

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
	:	
STEVEN R. SPITZER, R.Ph.,	:	LS0810296PHM
RESPONDENT.	:	

Division of Enforcement Case #05 PHM 024

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

Steven R. Spitzer, R.Ph.
397 Robbins Run
Burlington, WI 53105

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 this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Steven R. Spitzer, R.Ph., (DOB 10/30/1949) is duly licensed as a pharmacist in the state of Wisconsin (license #40-9158). This license was granted on March 28, 1977.
2. Respondent's most recent address on file with the Wisconsin Pharmacy Examining Board is 397 Robbins Run, Burlington, WI 53105.
3. On or about April 12, 2006 Respondent submitted his licensure renewal application. On his renewal application he indicated that he had completed the required continuing education for the biennium beginning June 1, 2004 and ending May 31, 2006.
4. On or about January 8, 2008, an investigator for the Division of Enforcement contacted Respondent requesting him to submit evidence of compliance with the continuing education requirements to audit compliance.

5. On or about January 27, 2008, Respondent submitted 26.8 of the required continuing education and stated that he was unable to locate the remaining 3.2 credits. These credits may have been destroyed as a result of a flood that occurred in the basement of his home.
6. In resolution of this matter, Respondent consents to the entry 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 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 3 through 5, above, constitutes a violation of Wis. Stat. §§ 450.085 and 450.10(1)(a)1. and subjects Respondent to discipline pursuant to Wis. Stat. 450.10(1)(b).

ORDER

NOW, THEREFORE, IT IS ORDERED that:

1. Steven R. Spitzer, R.Ph. (license #40-9158), is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent shall, within ninety (90) days of the date of this Final Decision and Order, take and complete 3.2 hours of ACPE approved continuing education in order to satisfy his 2004-2006 biennium requirement. Evidence of completion of the 3.2 credits of continuing education shall be mailed to:

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

IT IS FURTHER ORDERED that:

3. Respondent shall, within ninety (90) days from the date of this Order, pay a forfeiture of two hundred fifty dollars (\$250.00) and partial costs of this proceeding in the amount of two hundred fifty (\$250.00) dollars. All payments shall be made payable to the Wisconsin Department of Regulation and Licensing and mailed to the Department Monitor at the above address.
4. Case number 05 PHM 024, shall be, and hereby is, closed without further proceedings.
5. In the event the Respondent fails to pay the forfeiture or the costs as ordered the Respondent's license SHALL BE SUSPENDED until the Respondent has complied with the terms of this Order.

This Order shall become effective on the date of its signing.

WISCONSIN PHARMACY EXAMINING BOARD

By: Gregory C. Weber

10-29-2008

