

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
MARTHA LUBER PELRINE, R.Ph., : LS0604122PHM
RESPONDENT. :

Division of Enforcement Case # 04 PHM 005

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

Martha Luber Pelrine
721 Little Sister Road
Sister Bay, WI 54234

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 Pharmacy Examining 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. Martha Luber Pelrine (D.O.B. 5/14/56) is duly licensed as a pharmacist in the State of Wisconsin (license # 10459). This license was first granted on December 14, 1983.
2. Respondent's most recent address on file with the Department of Regulation and Licensing is 721 Little Sister Road, Sister Bay, Wisconsin, 54234.
3. In the fall of 2003 and continuing into 2004, Respondent worked as a relief pharmacist for Northeast Pharmacies, Inc., d/b/a Oconto Pharmacy.
4. Based upon observations from security cameras at Oconto Pharmacy during the winter of 2003-2004, it was suspected that Respondent may have taken some pills from the pharmacy.
5. On January 16, 2004, the Vice President of the pharmacy observed Respondent putting pills in her pocket. He confronted her and three Oxycontin pills were found in her pocket. Respondent confessed to police that she had stolen the drugs.
6. Respondent consents to the issuance of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

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

2. The conduct described in paragraphs 5 above demonstrates that Respondent has committed misconduct pursuant to Wis. Admin. Code § Phar 10.03(1) and is therefore subject to discipline pursuant to §450.10(1)(b) Wis. Stats.

ORDER

IT IS ORDERED:

1. The stipulation of the parties is approved.

2. The Pharmacy Examining Board accepts the surrender of the license of Martha Luber Pelrine, R.Ph., (license # 10459), to practice as a pharmacist in the State of Wisconsin.

3. In the event that Ms. Luber Pelrine re-applies for Wisconsin licensure as a pharmacist in the future, the Board n enter an order denying such application without further notice or hearing.

Dated at Madison, Wisconsin this 12th day of April, 2006.

PHARMACY EXAMINING BOARD

By: Michael Bettiga
A Member of the Board

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : STIPULATION
:
MARTHA LUBER PELRINE, R.Ph. :
RESPONDENT. :

Division of Enforcement Case No. 04 PHM 005

Respondent Martha Luber Pelrine, R.Ph., personally and by her attorney Brian Maloney, and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of licensure of Respondent by the Division of Enforcement. Respondent consents to the resolution of this investigation by agreement and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, she waives the following rights with respect to disciplinary proceedings: the right to a statement of the allegations against her; a right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel attendance of witnesses by subpoena; the right to testify personally; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent is aware of her right to legal representation and has obtained legal advice before signing this Stipulation.

4. Respondent agrees to voluntarily surrender her license to practice as a pharmacist in the State of Wisconsin. Respondent agrees that she will not reapply for Wisconsin licensure as a pharmacist at any time in the future. In the event that Respondent does in fact apply for Wisconsin licensure as a pharmacist, the Board may deny that application based upon this stipulation, without further notice or hearing, and Respondent hereby expressly waives all rights to a hearing on any such denial or limitation.

5. Respondent agrees to the adoption of the attached Final Decision and Order by the Board and admits to the facts therein. The parties consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached, including but not limited to the rights set forth on the attached "Notice of Appeal Information."

6. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

7. The parties agree that an attorney for the Division of Enforcement may appear before the Board, in open or closed session, without the presence of Respondent, for the purposes of speaking in support of this agreement and answering questions that the members of the Board and its staff may have in connection with their deliberations on the case.

8. The Board Advisor in this matter may participate freely in any deliberations of the Board regarding acceptance of this Stipulation and the proposed Final Order, may relate to the Board any knowledge and view of the case acquired during the investigation, and may vote on any question relating to acceptance of this Stipulation and Final Decision and Order.

9. Respondent is informed that should the Board adopt this stipulation, the Board's final decision and order is a public record and will be published in the monthly *Report of Decisions* issued by the department. A summary of the order will be published in the *Wisconsin Regulatory Digest* issued semiannually by the Board. This is standard department procedure and in no way specially directed at Respondent.

10. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

Martha Luber Pelrine, R.Ph.
721 Little Sister Rd.
Sister Bay, WI 54234

Date

Brian Maloney
Attorney for Martha Luber Pelrine, R.Ph.
Hanaway Ross Law Firm
345 S. Jefferson St.
Green Bay, WI 54301-4522

Date

Jeanette Lytle, Attorney

Date

Division of Enforcement
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