

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



### Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Department of Safety and Professional Services 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 Safety and Professional Services 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 Safety and Professional Services 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 Safety and Professional Services, 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 Safety and Professional Services 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/wsccl>.
- 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 DSPS 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 DISCIPLINARY	:	ORDER OF SUSPENSION
PROCEEDINGS AGAINST	:	WITH GRANT OF STAY
	:	
SCOTT D. ISAACSON, R.PH.,	:	ORDER LS0610191PHM
RESPONDENT.	:	

---

TO: Scott D. Isaacson, R.Ph.  
S7610 Homestead Rd.  
Eau Claire, WI 54701

Department Monitor  
Division of Enforcement  
1400 East Washington Avenue  
Madison, Wisconsin 53703

The Pharmacy Examining Board considered this matter at its meeting on February 9, 2012.

### **BACKGROUND**

On April 9, 2008, for the reasons stated in the Final Decision and Order of the same date, the Pharmacy Examining Board accepted the surrender of Scott D. Isaacson's license, number 40-10181. The Board further ordered Mr. Isaacson to pay costs of the proceeding in the amount of \$1,000.00 within 90 days of the Order.

On or about March 15, 2010, Mr. Isaacson petitioned the Board to reinstate his previously surrendered Wisconsin pharmacy license. Mr. Isaacson appeared before the Board on June 2, 2010. The Board denied his petition by Order Denying Modification dated June 21, 2010 and set forth several requirements that he must meet before he may re-petition the Board for reinstatement to be considered at its December 2010 meeting, if all of the ordered requirements were met.

On or about November 16, 2010, Mr. Isaacson re-petitioned the Board to reinstate his surrendered license. The Board denied his petition by Order Denying Reinstatement dated January 20, 2011, which Order set forth several requirements that he must meet before he may again re-petition the Board for reinstatement. The Order further reserved the right of the Board to impose practice setting and license limitations on any license that may be issued to Mr. Isaacson.

In an undated letter that was submitted to the Department Monitor in advance of the Board's February 9, 2012 meeting, Mr. Isaacson re-petitioned the Board for reinstatement of his surrendered license. The Board reviewed Mr. Isaacson's petition at its February 9, 2012 meeting, and based upon the record presented, makes the following:

### **FINDINGS OF FACT**

1. Mr. Isaacson has successfully completed the requirements of the Final Decision and Order dated April 9, 2008, and has complied with the requirements in the two subsequent Board Orders issued on June 21, 2010 and January 20, 2011.

## **ORDER**

NOW, THEREFORE, IT IS ORDERED that Mr. Isaacson's petition for reinstatement of his license to practice as a pharmacist is GRANTED with an indefinite SUSPENSION. The suspension is immediately STAYED subject to the conditions outlined below. The license is further LIMITED as follows:

### **SUSPENSION**

- A.1. The license of Scott D. Isaacson, R.Ph., to practice as a pharmacist in the State of Wisconsin is SUSPENDED for an indefinite period.

### **STAY OF SUSPENSION**

- B.1. The suspension of Respondent's license shall be STAYED immediately upon his completion of the proper application and payment of the accompanying fee.
- B.2. Upon a showing by Respondent of continuous, successful compliance for a period of at least five (5) years with the terms of this Order, including at least 600 hours of active pharmacist practice for every year the suspension is stayed, the Board may grant a petition by the Respondent under paragraph D.4. for full reinstatement of licensure. In its discretion, the Board may start the 5-year period anew for every substantial or repeated violation of any provision of Sections C or D of this Order.
- B.3. The Board may, on its own motion or at the request of the Department Monitor, grant full licensure at any time.
- B.4. The Board may, without hearing, remove the stay upon receipt of information that Respondent is in substantial or repeated violation of any provision of Sections C or D of this Order. Repeated violation is defined as the multiple violation of the same provision or violation of more than one provision. The Board may, in conjunction with any removal of any stay, prohibit the Respondent for a specified period of time from seeking a reinstatement of the stay under paragraph B.2 and D.4.
- B.5. This stay of suspension shall be lifted immediately upon notice thereof to Respondent either by:
- (a) Mailing to Respondent's last-known address on file with the Department of Safety and Professional Services pursuant to Wis. Stat. § 440.11.; or
  - (b) Actual notice to Respondent or Respondent's attorney.
- B.6. The Board may reinstate the stay, if provided with sufficient information that Respondent is in compliance with the Order, and that reinstatement of the stay is appropriate. Whether to reinstate the stay shall be in the Board's sole discretion.

