

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST : FINAL DECISION AND ORDER  
:  
BRIAN T. SCHWANZ, R.PH., : LS0907233PHM  
RESPONDENT. :

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Division of Enforcement Case Numbers 08 PHM 018 and 08 PHM 065

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

Brian T. Schwanz, R.Ph.  
1656 S. Ponderosa Drive  
Stevens Point, WI 54481

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

Wisconsin 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. Brian T. Schwanz, R.Ph., Respondent, date of birth June 29, 1965, is licensed by the Pharmacy Examining Board as a pharmacist in the State of Wisconsin pursuant to license #12556-40, which was first granted August 23, 1996.
2. Respondent's address of record with the Department of Regulation and Licensing is 1656 S. Ponderosa Drive, Stevens Point, Wisconsin 54481.
3. At all times relevant to this action, Respondent was working as the managing pharmacist at K Mart Pharmacy #7010, 111 Division Street N, Stevens Point, Wisconsin 54481.

08 PHM 018

4. On or about February 28, 2008, Respondent dispensed 5 mg Warfarin to an 80 year-old male patient who was prescribed and supposed to receive 2 mg Warfarin, no harm came to the Patient as a result of the above medication error.

5. On or about September 2, 2008, Respondent was observed by an investigator for the Department of Regulation and Licensing, Division of Enforcement, dispensing prescriptions to two separate individuals without providing consultation or offering to provide consultation to either.

08 PHM 065

6. On or about October 6, 2008, Respondent verified a prescription for metropolol filled by a pharmacy technician. Respondent did not notice the prescription had in fact been filled with metropolol ER. The error was realized after the patient had taken the prescription home and recognized the difference in the appearance of the pills.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 450.10 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 4 through 6, above, constitutes a violation of Wis. Admin. Code §§ Phar 7.01(1)(e) and Phar 10.03(2), and subjects Respondent to discipline pursuant to Wis. Stat. § 450.10(1)(b)1.

ORDER

IT IS HEREBY ORDERED:

- Respondent, Brian T. Schwanz, R.Ph., is REPRIMANDED for the conduct set out above.
- Respondent shall, within ninety (90) days from the date of this Order, pay a forfeiture of five hundred fifty (\$500.00) dollars and pay costs of this proceeding in the amount of seven hundred (\$700.00) dollars. Payment shall be made to:

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

3. In the event Respondent fails to timely submit full payment of the costs or forfeiture as set forth above, Respondent's license (#12556-40) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

WISCONSIN PHARMACY EXAMINING BOARD

By: Gregory C. Weber  
A Member of the Board

7/22/09  
Date