

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ROBERT M. STRESING, R.PH.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**0005689**

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Division of Legal Services and Compliance Case No. 17 PHM 131

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

Robert M. Stresing, R.Ph.,  
N97W14608 Rimrock Road  
Germantown, WI 53022

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 Robert M. Stresing, R.Ph., is licensed in the state of Wisconsin to practice pharmacy, having license number 10985-40, first issued on June 23, 1987, and current through May 31, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is N97W14608 Rimrock Road, Germantown, Wisconsin 53022.

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

3. On May 26, 2016, Respondent attempted to access confidential information from the Prescription Drug Monitoring Program (PDMP) concerning a deceased individual. However, all access to the information concerning that individual had already been blocked by the Minnesota Prescription Monitoring Program (PMP).

4. Respondent's attempted access as described in paragraph three (3) was by using PDMP access credentials that did not belong to Respondent.

5. Respondent was not involved in the care of the deceased individual and had no legitimate reason to attempt to access the PDMP record.

6. Respondent neither admits nor denies the allegations.

7. 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. Respondent was not authorized to attempt to access or to access the records under Wis. Stat. § 146.82 and Wis. Admin. Code § CSB 4.09.<sup>1</sup>

3. By the conduct described in the Findings of Fact, Robert M. Stresing, R.Ph., engaged in unprofessional conduct as defined by Wis. Stat. § 450.10(1)(a)2, by violating this chapter or, subject to Wis. Stat. § 961.38 (4r), Wis. Stat. ch. 961 or any federal or state statute or rule which substantially relates to the practice of the licensee.

4. As a result of the above violations, Robert M. Stresing, R.Ph., is subject to discipline pursuant to Wis. Stat. § 450.10(1)(b)1.

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent, Robert M. Stresing, R.Ph., is REPRIMANDED.

3. The license to practice pharmacy issued to Robert M. Stresing, R.Ph., (license number 10985-40) is LIMITED as follows:

- a. Within ninety (90) days from the date of this Order, Respondent shall successfully complete five (5) hours of education on the topic of patient confidentiality offered by a provider pre-approved by the Board's

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<sup>1</sup> All references to Wis. Admin. Code § CSB 4.09 refer to the Code as it existed in May 2016.

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. The Department shall remove this limitation from Respondent's license when Respondent has petitioned the Board and has satisfied the Board's monitoring liaison that Respondent has successfully completed the preapproved education.

4. Within ninety (90) days from the date of this Order, Robert M. Stresing, R.Ph., shall pay COSTS of this matter in the amount of \$286.00.

5. 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:

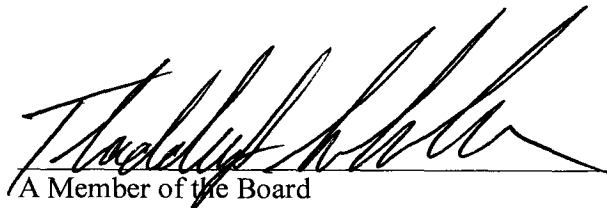
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

6. In the event that Respondent violates any term of this Order, Respondent's license (license number 10985-40) to practice pharmacy in the state of Wisconsin 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 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.

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

WISCONSIN PHARMACY EXAMINING BOARD

by:

  
A Member of the Board

4/11/18  
Date

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

ROBERT M. STRESING, R.PH..  
RESPONDENT.

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STIPULATION

0005689

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Division of Legal Services and Compliance Case No. 17 PHM 131

Respondent Robert M. Stresing, 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 Jacob A. Manian.

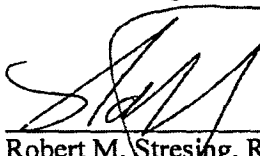
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Pharmacy Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent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

  
Robert M. Stresing, R.Ph., Respondent  
N97W14608 Bimrock Road  
Germantown, WI 53022  
License no. 10985-40

3-16-18  
Date

  
Jacob A. Manian, Attorney for Respondent  
Fox, O'Neill & Shannon, S.C.  
622 North Water Street, Suite 500  
Milwaukee, WI 53202

3-16-2018  
Date

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

3/19/2018  
Date