### **CONDITIONS AND LIMITATIONS**

#### **Treatment Required**

- C.1. Respondent shall enter into, and shall continue, in a drug and alcohol treatment with a Treater acceptable to the Board or its designee. Respondent shall participate in, cooperate with, and follow all treatment recommended by Treater.

- C.2. Respondent shall immediately provide Treater with a copy of this Order of Suspension with Grant of Stay and all other subsequent orders.
- C.3. Treater shall be responsible for coordinating Respondent's rehabilitation, drug monitoring, and treatment program as required under the terms of this Order, and shall immediately report any relapse, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct to the Department Monitor (See D.1., below). If Treater is unable or unwilling to serve as Treater, Respondent shall immediately seek approval of a successor Treater by the Board or its designee.
- C.4. The rehabilitation program shall include individual and/or group therapy sessions at a frequency to be determined by Treater, but not less than once weekly for the first year of the stayed suspension. Therapy may end only by determination of the Board or its designee upon receiving a petition for modification as required by D.4., below.
- C.5. Treater shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Board or its designee. These reports shall assess Respondent's progress in the drug and alcohol treatment program. Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.

#### Releases

- C.6. Respondent shall provide and file with Treater, all treatment facilities and personnel, laboratories, and collections sites current releases compliant with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department of Safety and Professional Services, Division of Enforcement to: (a) obtain all specimen screening results and patient health care and treatment records and reports; and (b) discuss the progress of Respondent's treatment and rehabilitation. Copies of these releases shall immediately be filed with the Department Monitor.

#### AA/NA Meetings

- C.7. Respondent shall attend Narcotics Anonymous and/or Alcoholic Anonymous meetings or an equivalent program for recovering professionals, at the frequency recommended by Treater, but not less than two meetings per week for the first year during his suspension and/or stay, and no less than one meeting per week for each year thereafter. Respondent's attendance at such meetings shall be verified and reported monthly to Treater and the Department Monitor.

#### Sobriety

- C.8. Respondent shall abstain from all personal use of alcohol.
- C.9. Respondent shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed, or administered by a practitioner for a legitimate medical condition. Respondent shall disclose his drug and alcohol history and the existence and nature of this Order to the practitioner prior to prescribing the controlled substance to Respondent. Respondent shall, at the time the controlled substance is ordered, immediately sign a release compliant with state and federal laws authorizing the practitioner to discuss Respondent's treatment with, and provide copies of treatment records to, Treater and the Board or its designee.

- C.10. Respondent shall abstain from all use of over-the-counter medications or other substances which may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent's treatment and rehabilitation.
- C.11. Within 24 hours of ingestion or administration, Respondent shall report to Treater and the Department Monitor all medications and drugs, over-the-counter, or prescription taken, and shall identify the person or persons who prescribed, dispensed, administered, or ordered said medications or drugs, and shall provide the Department Monitor with a copy of the prescription. If Respondent has not provided a release as required by C.9 above within 24 hours of a request by Treater or the Board or its designee, Respondent shall provide releases compliant with state and federal laws. The releases shall authorize the person who prescribed, dispensed, administered, or ordered the medication to discuss Respondent's treatment with, and provide copies of Respondent's treatment records to, the requester thereof.

