

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MICHELLE M. HAYEK, R.Ph.,
RESPONDENT.

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FINAL DECISION AND ORDER

0005762

Division of Legal Services and Compliance Case No. 16 PHM 200

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

Michelle M. Hayek, R.Ph.
801 Monroe Avenue
Racine, WI 53405

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 Michelle M. Hayek, R.Ph., (DOB June 25, 1980) is licensed in the state of Wisconsin to practice pharmacy, having license number 14786-40, first issued on September 5, 2006, and current through May 31, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 801 Monroe Avenue, Racine, Wisconsin 53405.

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

3. On October 27, 2015, Respondent's colleague, Colleague A, (who is not a pharmacist) reported to work not feeling well. Colleague A disclosed to Respondent that she started taking two (2) new medications for migraines.

4. Colleague A reported symptoms of a racing heart, dizziness, and feeling hot.

5. Respondent looked up the potential interactions between the two (2) new medications and concluded that Colleague A was experiencing serotonin syndrome, which can be life-threatening.

6. Respondent noted that benzodiazepines are a treatment option for serotonin syndrome.

7. Respondent had a valid prescription for Ativan®, a benzodiazepine, and gave Colleague A two (2) Ativan® from Respondent's personal prescription.

8. Respondent did not consult a physician before dispensing Ativan® to Colleague A.

9. Colleague A had never taken Ativan® before.

10. Colleague A does not remember what happened next but reported that she woke up in a private hospital room hooked up to an IV saline drip.

11. 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. Ativan® is a brand name for lorazepam. Pursuant to Wis. Stat. § 961.20(2)(er), lorazepam is a schedule IV controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(3).

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

4. By the conduct described in the Findings of Fact, Michelle M. Hayek, R.Ph., violated 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, Michelle M. Hayek, 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.

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

ORDER

1. The attached Stipulation is accepted.
2. Respondent Michelle M. Hayek, R.Ph., is REPRIMANDED.
3. The license to practice pharmacy issued to Michelle M. Hayek, R.Ph., (license number 14786-40) is LIMITED as follows:
 - a. Within one hundred eighty (180) days from the date of this Order, Respondent shall successfully complete eight (8) hours of education on the topic of dispensing controlled substances 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.
4. Within one hundred eighty (180) days from the date of this Order, Respondent shall pay a forfeiture in the amount of \$1,000.00.
5. Within one hundred eighty (180) days from the date of this Order, Michelle M. Hayek, R.Ph., shall pay COSTS of this matter in the amount of \$321.00.
6. Request for approval of courses, proof of successful course completion and payment of costs and forfeiture (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

7. In the event that Respondent violates any term of this Order, Respondent's license (no. 14786-40) 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

5/24/2015
Date

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MICHELLE M. HAYEK, R.Ph.,
RESPONDENT.

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:
:
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:

STIPULATION

0005762

Division of Legal Services and Compliance Case No. 16 PHM 200

Respondent Michelle M. Hayek, R.Ph., license number 14786-40, 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 Stacie Rosenzweig.

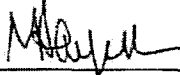
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Pharmacy Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent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

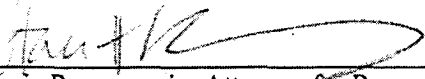
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Michelle M. Hayek, Respondent
801 Monroe Avenue
Racine, WI 53405
License no. 14786-40

4/17/18

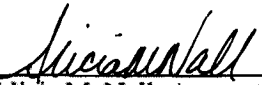
Date



Stacie Rosenzweig, Attorney for Respondent
Halling & Cayo SC
320 E. Buffalo Street, Suite 700
Milwaukee, WI 53202

4/18/18

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

4/18/2018

Date