

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
JOANN REICH, R.Ph.,	:	LS0604123PHM
RESPONDENT.	:	

Division of Enforcement Case # 05 PHM 041

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

Joann Reich
842 S 4th Ave.
Park Falls, WI 54552

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. Joann Reich, R.Ph., (DOB 12/31/1959) is duly licensed as a pharmacist in the State of Wisconsin (license # 40 10543). This license was first granted on May 30, 1984.
2. Respondent's most recent address on file with the Wisconsin Pharmacy Examining Board is 842 S. 4th Avenue, Park Falls, Wisconsin.
3. At all times relevant to this action, Respondent was working as a pharmacist in Wisconsin.
4. On or about March 26, 2005, Respondent diverted 60 Vicodin 5/500 tablets from pharmacy expired stock and gave them to her husband, who had a history of drug and alcohol abuse.
5. Respondent later self-reported her diversion to the pharmacy and filed for divorce.

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 paragraph 4 above constitutes a violation of Wisconsin Administrative Code §§ Phar 10.03(1) and Wis. Stat. § 450.10(1)(b)1.

ORDER

IT IS ORDERED:

1. Joann Reich, R.Ph., is REPRIMANDED.

IT IS FURTHER ORDERED that:

2. The license of Joann Reich, R.Ph. to practice as a pharmacist in the State of Wisconsin is LIMITED as follows:
- (a) Respondent shall complete at least 20 hours of pre-approved continuing education in pharmacy law and ethics.
 - (b) Respondent shall certify to the Board the successful completion of this continuing education course within 9 months of the date of this order. Upon successful completion, this limitation will be removed.
 - (c) All courses taken in satisfaction of the above requirements must be pre-approved by the board. Prior to any such course, Respondent shall submit to the Board Monitor at the address listed below an outline of the required training for approval, which shall contain the name of the institution providing the instruction, the name of the instructor, and the course content. Respondent is responsible for ensuring that such course information submissions reach the Board Monitor in a timely manner such that the board is able to consider the courses for approval in the usual course of business at its regularly scheduled board meetings in sufficient time for the Respondent to complete the courses prior to the expiration of the 9 month deadline discussed above.
 - (d) No course taken in satisfaction of this order may be used to satisfy the requirements of Wis. Stat. § 450.08.
 - (e) Respondent shall be responsible for the cost of compliance with the terms of this Order.
3. Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to supervisory personnel (including the managing pharmacist) at all pharmacies where Respondent is engaged in the practice of pharmacy as defined at Wis. Stat. § 450.01(16), or where Respondent works in any capacity.
4. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Three Hundred Dollars (\$300.00). Payment 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

5. In the event Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, the Respondent's license (#40 10543) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

6. This Order is effective on the date of its signing.

Pharmacy Examining Board

By: Michael Bettiga
A Member of the Board

4/12/06
Date

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
JOANN REICH, R.Ph.,	:	LS# _____
RESPONDENT.	:	

Division of Enforcement Case # 05 PHM 041

Respondent Joann Reich, R.Ph., personally on her own behalf, 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 Respondent's licensure by the Division of Enforcement (case # 05 PHM 041). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondent understands that by signing this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondent has been provided an opportunity to obtain the advice of legal counsel prior to signing this stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Pharmacy Examining Board. The parties to the Stipulation 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.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, 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 consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Pharmacy Examining Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
7. 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 accordance with standard Department procedure.
8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Joann Reich
842 S 4th Ave.
Park Falls, WI 54552

Date

Jeanette Lytle, Attorney
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708

Date