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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
CAROL G. HOTZE, R.Ph.,	:	LS0602081PHM
RESPONDENT.	:	

Division of Enforcement Case # 04 PHM 086

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

Carol Hotze, R.Ph.
23 Prospect Ave.
Lodi, WI 53555

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Pharmacy Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 Pharmacy Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Carol G. Hotze, R.Ph., (DOB 5/04/1967) is duly licensed as a pharmacist in the State of Wisconsin (license # 11748). This license was first granted on March 12, 1992.
2. Respondent's most recent address on file with the Wisconsin Pharmacy Examining Board is 23 Prospect Avenue, Lodi, Wisconsin.
3. Respondent completed five years in the Impaired Professionals Program in October of 2004.
4. In December of 2004, Respondent self-reported that she had been fired from her job for stealing Phentermine, Hydrocodone and Methylin, as well as store merchandise, for the previous 1 ½ months. She also admitted to dispensing a fake prescription to cover up the missing drugs.

5. Respondent was found guilty of one count of theft of movable property, and three counts of possession of controlled substances. She was given deferred prosecution/deferred judgment with probation and required to complete AODA treatment and to follow all Pharmacy Examining Board rules.

6. On March 1, 2005, an investigator for the Division of Enforcement requested that Respondent send in proof that she had completed the continuing education credits that she reported completing on her 2004 license registration renewal. Respondent subsequently admitted that she had not completed the 30 hours of continuing education. On June 8, 2005, the investigator received proof from Respondent that she had thereafter completed the 30 continuing education credits for 2004.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. §450.10, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 3-5 above constitutes a violation of Wis. Admin. Code § Phar 10.03(1) and Wis. Stat. §§ 450.10(1)(a)2 and 450.10(1)(b)1.

3. The conduct described in paragraph 6 above constitutes a violation of Wis. Admin. Code § Phar 10.03(8) and Wis. Stat. §§ 450.10(1)(a)2 and 450.10(1)(a)1.

ORDER

IT IS ORDERED that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, effective the date of this Order:

INDEFINITE LIMITATION

The license of Carol G. Hotze, R.Ph., to practice as a pharmacist in the State of Wisconsin is indefinitely LIMITED as follows:

Respondent may not dispense drugs nor may she practice in a pharmacy or in any other area or position where she would have access to prescription medications. This limitation precludes, among other things, employment in any kind of pharmacy or pharmaceutical positions including pharmacist, pharmacy technician, pharmacy clerk, pharmaceutical representative, pharmaceutical researcher, or pharmacy/sundry store manager. Respondent may work in the business, consulting, teaching and research aspects of pharmacy, except insofar as those positions allow her access to prescription drugs.

In the event that Respondent violates this Limitation, her license to practice as a pharmacist in the State of Wisconsin WILL BE REVOKED.

Respondent may petition the Board for MODIFICATION of the terms of this Limitation or for its termination, however no such petition for modification shall occur earlier than two years from the date of this Order, no such petition shall be made any earlier than three months from the date the Board has acted on the last such petition. Any such petition for modification shall be accompanied by a written recommendation from Respondent's Treater expressly supporting the specific modifications sought. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Respondent shall not have a right to any further hearings or proceedings on the denial.

FORFEITURE

Respondent shall, within 90 days of the date of this Order, pay a forfeiture in the amount of One Thousand Dollars (\$1,000.00) for her failure to complete her required continuing education.

COSTS

Respondent shall pay costs of Seven Hundred Fifty Dollars (\$750.00) to the Department of Regulation and Licensing, within ninety (90) days of this Order.

MISCELLANEOUS PROVISIONS

Payment of costs and forfeitures shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

In the event Respondent fails to timely submit any payment of forfeiture or costs, the Respondent's license (#11748) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

In addition to any other action authorized by this Order or law, violation of any term of this Order may be the basis for a separate disciplinary action pursuant to Wis. Stat. § 450.10.

This Order is effective on the date of its signing.

Dated at Madison, Wisconsin this 8th day of February, 2006.

PHARMACY EXAMINING BOARD

By: Michael Bettiga
A Member of the Board