

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

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

---

**IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST**

**ORDER DENYING A STAY OF  
SUSPENSION**

**JAMES E. ELBERT, R.Ph.  
RESPONDENT.**

**92 PHM 92**

---

TO: James E. Elbert, R.Ph.  
1711 Ninth Street  
Eau Claire, WI 54703

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 meetings on July 28, 2010 and September 22, 2010.

**BACKGROUND**

On January 12, 1993, the Board issued a Final Decision and Order with regard to disciplinary proceedings against Mr. Elbert, Pharmacist license #11779. As a result of said Final Decision and Order, the license of Mr. Elbert, R.Ph. has been suspended since 1993.

On or about June 25, 2010, Mr. Elbert petitioned the Board for a stay of the suspension of his pharmacist license.

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

**ORDER**

**NOW, THEREFORE, IT IS ORDERED** that Mr. Elbert's petition for a stay of suspension, be and hereby is, Denied.

In order for the Board to further consider a stay of the suspension of Mr. Elbert's license he shall demonstrate the following:

- He has taken and passed the Multistate Pharmacy Jurisprudence Examination (MPJE) within the last year.
- He has taken and passed the North American Pharmacist Licensure Examination (NAPLEX) within the last year.
- He is compliant with the drug screening requirements of the Final Decision and Order of January 12, 1993 as modified herein. Paragraph 2(b)(4) shall read as follows:

Drug Screening. Respondent's rehabilitation program shall include and Respondent shall participate in a program of random, witnessed collection of urine specimens for monitoring for the presence of all controlled substances, including in particular but not limited to Tetrahydrocannabinoid and alcohol, at a frequency of not less than 48 times per year. Additionally, respondent's rehabilitation program shall also require the testing of a hair sample at a frequency of not less than 1 time per year.

Respondent may repetition for a stay of suspension after compliance with the above requirements.

Dated this 4 day of October, 2010.

Pharmacy Examining Board

By:

Jason Walker-Crawford \*nw  
Jason Walker-Crawford, R.Ph.  
A Member of the Board