

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF
THE LICENSE OF

THOMAS W. GABRIEL, R.PH.
PETITIONER

ORDER GRANTING
PARTIAL MODIFICATION

ORDER 0000786

TO: Thomas W. Gabriel
2205 Mica Road
Madison, WI 53719

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

The Pharmacy Examining Board considered this matter at its meeting on May 30, 2012.

BACKGROUND

On April 6, 2011, for the reasons stated in the Final Decision and Order of the same date, the Pharmacy Examining Board indefinitely suspended Thomas W. Gabriel's pharmacist license, number 7900-40. Among other conditions, the Order required Mr. Gabriel to attend Alcoholics Anonymous (AA) meetings at least weekly, and to submit monthly reports to the Department Monitor showing verification of his attendance by obtaining the signature of the speaker or chair of every AA meeting. The April 6, 2011 Order further required drug and alcohol screenings at a frequency of 48 times per year for the first year the Order was in effect.

On June 16, 2011, the Board granted a continuous stay of Mr. Gabriel's suspension, subject to his compliance with the terms of the April 6, 2011 Order.

On May 30, 2012, the Board considered Mr. Gabriel's petition for modification of the April 6, 2011 Order. Mr. Gabriel requested a reduction in both the frequency of his required therapy sessions and the frequency of drug and alcohol screenings. He further requested a termination of the requirement for verification by signature of his attendance at AA meetings. Based upon the information of record, the Board now finds and makes the following:

FINDINGS OF FACT

1. Mr. Gabriel entered into drug and alcohol treatment, and has attended therapy at the frequency required by the Board's April 6, 2011 Final Decision and Order. He has attended AA meetings at least weekly, as required by the Order. Mr. Gabriel also submitted and had his Treaters and employer submit the reports required by the Order.

2. Mr. Gabriel participated in a drug and alcohol screening program, and has undergone screenings at the frequency specified in the Board's April 6, 2011 Order. He has never had a positive drug screen or missed any check-ins required by the program.

3. Mr. Gabriel is currently working part-time as a pharmacist at the University of Wisconsin Hospital and Clinics Pharmacy. He has practiced in accordance with the conditions and limitations set forth in the Board's April 6, 2011 Order.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 450.10.

2. Based on the record of this case and the findings outlined above, the Board concludes that Mr. Gabriel is in compliance with the terms and conditions of the Final Decision and Order dated April 6, 2011.

ORDER

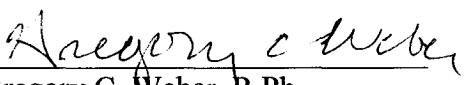
NOW, THEREFORE, IT IS ORDERED that the request for a reduction in the frequency of Mr. Gabriel's drug and alcohol screenings is **GRANTED**. Mr. Gabriel shall undergo testing of his specimens at a frequency of 36 times per year, with at least one hair test. Unless modified herein, Mr. Gabriel shall comply with Sections C and D of the Board's April 6, 2011 Order.

IT IS FURTHER ORDERED that Mr. Gabriel's request for termination of the requirement for verification by signature of his attendance at AA meetings is **DENIED**.

IT IS FURTHER ORDERED that all other terms and conditions of the April 6, 2011 Final Decision and Order, and the June 16, 2011 Order Granting Stay (of suspension), remain in effect.

This order is effective on the date signed below.

STATE OF WISCONSIN
PHARMACY EXAMINING BOARD



Gregory C. Weber, R.Ph.
Chairperson, Pharmacy Examining Board

7/25/12
Date