

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	:	
	:	FINAL DECISION AND ORDER
ROBERT M. SCHWANDT, R.PH.,	:	
RESPONDENT.	:	ORDER 0001471

Division of Enforcement Case #10 PHM 054

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

Robert M. Schwandt, R.Ph.
N2014 Valley Road
La Crosse, WI 54601

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
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

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 (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. Robert M. Schwandt ("Respondent") was born on August 10, 1945, and is licensed to practice as a registered pharmacist in the State of Wisconsin, pursuant to license #7868-40. This license was first granted on April 11, 1969.

2. Respondent's last address reported to the Department of Safety and Professional Services is N2014 Valley Road, La Crosse, Wisconsin.

3. No prior disciplinary action has been brought against Respondent by the Wisconsin Pharmacy Examining Board.

4. At all times relevant to this proceeding, Respondent was employed as a pharmacist by Degen Berglund Pharmacy at their two locations in La Crosse and Onalaska, Wisconsin.

5. Sometime on or before June 16, 2010, Degen Berglund Pharmacy began to experience a shortage of a controlled substance as compared to their inventory and suspected Respondent for such shortage.

6. Based upon a complaint from Degen Berglund Pharmacy, the La Crosse County District Attorney filed charges against Respondent.

7. Respondent entered a deferred prosecution agreement on two counts of theft of movable property. Upon successful completion of that agreement, said charges were dismissed against Respondent.

8. Respondent has not practiced pharmacy in the State of Wisconsin since late summer of 2010, and is now retired.

9. Respondent neither admits nor denies the above allegations, but agrees that the facts as set forth above are legally sufficient to support the Conclusions of Law and Order below.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction over this matter and authority to take disciplinary action against the Respondent pursuant to Wis. Stat. § 450.10(1) and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Respondent's conduct, as described above, constitutes unprofessional conduct as defined by Wis. Admin. Code § Phar 10.03(2) and subjects Respondent to discipline pursuant to Wis. Stat. § 450.10(1)(b)1.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The Pharmacy Examining Board accepts the resignation and surrender of Respondent's license and all rights and privileges attendant to the license.

IT IS FURTHER ORDERED that:

2. Within ninety (90) days from the date of this Order, Respondent shall pay costs of this proceeding in the amount of ONE THOUSAND ONE HUNDRED DOLLARS (\$1,100.00). Payment shall be made payable to the Wisconsin Department of Safety and Professional Services and mailed to:

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

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

PHARMACY EXAMINING BOARD

By: Gregory C. Nea
A member of the Board

Date: 4/4/12