

## 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

SHAWNTE L. ROBINSON, R.Ph.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**0005581**

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Division of Legal Services and Compliance Case No. 16 PHM 155 and 16 PHM 176

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

Shawnte L. Robinson, R.Ph.  
2329 South 56<sup>th</sup> Street  
West Allis, WI 53219

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 Shawnte L. Robinson, R.Ph. (DOB December 1, 1976) is licensed in the state of Wisconsin to practice pharmacy, having license number 14257-40, first issued on August 12, 2004 and current through May 31, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2329 South 56<sup>th</sup> Street, West Allis, Wisconsin 53219.

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

3. On May 13, 2016, Respondent filled a prescription bag after hours and took the bag with her when she left the pharmacy.

4. On May 21, 2016, Respondent filled a prescription bag after hours and took the bag with her when she left the pharmacy.

5. On June 4, 2016, Respondent filled a prescription bag after hours and took the bag with her when she left the pharmacy.

6. On June 10, 2016, the Pharmacy's Loss Prevention team discovered seven (7) prescriptions for controlled substances that were dispensed by the Respondent and contained false information.

7. On June 24, 2016, Respondent wrote and signed a voluntary statement to the Pharmacy admitting to diverting 425 tablets of oxycodone 15 mg, 425 tablets of oxycodone 30 mg, and 20 tablets of oxycodone 5/325 mg for her stepfather who did not have a prescription.

8. 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).

9. On June 24, 2016, Respondent stated to the Greenfield Police Department that between October 2015 and June 2016, she diverted approximately 240 oxycodone 10 mg and 15 mg for her grandmother, approximately 120 oxycodone 15 mg for her mother and approximately 500 oxycodone 30 mg for her stepfather.

10. On March 8, 2017, Respondent was interviewed by a Department Investigator and informed the investigator that she changed the prescription dosages for her grandmother's oxycodone from 5 mg to 10 mg, without doctor's approval, because Respondent did not believe it was a strong enough dose.

11. On August 4, 2016, Respondent was charged in Milwaukee County Circuit Court case number 16CF2861, with possession with intent to deliver narcotics in violation of Wis. Stat. §961.41(1m)(a) (a felony), and theft of moveable property less than \$2,500.00, in violation of Wis. Stat. §943.20(1)(a) (a misdemeanor).

12. On February 13, 2017, Respondent pled guilty to both charges and entered into a deferred prosecution agreement. As part of the deferred prosecution agreement, Respondent underwent an AODA assessment, which indicated that Respondent did not meet the criteria for alcohol/substance abuse disorder. Respondent also submitted to 5 random drug screens which resulted in negative findings.

13. 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, Shawnte L. Robinson, R.Ph., violated Wis. Stat. § 450.10(1)(a)2, by violating this chapter or, subject to Wis. Stat. § 961.38(4r), ch. 961 or any federal or state statute or rule which substantially relates to the practice of the licensee, namely, Wis. Stat. § 961.41(1m)(a) and § 943.20(1)(a).

3. By the conduct described in the Findings of Fact, Shawnte L. Robinson, 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, Shawnte L. Robinson, R.Ph., engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 8.05(2), by dispensing a controlled substance listed in schedule II, III, or IV without a prescription order issued by an individual practitioner.

5. By the conduct described in the Findings of Fact, Shawnte L. Robinson, R.Ph., engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 8.05(4), by dispensing a prescription containing a controlled substance listed in schedule II without a written hard copy or electronic order signed by the prescribing individual practitioner.

6. By the conduct described in the Findings of Fact, Shawnte L. Robinson, R.Ph., violated Wis. Stat. § 448.03(1)(a), by practicing medicine, or attempting to do so or making a representation as authorized to do so, without a license to practice medicine and surgery granted by the Board.

7. As a result of the above violations, Shawnte L. Robinson, R.Ph., is subject to discipline pursuant to Wis. Stat. §§ 450.10(1)(b)(1) and (3).

## ORDER

The attached Stipulation is accepted.

1. The license to practice pharmacy issued to Respondent Shawnte L. Robinson, R.Ph., (license number 14257-40) is **SUSPENDED** for two (2) months from the date of this Order. Such suspension shall be stayed after seven (7) days of serving the suspension.

2. The license to practice pharmacy issued to Respondent is **LIMITED** as follows:

- a. For a period of at least two (2) years from the date of this Order, Respondent shall work only under direct supervision. This includes current employment and future employment.

