

## 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

TIMOTHY J. ENDRES, R.PH.,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
: 0005383  
:

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Division of Legal Services and Compliance Case No. 16 PHM 199

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

Timothy J. Endres, R.Ph.  
206 Saratoga Circle  
Madison, WI 53705

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 Timothy J. Endres, R.Ph. (DOB October 28, 1960) is licensed in the state of Wisconsin to practice pharmacy, having license number 11571-40, first granted on March 27, 1991. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 206 Saratoga Circle, Madison, Wisconsin 53705.

2. Respondent's license to practice pharmacy in the state of Wisconsin expired on May 31, 2018, and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until May 31, 2023. Pursuant to Wis. Admin. Code § Phar 5.04, Respondent may not renew his license while his license is suspended.

3. At all times relevant to this proceeding, Respondent was employed as the managing pharmacist at a pharmacy (Pharmacy), located in Montello, Wisconsin.

4. In November 2016, Respondent resigned his employment at the Pharmacy.

5. On December 6, 2016, Respondent, in Marquette County Circuit Court case number 2016CF0076, was charged with seven (7) counts of manufacturing/delivering schedule I, II narcotics, in violation of Wis. Stat. § 961.41(1)(a), a felony; and one (1) count of retail theft – intentional transfer of property greater than \$500 - \$5,000, in violation of Wis. Stat. § 943.50(1m)(c), a felony.

6. On July 19, 2018, Respondent was found guilty due to a no contest plea in Marquette County Circuit Court case number 2016CF0076 of dispensing a prescription drug without practitioner's prescription order, in violation of Wis. Stat. § 450.11(1), a misdemeanor; possession of an illegally obtained prescription, in violation of Wis. Stat. § 450.11(7)(h), a misdemeanor; and retail theft – intentional transfer of property less than \$500, in violation of Wis. Stat. § 943.50(1m)(c), a misdemeanor.

7. 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. Pursuant to Wis. Stat. 961.16(2)(a)(11), oxycodone is a schedule II controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(1r).

3. Pursuant to Wis. Stat. 961.16(2)(a)(7), hydrocodone is a schedule II controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(1r).

4. Pursuant to Wis. Stat. 961.16(2)(a)(8), hydromorphone is a schedule II controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(1r).

5. Pursuant to Wis. Stat. 961.16(2)(a)(10), morphine is a schedule II controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(1r).

6. OxyContin® is a form of oxycodone. Pursuant to Wis. Stat. 961.16(2)(a)(11), oxycodone is a schedule II controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(2).

7. Pursuant to Wis. Stat. 961.20(2)(cr), diazepam is a schedule IV controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(3).

8. By the conduct described Findings of Fact, Timothy J. Endres, R.Ph., violated 21 U.S.C. § 842(a)(5), by failing to maintain complete and accurate records demonstrating the receipt of schedule II controlled substances as required by 21 C.F.R. §§ 1304.21(a), 1304.22(c) and 21 U.S.C. § 827(b).

9. By the conduct described in the Findings of Fact, Timothy J. Endres, 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.

10. By the conduct described in the Findings of Fact, Timothy J. Endres, R.Ph., engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 10.03(2), by engaging in any pharmacy practice which constitutes a danger to the health, welfare, or safety of patient or public, including but not limited to, 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.

11. By the conduct described in the Findings of Fact, Timothy J. Endres, 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.

12. By the conduct described in the Findings of Fact, Timothy J. Endres, R.Ph., violated Wis. Stat. 450.10(1)(a)(7), by obtaining or attempting to obtain compensation by fraud or deceit.

13. As a result of the above violations, Timothy J. Endres, R.Ph., is subject to discipline pursuant to Wis. Stat. § 450.10(1)(b)(1).

#### ORDER

1. The attached Stipulation is accepted.

2. The permanent SURRENDER of the right to renew the license to practice pharmacy in the state of Wisconsin issued to Timothy J. Endres, R.Ph., (license no. 11571-40) is hereby accepted.

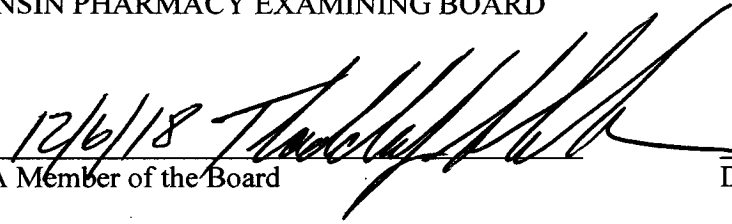
3. This surrender constitutes the permanent relinquishment of Respondent's credential to practice pharmacy in the state of Wisconsin. If Respondent attempts to reinstate license no. 11571-40, or attempts to apply for a new license to practice pharmacy in the state of Wisconsin, the Wisconsin Pharmacy Examining Board may summarily deny any such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license issued to Timothy J. Endres, R.Ph., shall remain in the discretion of the Board.

4. In the event Respondent petitions the Wisconsin Pharmacy Examining Board for reinstatement of his license to practice pharmacy in the state of Wisconsin or applies for another credential with the Department, Respondent shall pay the costs of this matter in the amount of \$1,820.47, before any application is considered.

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

WISCONSIN PHARMACY EXAMINING BOARD

by:

12/6/18  12/6/18  
A Member of the Board

Date

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

TIMOTHY J. ENDRES, R.PH.,  
RESPONDENT.

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STIPULATION

0005383

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Division of Legal Services and Compliance Case No. 16 PHM 199

Respondent Timothy J. Endres, 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. Respondent is represented by Attorney Christopher T. Van Wagner.

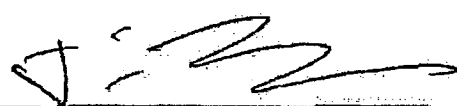
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Pharmacy Examining (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives 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.

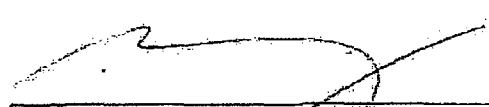
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.

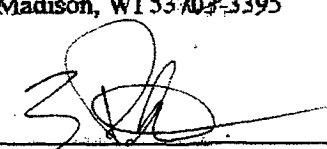
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Timothy J. Endres, R.Ph., Respondent  
206 Saratoga Circle  
Madison, WI 53705  
License no. 11571-40

11/9/18  
Date

  
Christopher T. Van Wagner, Attorney for Respondent  
Christopher T. Van Wagner, S.C.  
110 E. Main Street, Suite 705  
Madison, WI 53703-3395

11/13/18  
Date

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

11/13/18  
Date