

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF	:	ORDER GRANTING
THE LICENSE OF	:	MODIFICATION
	:	
GABRIEL J. SIMONS, R.Ph.,	:	LS0906247PHM
PETITIONER	:	

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

The Pharmacy Examining Board considered this matter at its meeting on September 14, 2011.

**PROCEDURAL HISTORY**

On June 24, 2009, the Board issued a Final Decision and Order that included, among other limitations, the suspension of Gabriel J. Simons' Pharmacist license, number 14497-40, but immediately stayed that suspension subject to certain conditions. Based thereon, the Board makes the following:

**FINDINGS OF FACT**

1. On or about June 20, 2011, Mr. Simons petitioned the Board to modify the Final Decision and Order dated June 24, 2009 by decreasing the frequency of his required urine drug screens and an increase in pharmacist in charge hours.

2. On September 14, 2011, the Board reviewed Mr. Simons' petition and all of the information of record, including a supporting letter from Mr. Simons' therapist. The Board determined that Mr. Simons was in compliance with the terms of the Final Decision and Order dated June 24, 2009. As a result, the Board granted Mr. Simons' petition for modification to reduce the frequency of his required urine drug screens and granted an increase in pharmacist in charge hours. Based upon all the information of record, the Board finds that the Orders below are necessary to ensure the safety and protection of the public, and orders the following:

**ORDER**

**NOW, THEREFORE, IT IS ORDERED** that Mr. Simons' petition to be permitted to work as a Pharmacist in Charge for twenty-four (24) hours per week is hereby Granted. Paragraph C.22. of the Final Decision and Order dated June 24, 2009 shall be modified to remove the prohibition against Mr. Simons being employed as or working as a pharmacist in charge. All other provisions of Paragraph C.22. of the Final Decision and Order shall remain in full force and effect.

**IT IS FURTHER ORDERED** that Mr. Simons' petition for a reduction in the frequency of urine drug screens per year is hereby Granted. Paragraph C.14 of the Final Decision and Order dated June 24, 2009 shall be modified to read:


The Approved Program shall require the testing of urine specimens at a frequency of not less than twenty-four (24) times per year. The Approved Program shall also require the

testing of a hair sample at a frequency of not less than one (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 Paragraph D.4. of the Final Decision and Order dated June 24, 2009.

Gabriel J. Simons shall be in full compliance with this Order and the Final Decision and Order dated June 24, 2009 as amended.

This Order is effective on the date signed below.

STATE OF WISCONSIN  
PHARMACY EXAMINING BOARD

By:  ON BEHALF OF  
Jason Walker-Crawford  
Chairperson

Date: 26 SEPT 2011