

# 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

AMY P. BRIESKE, R.PH.  
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0000 879

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[Division of Enforcement Case #09 PHM 31]

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

Amy P. Brieske, R.Ph.  
535 Johnson Street  
Onalaska, WI 54650

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 the attached Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Amy P. Brieske, R.Ph. ("Respondent") was born on August 6, 1966, and is licensed to practice pharmacy in the state of Wisconsin pursuant to license number 12366-40. This license was first granted on November 13, 1995.

2. Respondent's most recent address on file with the Wisconsin Department of Regulation and Licensing is 535 Johnson Street, Onalaska, WI 54650.

3. At all times relevant to this proceeding, Respondent was working as a registered pharmacist at West Salem Pharmacy in West Salem, Wisconsin.

4. On March 4, 2009, Patient DE presented at the pharmacy to get a refill of his prescription of metoprolol 100mg tablets, which is used to treat high blood pressure. Respondent inadvertently dispensed metoprolol 50mg tablets to Patient DE instead of the correct prescribed dosage of metoprolol 100mg tablets. The bottle was labeled correctly, but Respondent incorrectly refilled the medication.

5. When Patient DE discovered the dispensing error and returned to the pharmacy, Respondent dispensed additional metoprolol 50 mg. tablets to make up the difference between the dose as prescribed and the dose as dispensed, until the next refill of the prescription.

### CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. §540.10, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. Respondent's conduct of dispensing the wrong dosage of the prescribed medication, as described in paragraph 4, above, constitutes a violation of Wis. Admin. Code § 10.03(2) and Wis. Stat. § 450.11(1).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Amy P. Brieske, R.Ph., is hereby REPRIMANDED.
2. Respondent shall, within ninety (90) days from the date of this Order, pay a FORFEITURE in the amount of TWO HUNDRED FIFTY DOLLARS (\$250.00), pursuant to Wis. Stat. § 450.09(8).
3. Respondent shall, within ninety (90) days from the date of this Order, pay COSTS of this proceeding in the amount of THREE HUNDRED FIFTY DOLLARS (\$350.00).
4. All requests, notice, payments required by this Order shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed, faxed, or delivered to:

Department Monitor  
Division of Enforcement

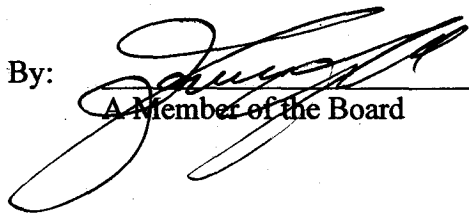
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 267-3817  
Fax (608) 266-2264

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs or payment of the forfeiture as ordered, as set forth above, the Respondent's license (# 12366-40) may, in the discretion of the Board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondent has complied with the payment of the costs or forfeiture.

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

Wisconsin Pharmacy Examining Board

By:

  
A Member of the Board

Date 6/1/11