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IN THE MATTER OF DISCIPLINARY

PROCEEDINGS AGAINST:

JEFFREY JOHN OTTESEN, R.Ph.,

STIPULATION AND AMENDED

FINAL DECISION AND ORDER

RESPONDENT

LS0105153PHM

Jeffrey John Ottesen, R.Ph.

4248 East Milwaukee Street

Janesville, WI 53546

WHEREAS, On December 14, 1993, the State of Wisconsin Pharmacy Examining Board issued a *Final Decision and Order* in the above-captioned matter in which the board placed certain enumerated conditions and limitations upon the license of Jeffrey John Ottesen, R. Ph. to practice pharmacy. By a *Final Decision and Order* ("Order") dated January 10, 1996, the board set forth specific procedures to be followed by Mr. Ottesen in complying with the 1993 decision.

WHEREAS, On March 14, 2001, the board reviewed the written request of Mr. Ottesen that all conditions and limitations of the *Order* be removed from his license. The board also reviewed additional correspondence related to his request. The board denied the request to remove all conditions and limitations from Mr. Ottesen's license.

WHEREAS, Jeffrey J. Ottesen, R.Ph. and the board mutually agree and desire to modify certain terms of the *Order*, the following Stipulation is entered between Jeffrey J. Ottesen, R. Ph. and the board and an Amended Final Decision and Order is hereby issued by the board.

STIPULATION

It is hereby stipulated between Jeffrey J. Ottesen, R.Ph., and the board as follows:

1. This Stipulation and order is entered into as a result of the agreement of Jeffrey J. Ottesen and the board and without further hearing.
2. Jeffrey J. Ottesen is aware of his legal right to seek legal representation an advice regarding the signing of this Stipulation and subsequent issuance of an order amending the Final Decision and Order, 95, PHM 28, dated January 10, 1996. At his option Jeffrey J. Ottesen may obtain on his behalf the signature of an attorney affixed to this Stipulation, however, the lack of an attorney signature on his behalf does not affect the validity or enforceability of this Stipulation.
3. Jeffrey J. Ottesen agrees to the adoption of an order amending the Final Decision and Order, 95, PHM 28, dated January 10, 1996, and waives all rights to any appeal of the board's order, if adopted in the form contained herein.
4. If the terms of this Stipulation are not acceptable to the board, neither Jeffrey J. Ottesen nor the board shall be bound thereby, and Jeffrey J. Ottesen agrees not to contend that the board has been prejudiced or biased in any manner by the consideration of this Stipulation.
5. The original board advisor in this matter may participate freely in any deliberations of the board regarding acceptance of this Stipulation and issuance of an order amending the Final Decision and Order, 95, PHM 28, dated January 10, 1996, and may relate to the board any knowledge and views of the case acquired during its prior investigation.
6. Jeffrey J. Ottesen is informed that should the board adopt this Stipulation, the board's amended Final Decision and Order is a public record and will be published in the Monthly Disciplinary Report issued by the Department of Regulation and Licensing. A summary of the order amending the Final Decision and Order will be published in the

Wisconsin Regulatory Digest issued semiannually by the board.

7. The Findings of Fact and Conclusions of Law contained in the Final Decision and Order, 95 PHM 28, dated January 10, 1996 are hereby incorporated by reference in their entirety as true and binding as if set forth more specifically herein, and form the factual and legal basis for the issuance of an Amended Final Decision and Order in this matter.

8. Jeffrey J. Ottesen and the board agree that the board shall order the amending of the Final Decision and Order, 95, PHM 28, dated January 10, 1996, as follows:

"IT IS THEREFORE ORDERED: that the Order contained in the Final Decision and Order, 95 PHM 28, dated January 10, 1996, is amended to read:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that pursuant to the stipulation of Jeffrey J. Ottesen and the board, that license number 11133 of Jeffrey J. Ottesen shall be limited such that he shall practice pharmacy under the following protocol:

1. That he shall only perform his job duties on behalf of his employer when another employee is present on the premises of the employer at the same time. This limitation shall be in effect for a period of two years from the date of the signing of this order, after which time he may petition the board for removal of this limitation. It shall be totally within the discretion of the board to grant or deny such a petition for removal of this limitation, and a denial of such a petition in whole or in part shall not be deemed a denial of a license and shall not entitle Jeffrey J. Ottesen to a hearing on such a denial.

2. That he shall have in place a system of tracking and reporting dispensing or other practice errors committed while performing his job duties on behalf of his employer. This limitation shall be in effect for a period of two years from the date of signing of this order, after which time he may petition the board for removal of this limitation. It shall be totally within the discretion of the board to grant or deny such a petition for removal of this limitation, and a denial of such a petition in whole or in part shall not be deemed a denial of a license and shall not entitle Jeffrey J. Ottesen to a hearing on such a denial.

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

BY AFFIXING OF A SIGNATURE BELOW THE UNDERSIGNED CONSENTS TO THIS STIPULATION

Jeffrey J. Ottesen 4-18-01

John P. Bohlman, R.Ph./Chairman 5-15-01

On behalf of the Wisconsin Pharmacy
Examining Board

The board and Jeffrey J. Ottesen, R.Ph. agree to the terms and conditions of the above Stipulation and thereupon:

IT IS THEREFORE ORDERED: that the Order contained in the Final Decision and Order, 95 PHM 28, dated January 10, 1996, is amended to read:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that pursuant to the stipulation of Jeffrey J. Ottesen and the board, that license number 11133 of Jeffrey J. Ottesen shall be limited such that he shall practice pharmacy under the following protocol:

1. That he shall only perform his job duties on behalf of his employer when another employee is present on the premises of the employer at the same time. This limitation shall be in effect for a period of two years from the date of the signing of this order, after which time he may petition the board for removal of this limitation. It shall be totally within the discretion of the board to grant or deny such a petition for removal of this limitation, and a denial of such a petition in whole or in part shall not be deemed a denial of a license and shall not entitle Jeffrey

J. Ottesen to a hearing on such a denial.

2. That he shall have in place a system of tracking and reporting dispensing or other practice errors committed while performing his job duties on behalf of his employer. This limitation shall be in effect for a period of two years from the date of signing of this order, after which time he may petition the board for removal of this limitation. It shall be totally within the discretion of the board to grant or deny such a petition for removal of this limitation, and a denial of such a petition in whole or in part shall not be deemed a denial of a license and shall not entitle Jeffrey J. Ottesen to a hearing on such a denial.

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

Dated: 5/15/01

STATE OF WISCONSIN

PHARMACY EXAMINING BOARD

John P. Bohlman, R.Ph.

Chairman