#### Drug and Alcohol Screens

- C.12. Respondent shall enroll and begin participation in a drug and alcohol monitoring program which is approved by the Department pursuant to Wis. Admin. Code § SPS 7.11, ("Approved Program"). A list of Approved Programs is available from the Department Monitor.
- C.13. At the time Respondent enrolls in an Approved Program, he shall review all of the Approved Program's rules and its available procedures. Failure to comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program, including any positive test for any controlled substance or alcohol, is a substantial violation of this Order. The requirements shall include:
- (a.) Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
  - (b.) Production of a specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.
- C.14. The Approved Program shall require the testing of specimens at a frequency of not less than 48 times per year, for the first year of this Order. The Approved Program shall require the testing of a hair sample at least one time each year. After the first year, the frequency of testing specimens may be reduced only upon a determination by the Board or its designee after receiving a petition for modification as required by D.4., below.
- C.15. The Board or the Board's designee shall determine the tests to be performed upon the specimens. If any specimen is positive, or is suspected positive, for any controlled substances or alcohol, Respondent shall promptly submit to additional tests or examinations as the Treater or the Board or its designee shall deem appropriate to clarify or confirm the positive or suspected positive test results.
- C.16. In addition to any requirement of the Approved Program, the Board or its designee may require Respondent to do any or all of the following: (a) submit additional specimens; (b) submit specimens of blood, hair, breath, urine, fingernail, saliva, and any additional tissue or product of the body, the collection of which does not require piercing the skin; and (c) furnish any specimen the production of which has been directly witnessed.

- C.17. All confirmed positive test results shall be presumed valid. Respondent must prove an error in collection, testing, or other fault in the chain of custody by a preponderance of the evidence.
- C.18. The Approved Program shall submit information and reports to the Department Monitor in compliance with the requirements of Wis. Adm. Code § SPS 7.11.

Practice Limitations

- C.19. Respondent shall not practice as a pharmacist in any capacity unless Respondent is in full compliance with the rehabilitation and treatment programs as specified and approved under this Order. Respondent shall not practice as a pharmacist in any capacity other than in the presence of another pharmacist without prior approval of the Board.
- C.20. Respondent shall not be employed as, or work in the capacity of, a "managing pharmacist," as defined in Wis. Admin. Code § Phar 1.02(6), except with prior Board approval.
- C.21. Respondent shall not be employed as or work in the capacity of a "pharmacy technician," as defined in Wis. Admin. Code § Phar 7.015(1), except with prior Board approval.
- C.22. Respondent shall not be employed as, or work in the capacity of, a "pharmacist-in-charge," as defined in Wis. Admin. Code § Phar 1.02(9), except with prior Board approval. Respondent may petition the Board for modification of this prohibition as required by D.4., below. In addition to complying with the conditions of D.4., any such petition shall be accompanied by a written request of the managing pharmacist. Such request shall include a complete work schedule of all pharmacists employed in the pharmacy, and shall indicate the proposed work schedule and supervision pattern for Respondent. At any time, and as it deems appropriate under the circumstances, the Board may modify any of the terms regarding practice by Respondent as a pharmacist-in-charge, and may remove its authorization of Respondent to practice as a pharmacist-in-charge. Grounds for modification or removal of the authorization to practice as a pharmacist-in-charge may include, but shall not be limited to, a change of employer, managing pharmacist, or home address of the Respondent.
- C.23. Respondent shall provide a copy of this Order and all other subsequent orders immediately to supervisory personnel, including the managing pharmacist at all pharmacies where Respondent is engaged in the practice of pharmacy as defined in Wis. Stat. § 450.01(16). The Board or the Department may conduct unannounced inspections and/or audits, and make copies of pharmacy records and inventory where Respondent is employed as a pharmacist. EMPLOYERS WHO ARE DEA REGISTRANTS ARE INFORMED THAT IF RESPONDENT HAS BEEN CONVICTED OF ANY FELONY RELATING TO CONTROLLED SUBSTANCES, THE EMPLOYER MUST RECEIVE A WAIVER OF S. 21 CFR 1301.76 UNDER S. 21 CFR 1307.03 BEFORE EMPLOYING RESPONDENT.
- C.24. Respondent's supervisor shall describe, in quarterly reports, Respondent's access to controlled substances and other abuseable drugs, and the monitoring thereof. Any loss,