- b. For employment beginning for Respondent after the date of this Order, such work setting must be preapproved by the Board.
- c. For a period of at least two (2) years from the date of this Order, Respondent shall not work as a managing pharmacist or a pharmacist in charge. Thereafter the Respondent may petition the Board for modification of this limitation only if such petition is accompanied by a written request of the managing pharmacist, which shall include a complete work schedule of all pharmacists employed in the pharmacy indicating the proposed work schedule and supervision pattern for Respondent.
- d. For a period of at least two (2) years from the date of this Order, Respondent shall arrange for written quarterly work reports from her employer(s), prepared by Respondent's direct supervisor. Such work reports shall report the terms and conditions of Respondent's employment, evaluate Respondent's work performance, and evaluate Respondent's performance conducting inventory.
- e. For a period of at least two (2) years from the date of this Order, Respondent may conduct inventory only under direct supervision of her supervisor(s).
- f. For a period of at least two (2) years from the date of this Order, Respondent shall provide a copy of this Order, along with any subsequent changes made to this Order by the Board, to supervisory personnel (including the managing pharmacist) at all pharmacies where Respondent is engaged in the practice of pharmacy as defined in Wis. Stat. § 450.01(16). Respondent shall provide the Department Monitor with written acknowledgment from each pharmacy employer that a copy of this Order has been received. Such acknowledgment shall be provided to the Department Monitor within fourteen (14) days of beginning new employment and/or within fourteen (14) days of the date of this Order for employment current as of the date of this Order.
- g. Respondent shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed or administered by a licensed practitioner (who is authorized to prescribe controlled substances) for a legitimate medical condition.
- h. For a period of at least one (1) year from the date of this Order, Respondent shall submit to monthly random drug testing (hair, urine, blood, sweat, fingernail, saliva and/or other specimen), as directed by the Department Monitor. Respondent shall report to the collection site within five (5) hours of notification of a test. The collection site and method of testing (hair, urine, blood, sweat, fingernail, saliva or other specimen) will be determined by the Department Monitor. All costs associated with such testing will be paid for by the Respondent. Should such test results indicate the presence of any controlled substance, Respondent shall have two (2) business days to produce a valid prescription to verify that the controlled substance was legally prescribed and ingested. Should such test results indicate the presence of any controlled substance in which the

Respondent cannot produce a valid prescription, the Respondent shall be deemed in violation of this Order.

- i. All positive drug tests are presumed valid. Respondent must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.

3. The Board or its designee may, without hearing, suspend Respondent's pharmacy license upon receipt of information that Respondent is in substantial or repeated violation of any provision of this Order. A substantial violation includes, but is not limited to, a positive drug screen absent a valid prescription. A repeated violation is defined as multiple violations of the same provision or violation of more than one provision. The Board or its designee may, in conjunction with the suspension, prohibit Respondent from seeking termination of the suspension for a specified period of time. In addition to any other action authorized by this Order or law, violation of any term of this Order may be the basis for a separate disciplinary action pursuant to Wis. Stat. § 450.10(1).

4. The Board or its designee may terminate the suspension if provided with sufficient information that Respondent is in compliance with the Order and that it is appropriate for the suspension to be terminated. Whether to terminate the suspension shall be wholly in the discretion of the Board or its designee and is not reviewable.

5. After the first year from the date of this Order, Respondent may petition the Board on an annual basis for a modification of paragraph 2.g. Any other petitions for modification of any other terms of this Order shall not be requested by the Respondent or considered by the Board until two (2) years have passed from the date of this Order. Thereafter the Respondent may petition the Board for a modification on an annual basis.

6. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

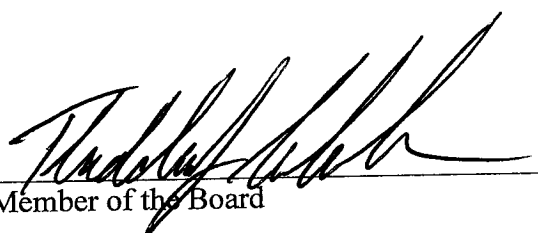
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

7. Respondent shall pay costs of this matter in the amount of \$703.00 to the Department of Safety and Professional Services, within ninety (90) days of this Order. Payment should be directed to the attention of the Department Monitor at the address in paragraph 6, above.

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

WISCONSIN PHARMACY EXAMINING BOARD

by:

  
A Member of the Board

1/9/18  
Date

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

SHAWNTE L. ROBINSON R.Ph.,  
RESPONDENT.

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STIPULATION

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Division of Legal Services and Compliance Case No. 16 PHM 155 AND 16 PHM 176

Respondent Shawnte L. Robinson, 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 Eric Hailstock.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Pharmacy Examining Board (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.

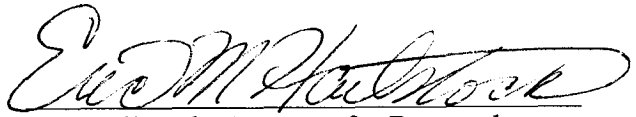
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's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

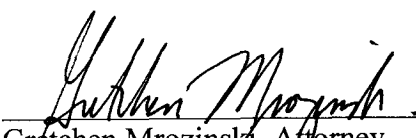
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Shawnte L. Robinson, Respondent  
2329 S. 56<sup>th</sup> St.  
West Allis, WI 53219  
License no. 14257-40

10/31/2017  
Date

  
Eric Hailstock, Attorney for Respondent  
Law Office of Eric M. Hailstock  
2929 W. Highland Blvd.  
Milwaukee, WI 53209 *WI Bar # 1076021*

10/31/2017  
Date

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

11-15-17  
Date