/2/1963) 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 #10973, originally granted on 6/9/1987.
2. At all times material between May, 1995, and October 16, 1996, respondent was the immediate supervisor of Craig R. Osness, R.Ph., the managing pharmacist for Walgreen #3616, a community pharmacy in Milwaukee.
3. During this time period, respondent received several reports that Osness was exhibiting symptoms consistent with impairment during practice. On October 15, 1996, respondent received a telephone call from a staff person in the pharmacy to the effect that Osness was impaired and practicing pharmacy on that day. Respondent came to the store, and observed Osness to be apparently impaired, speaking in a slurred fashion, and unable to complete simple sentences. Respondent requested Osness to provide a urine sample for drug testing, but then did not immediately obtain one and permitted Osness to leave the pharmacy to obtain a urine drug test at a time and place of his own choosing. When Osness did obtain a urinalysis the following week, it was invalid by reason of the specific gravity being too low, thus giving rise to an inference that Osness spent several days forcing fluids to "wash out" his system.
4. Respondent did not inform the Board of Osness’ apparent impairment.
5. Following this incident, respondent was demoted by his employer and no longer supervises other managing pharmacists, although he does supervise other staff pharmacists in his present capacity as a managing pharmacist.

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 ¶4, above, violated § Phar 10.03(7), Wis. Adm. Code. Respondent had a duty to promptly report Osness to the Board, under the facts and circumstances of this case.

ORDER

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

IT IS FURTHER ORDERED, that Theodore S. Regalia, R.Ph., is REPRIMANDED 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.

Dated this June 16, 1999.

WISCONSIN PHARMACY EXAMINING BOARD, by:

s/Daniel F. Luce

a member of the board