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**STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD**

**IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST**

**GABRIEL J. SIMONS, R.Ph.,
RESPONDENT.**

**ORDER GRANTING
MODIFICATION
LS0906247PHM**

TO: Gabriel J. Simons, R.Ph.
1126B Quinlan Drive
Pewaukee, WI 53072

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

The Pharmacy Examining Board considered this matter at its meeting on July 28, 2010.

BACKGROUND

On June 24, 2009, the Board issued a Final Decision and Order placing various conditions and limitations upon Mr. Simon's license to practice as a pharmacist in the State of Wisconsin, Pharmacist license #14497. Specifically, paragraph C.22 prohibited the Respondent from working in the capacity of "pharmacist in charge". Additionally, paragraph C.14 required the Respondent to have urine screens for drugs and alcohol at a frequency of 96 times per year.

On or about June 20, 2010, Mr. Simons petitioned the Board to modify the Order allowing the Respondent the right to work as the pharmacist in charge as well as requesting a reduction in the required drug and alcohol screening frequency.

Based upon all the information of record, the Board orders the following:

ORDER

NOW, THEREFORE, IT IS ORDERED that Mr. Simons' request to be permitted to work pharmacist in charge hours, be and hereby is, Granted. Respondent is permitted to work 8 pharmacist in charge hours per week.

NOW, THEREFORE, IT IS FURTHER ORDERED that Mr. Simons' request to reduce the frequency of his drug and alcohol screening, be and hereby is, Granted. Paragraph C.14 of the Final Decision and Order dated June 24, 2009 is changed to read as follows:

The Approved Program shall require the testing of urine specimens at a frequency of not less than 48 times per year. The Approved Program shall also require the testing of a hair sample at a frequency of not less than 1 time per year. The frequency of such testing may be further reduced only upon a determination by the Board or its designee after receiving a petition for modification as required by D.4., below.

Dated this 3 day of September, 2010.

Pharmacy Examining Board

By:

Jeanne Severson #NW
Jeanne Severson, R.Ph., Chairperson