

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
ANGELA C. PANIAGUA, R.PH., : FINAL DECISION AND ORDER  
RESPONDENT. :  
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**0005309**

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Division of Legal Services and Compliance Case No. 16 PHM 063

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

Angela C. Paniagua, R.Ph.  
3321 E. Carrollton Dr.  
Oak Creek, WI 53154

Wisconsin Pharmacy Examining Board  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition 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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Angela C. Paniagua, R.Ph., (dob February 23, 1971) is licensed in the state of Wisconsin to practice pharmacy, having license number 12382-40, first granted on October 13, 1995, and current through May 31, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3321 East Carrollton Drive, Oak Creek, Wisconsin 53154.

2. At all times relevant to this proceeding, Respondent was employed as a pharmacist at a pharmacy in a hospital (the hospital), located in Milwaukee, Wisconsin.

3. On December 7, 2015, the outpatient pharmacy manager presented an open shipping envelope to the hospital's pharmacy program manager.

4. The envelope had been returned to the pharmacy from the hospital's warehouse because the address did not match the hospital's master mailing record and so the envelope could not be shipped.

5. The envelope contained two (2) unopened boxes of lidocaine patches. The boxes were not labeled as required by law.

6. One of the boxes contained two (2) notes which stated, "Let me know if this works. He should wear them for on 12 hours and off 12" and "Love you I A."

7. The hospital's pharmacy uses ScriptPro®, a system that generates shipping labels for packages sent by the pharmacy to patients. ScriptPro® requires a prescription number to be entered before a label can be printed for prescriptions.

8. A check of ScriptPro® was conducted and revealed that Respondent had manually entered a shipment for a "pill splitting device." A "pill splitting device" does not require a prescription, thus allowing Respondent to print a label without a prescription.

9. Respondent generated a label addressed to Patient A. Patient A is a relative of Respondent's and is not a patient of the hospital.

10. On December 14, 2015, Respondent was interviewed regarding the envelope and admitted to the following:

- a. Respondent removed two (2) boxes of lidocaine patches from the pharmacy shelf;
- b. Respondent manually entered Patient A's information into the ScriptPro® and created a label;
- c. Respondent entered that a pill splitter was being mailed rather than lidocaine patches in order to circumvent the need for a prescription;
- e. Respondent placed the lidocaine patches in the envelope and put it in the bin to be mailed; and
- g. Respondent acknowledged sending the lidocaine without the required prescription.

11. Respondent explained that she was at a family event and was approached by Patient A, who was experiencing "extreme pain related to sciatica."

12. Respondent stated that he could not afford medication and she told Patient A that she would "see what she could do."

13. Respondent admitted that she made a "bad decision."

14. On November 11, 2016, in Milwaukee County Circuit Court case number 2016CM3201, Respondent was convicted of one (1) count of theft of movable property, less than \$2,500, in violation of Wis. Stat. § 943.20(1)(a), a misdemeanor; and one (1) count of possessing or illegally obtaining a prescription, in violation of Wis. Stat. § 450.11(7)(h), a misdemeanor. These convictions were based on the above-described events.

15. Respondent timely reported these convictions to the Board.

16. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 450.10(1), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Angela C. Paniagua, R.Ph., violated Wis. Stat. § 450.10(1)(a)2., by violating this chapter or, subject to s. 961.38(4r), ch. 961 or any federal or state statute or rule which substantially relates to the practice of the licensee.

3. By the conduct described in the Findings of Fact, Angela C. Paniagua, R.Ph. engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 10.03(1), by administering, dispensing, supplying or obtaining a drug other than in legitimate practice, or as prohibited by law.

4. By the conduct described in the Findings of Fact, Angela C. Paniagua, R.Ph. engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 10.03(2), by practicing in a manner which substantially departs from the standard of care ordinarily exercised by a pharmacist which harmed or could have harmed a patient.

5. As a result of the above violations, Angela C. Paniagua, R.Ph., is subject to discipline pursuant to Wis. Stat. § 450.10(1)(b)1.

#### ORDER

1. The attached Stipulation is accepted.

2. The license to practice pharmacy issued to Angela C. Paniagua, R.Ph., (license number 12382-40) is **SUSPENDED** until Respondent has provided proof to the Department that she has complied with the limitations below.

3. The license to practice pharmacy issued to Angela C. Paniagua, R.Ph., (license number 12382-40) is **LIMITED** as follows:

a. Within ninety (90) days from the date of this Order, Respondent shall successfully complete six (6) hours of education on the topic of ethics

offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

- b. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
- c. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
- d. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. The license to practice pharmacy issued to Angela C. Paniagua, R.Ph., (license number 12382-40) is further LIMITED as follows:

- a. Within ninety (90) days from the date of this Order, Respondent shall re-take the MPJE exam. If Respondent fails the MPJE exam, she shall retry within sixty (60) days of her last failed attempt.
- b. Respondent shall submit her results showing that she has passed the MPJE exam to the Department Monitor at the address below.
- c. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has taken and passed the MPJE exam.

5. Within 120 days from the date of this Order, Angela C. Paniagua, R.Ph., shall pay COSTS of this matter in the amount of \$1,386.00.

6. Request for approval of courses, proof of successful course completion, proof of passing the MPJE exam and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

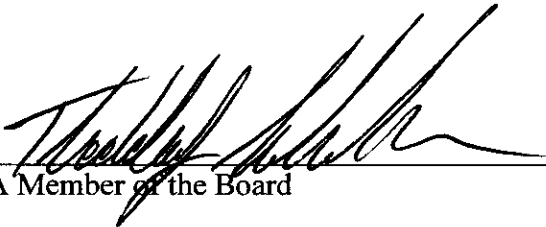
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

7. In the event that Respondent violates any term of this Order, Respondent's license (no. 12382-40) to practice pharmacy in the state of Wisconsin may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent has

complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN PHARMACY EXAMINING BOARD

by:   
A Member of the Board

5/18/17  
Date

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ANGELA C. PANIAGUA, R.PH.,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

0005309

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Division of Legal Services and Compliance Case No. 16 PHM 063

Respondent Angela C. Paniagua, R.Ph., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Pharmacy Examining (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.


5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.


6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
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Angela C. Paniagua, R.Ph., Respondent  
3321 E. Carrollton Dr.  
Oak Creek, WI 53154  
License no. 12382-40

4-7-17  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Cody Wagner, Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

4/13/17  
\_\_\_\_\_  
Date