diversion, tampering, or discrepancy shall immediately be reported to the Board. Respondent is responsible for arranging the provision of written reports from supervisors to the Department Monitor on a quarterly basis, as directed by the Board or its designee. These reports shall also assess Respondent's work performance, and shall include the number of hours of active pharmacist practice Respondent worked during that quarter.

- C.25. Respondent shall obtain the managing pharmacist's agreement to monitor Respondent's access to, and accountability for handling controlled substances and other abuseable prescription drugs for the reasonable detection of loss, diversion, tampering, or discrepancy related to controlled substances and other abuseable prescription drugs.
- C.26. In addition, Respondent shall obtain his supervising pharmacist's agreement to conduct a full and exact (not estimated) count of the controlled substances, as identified by the Board or its designee, in inventory immediately, and accountability audits of the identified controlled substances every six months for the duration of this Order. The audit shall be conducted and certified by a licensed pharmacist other than Respondent, who shall be approved by the Board or its designee. A summary of all audits required under this paragraph shall be included in the quarterly report following the audit, however, any discrepancy or missing drugs indicated by the audits shall immediately be reported in writing to the Board.
- C.27. Respondent shall obtain the managing pharmacist's agreement to immediately report to the Board and the Treater any conduct or condition of Respondent that may constitute a violation of this Order or a danger to the public.
- C.28. Respondent shall report to the Board any change of employment status, residence, address, or telephone number within five (5) days of the date of such change.

## MISCELLANEOUS

### Department Monitor

- D.1. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor  
Wisconsin Department of Safety and Professional Services  
Division of Enforcement  
1400 East Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax: (608) 266-2264  
Telephone: (608) 267-3817

### Required Reporting by Respondent

- D.2. Respondent is responsible for compliance with all terms and conditions of this Order, including the timely submission of reports by others. Respondent shall promptly notify the Department Monitor of any failures of the Treater, treatment facility, Approved Program, or collection sites to conform to the terms and conditions of this Order.

Respondent shall promptly notify the Department Monitor of any violation of any terms and conditions of this Order by Respondent. Every three (3) months, Respondent shall notify the Department Monitor of Respondent's compliance with the terms and conditions of the Order, and shall provide the Department Monitor with a current address and home telephone number.

Change of Treater or Approved Program by Board

- D.3. If the Board or its designee determines the Treater or Approved Program has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Board or its designee may direct Respondent to continue treatment and rehabilitation with another Treater or Approved Program.

Petitions for Modification of Limitations or Termination of Order

- D.4. Respondent may not petition the Board for modification of the terms or termination of this Order before one year from the date of this Order, nor petition the Board before three months from the date the Board has acted on the last such petition, nor petition for termination of this Order unless in compliance with paragraph B.2 and Sections C and D. Petitions for any modification shall be accompanied by a written recommendation from Respondent's Treater expressly supporting the specific modifications sought. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a) and Respondent shall have no right to further hearings or proceedings on the denial.

Costs of Compliance

- D.5. Respondent shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision, and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

Additional Discipline

- D.6. In addition to any other action authorized by this Order or law, violation of any term of this Order may form the basis for a separate disciplinary action under Wis. Stat. § 450.10.

This order is effective on the date signed below.

STATE OF WISCONSIN  
PHARMACY EXAMINING BOARD

By: Greg C. Weber R.Ph.  
Gregory C. Weber, R.Ph.  
Chairperson

DW

2/24/12  
Date