

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 :
: FINAL DECISION AND ORDER
ANGELA M. LANE, R.PH., :
RESPONDENT. : 0005254

Division of Legal Services and Compliance Case No. 16 PHM 190

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

Angela M. Lane, R.Ph.
2149 Crestwood Springs Drive
Green Bay, WI 54304

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 M. Lane, R.Ph., (DOB October 9, 1978) is licensed in the state of Wisconsin to practice pharmacy, having license number 14196-40, first issued on July 14, 2004, and expired as of May 31, 2018. Pursuant to Interim Order No. 0005254 dated April 6, 2017, Respondent's license was, and remains, suspended. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until May 31, 2023.

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2149 Crestwood Drive, Green Bay, Wisconsin 54304.

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

4. As the managing pharmacist, Respondent's duties included ordering controlled substances, receiving prescription medication orders, and updating the perpetual inventory logbook.

5. Between approximately June 24, 2015, and January 19, 2017, Respondent diverted the following controlled substances:

a. Hydrocodone-acetaminophen, 7.5 mg-325 mg/15 ml	12,298 ml
b. Hydrocodone-acetaminophen, 10-325 Tablets	26,800 ea
c. Dextroamphetamine-amphetamine, 10 mg Tablets	1,600 ea
d. Dextroamphetamine-amphetamine, 20 mg Tablets	5,200 ea
e. Dextroamphetamine-amphetamine, 30 mg Tablets	100 ea

6. Respondent did not have valid prescriptions for the controlled substances identified in paragraph 4.

7. Respondent failed to perform a biennial inventory, failed to properly complete DEA Form 222 (order forms), failed to archive controlled substances order forms, and otherwise failed to complete accurate records.

8. On April 6, 2017, the Pharmacy Examining Board (the Board) accepted the parties Stipulation and entered an Interim Order of Suspension, which remains in effect.

9. Subsequent to a no contest plea, on June 22, 2018, Respondent was convicted in Oconto County Circuit Court case number 17CF199 of one (1) count of Attempting to Obtain a Controlled Substance by Fraud, a class H felony, in violation Wis. Stat § 961.43(1)(a). Respondent was sentenced to two (2) years of probation.

10. In a letter to the presiding judge, Respondent admitted diverting Vicodin® and Adderall® from the Pharmacy for personal use.

11. 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 M. Lane, R.Ph., engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 10.03(1), by obtaining a drug other than in legitimate practice, or as prohibited by law.

3. By the conduct described in the Findings of Fact, Angela M. Lane, 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.

4. Vicodin® contains hydrocodone. 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).

5. Adderall® is a combination of dextroamphetamine and amphetamine. Pursuant to Wis. Stat. § 961.16(5)(a), an amphetamine 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. By the conduct described in the Findings of Fact, Angela M. Lane, R.Ph., violated Wis. Stat. § 961.38(1r), a statute substantially related to the practice of pharmacy, by obtaining, without a prescription, a controlled substance included in schedule II.

7. By the conduct described in the Findings of Fact, Angela M. Lane, R.Ph., violated Wis. Stat. § 961.43(1)(a), a statute substantially related to the practice of pharmacy, by acquiring or obtaining possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge.

8. By violating Wis. Stat. § 961.38(1r) and Wis. Stat. § 961.43(1)(a), Angela M. Lane, R.Ph., engaged in unprofessional conduct as defined by Wis. Stat. § 450.10(1)(a)2., by violating a statute or rule substantially related to the practice of pharmacy.

9. As a result of the above violations, Angela M. Lane, 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 Respondent Angela M. Lane, R.Ph., (license number 14196-40) is SUSPENDED for eighteen (18) months from the date of the Issuance of the Interim Order of Suspension (Order no. 0005254), dated April 6, 2017.

3. The Board adopts the terms of the Interim Order of Suspension crediting the period of suspension the Respondent served in accordance with the Interim Order towards any formal discipline. Therefore, Respondent's suspension has been SERVED as of the effective date of this Order.

4. The license to practice pharmacy issued to Respondent Angela M. Lane, R.Ph., (license number 14196-40) is LIMITED as follows:

CONDITIONS AND LIMITATIONS

Treatment Required

- A.1. Respondent shall enter into, and shall continue, drug treatment with a treater acceptable to the Board or its designee (Treater). Respondent shall participate in, cooperate with, and follow all treatment recommended by Treater.
- A.2. Respondent shall immediately provide Treater with a copy of this Final Decision and Order and all other subsequent orders.
- A.3. Treater shall be responsible for coordinating Respondent's rehabilitation and treatment as required under the terms of this Order, and shall immediately report any relapse, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor (See B.1., below). If Treater is unable or unwilling to serve as required by this Order, Respondent shall immediately seek approval of a successor Treater by the Board or its designee.
- A.4. The rehabilitation program shall include individual and/or group therapy sessions at a frequency to be determined by Treater. Therapy may end only with the approval of the Board or its designee, after receiving a petition for modification as required by this Order.
- A.5. Treater shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's progress in drug and alcohol treatment. Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.

Releases

- A.6. Respondent shall provide and keep on file with Treater, all treatment facilities and personnel, laboratories and collections sites current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department of Safety and Professional Services, Division of Legal Services and Compliance to: (a) obtain all specimen screen results and patient health care and treatment records and reports, and (b) discuss the progress of Respondent's treatment and rehabilitation with Treater and treatment facilities

and personnel, laboratories and collection sites. Copies of these releases shall immediately be filed with the Department Monitor.

