

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

SUSAN S. DAVIS, R.PH.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0001396

[Division of Enforcement Case #11 PHM 004]

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

Susan S. Davis, R. Ph.
903 W. 5th Street
Marshfield, WI 54449

Division of Enforcement
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Pharmacy Examining Board
Department of Safety and Professional Services
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 this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Susan S. Davis, R.Ph., ("Respondent"), date of birth October 29, 1952 is licensed as a registered pharmacist in the state of Wisconsin, pursuant to license number 10993-40. This license was first granted on August 11, 1987.

2. Respondent's most recent address on file with the Wisconsin Pharmacy Examining Board is 903 W. 5th Street, Marshfield, WI 54449.

3. At all times relevant to this case, Respondent worked as a pharmacist at Saint Joseph's Hospital (St. Joseph's) in Marshfield, Wisconsin.

4. On January 4, 2011, at approximately 8:37 a.m., surveillance cameras in the pharmacy at St. Joseph's recorded activity revealed Respondent reading pharmaceutical logs and looking into red bins and cabinets where prescription drugs are collected for safekeeping and disposal. Respondent was also recorded removing something from a cabinet that contained controlled substances and accessing a computer work station. St. Joseph's contacted the Marshfield Police Department to report the incident.

5. On January 6, 2011, during an interview with the Marshfield Police, Respondent admitted to the following:

- a. On approximately ten (10) different occasions between August 2010 and January 4, 2011, Respondent diverted narcotic drugs from the disposal bins.
- b. The drugs Respondent diverted included Oxycodone (schedule II narcotic controlled substance) and Hydrocodone (schedule III narcotic controlled substance).
- c. On each occasion, Respondent took the Oxycodone and Hydrocodone home and gave them to her husband, who was in chronic pain due to an injury.
- d. Respondent would check the disposal bin a couple times a week, and if there were any narcotics that would be helpful to her husband, she would take them.

6. On January 7, 2011, Respondent was terminated from St. Joseph's, based on her admitted theft of pharmaceutical narcotics.

7. On May 23, 2011, Respondent was found Guilty Due to No Contest Plea in Wood County Case Number 2011CM000376 on the following charges:

- a. 961.41(3g)(b), Possession of a Controlled Substance
- b. 450.11(7)(h), Possess/Illegally Obtained Prescription

- c. 450.11(7)(h), Possess/Illegally Obtained Prescription
- d. 450.11(7)(h), Possess/Illegally Obtained Prescription
- e. 450.11(7)(h), Possess/Illegally Obtained Prescription

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 450.10 and has authority to enter into the stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent's conduct of administering, dispensing, supplying or obtaining a drug other than in legitimate practice, as described in the paragraphs above, was unprofessional conduct in violation of Wis. Admin. Code § Phar. 10.03(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Susan S. Davis, R. Ph. is hereby **SUSPENDED** for a period of **TWO (2) MONTHS** from the date of this Order. The Suspension is immediately **STAYED**.

2. The license of Susan S. David, R. Ph. is hereby **LIMITED** on the following terms and conditions:

- a. For a period of at least two (2) years from the date of this Order, Respondent shall work only under direct supervision, and only in a work setting pre-approved by the Board. Respondent shall not work as a managing pharmacist.
- b. For a period of at least two (2) years from the date of this Order, Respondent shall arrange for quarterly reports from her employer(s) reporting the terms and conditions of her employment and evaluating her work performance.
- c. For a period of at least two (2) years from the date of this Order, Respondent may conduct inventory only under direct supervision by her supervisor(s). Respondent shall arrange for quarterly reports from her supervisor(s) evaluating Respondent's performance conducting inventory.

3. After two (2) years from the date of this Order, Respondent may petition the board for the modification or termination of the limitation. The Board may grant or deny the petition, in its discretion, or may modify this Order as it sees fit.

4. Respondent shall, within ninety (90) days from the date of this Order, pay to the Department of Safety and Professional Services a forfeiture in the amount of **FIVE THOUSAND DOLLARS (\$5,000.00)**, pursuant to Wis. Stat. § 450.10(2).

5. Respondent shall, within ninety (90) days from the date of this Order, pay to the Department of Safety and Professional Services costs of this proceeding in the amount of **SEVEN HUNDRED DOLLARS (\$700.00)**, pursuant to Wis. Stat. § 440.22(2). Forfeiture and payment shall be mailed or delivered to:

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

6. 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 (# 10993-40) may, in the discretion of the board or its designee, be **SUSPENDED**, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Wisconsin Pharmacy Examining Board

By: Greg Weber R.Ph. 2/28/12
A Member of the Board Date