NA Meetings

- A.7. Respondent shall attend Narcotics Anonymous meetings or an equivalent program for recovering professionals, at the frequency recommended by Treater. Attendance of Respondent at such meetings shall be verified and reported quarterly to Treater and the Department Monitor.

Sobriety

- A.8. 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 practitioner for a legitimate medical condition. Respondent shall disclose Respondent's drug history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Respondent shall, at the time the controlled substance is ordered, immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Respondent's treatment with, and provide copies of treatment records to, Treater and the Board or its designee. Copies of these releases shall immediately be filed with the Department Monitor.
- A.9. Respondent shall abstain from all use of over-the-counter medications or other substances (including but not limited to natural substances such as poppy seeds) which may mask consumption of controlled substances, create false positive screening results, or interfere with Respondent's treatment and rehabilitation. It is Respondent's responsibility to educate herself about the medications and substances which may violate this paragraph, and to avoid those medications and substances.
- A.10. Respondent shall report to Treater and the Department Monitor all prescription medications and drugs taken by Respondent. Reports must be received within twenty-four (24) hours of ingestion or administration of the medication or drug, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. Each time the prescription is filled or refilled, Respondent shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor.
- A.11. Respondent shall provide the Department Monitor with a list of over-the-counter medications and drugs that they may take from time to time. Over-the-counter medications and drugs that mask the consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent's treatment and rehabilitation, shall not be taken unless ordered by a physician and approved by Treater, in which case the drug must be reported as described in paragraph A.10.

Drug Screens

- A.12. Respondent shall enroll and begin participation in a drug monitoring program which is approved by the Department (Approved Program).
- A.13. At the time Respondent enrolls in the Approved Program, Respondent shall review all of the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug monitoring established by the Approved Program is a substantial violation of this Order. The requirements shall include:
- (a.) Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
 - (b.) Production of a urine, blood, sweat, fingernail, hair, saliva or other specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.
- A.14. The Approved Program shall require the testing of specimens at a frequency of not less than forty-nine (49) times per year, for at least one year. After one year of full compliance with testing requirements, Respondent may petition the Board for a modification of the frequency of tests. The Board may adjust the frequency of testing on its own initiative at any time.
- A.15. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances, Respondent shall promptly submit to additional tests or examinations as the Board or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.
- A.16. In addition to any requirement of the Approved Program, the Board or its designee may require Respondent to do any or all of the following: (a) submit additional specimens; (b) furnish any specimen in a directly witnessed manner; or (c) submit specimens on a more frequent basis.
- A.17. All confirmed positive test results shall be presumed to be 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.
- A.18. The Approved Program shall submit information and reports to the Department Monitor as directed.

Practice Limitations

- A.19. Respondent shall only practice in a setting preapproved by the Board or its designee. Preapproval will not be granted without written acknowledgment from the managing pharmacist that he or she has received and reviewed this Order.
- A.20. Respondent shall not be employed as or work in the capacity of a “managing pharmacist” as defined in Wis. Admin. Code § Phar 1.02(6).
- A.21. Respondent shall not be employed as or work in the capacity of a “pharmacy technician” as defined in Wis. Admin. Code § Phar 7.015(1).
- A.22. Respondent shall not be employed or work in the capacity of a “pharmacist in charge” as defined in Wis. Admin. Code § Phar 1.02(9).
- A.23. It is Respondent’s responsibility to arrange for written reports from the managing pharmacist to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent’s work performance and shall include the number of hours of active pharmacist practice worked during that quarter.
- A.24. Respondent shall obtain an agreement from her managing pharmacist to monitor Respondent’s access to and accountability for handling of controlled substances and other abuseable prescription drugs in order to reasonably detect loss, diversion, tampering, or discrepancy relating to controlled substances and other abuseable prescription drugs. Respondent’s managing pharmacist shall include in the quarterly reports a description of Respondent’s access to controlled substances and other abuseable drugs and the monitoring thereof. Any loss, diversion, tampering, or discrepancy shall be immediately reported to the Board.
- A.25. In addition to the foregoing subparagraph, Respondent shall obtain from her managing pharmacist agreement to conduct a full and exact (not estimated) count of all controlled substances in inventory immediately, and accountability audits of all controlled substances every six (6) months for the duration of this Order. The audit shall be conducted by and certified by a licensed pharmacist other than Respondent. A summary of all audits required under this subparagraph shall be included in the quarterly report, referenced in paragraph A.23., following the audit. However, any discrepancy or missing drugs indicated by the audits shall be immediately reported in writing to the Board.
- A.26. Respondent shall arrange for agreement by her managing pharmacist to immediately report to the Board and to the Treater any conduct or condition of Respondent that may constitute a violation of this Order or a danger to the public.
- A.27. Respondent shall not own in whole or in part any interest in a pharmacy during the period of time this Order remains in effect.

MISCELLANEOUS

Department Monitor

- B.1. 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

You may also submit this information online via DSPS' Monitoring Case Management System, here:

<https://app.wi.gov/DSPSMonitoring>

Required Reporting by Respondent

- B.2. Respondent is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Respondent shall promptly notify the Department Monitor of any failures of the Treater, treatment facility, Approved Program or collection sites to conform to the terms and conditions of this Order. Respondent shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this Order by Respondent. Respondent shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of change.

Change of Treater or Approved Program by the Board

- B.3. If the Board or its designee determines the Treater or Approved Program has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Board or its designee may direct that Respondent continue treatment and rehabilitation under the direction of another Treater or Approved Program.

Petitions for Modification of Limitations or Termination of Order

- B.4. Respondent may petition the Board on an annual basis for modification of the terms of this Order. Any petition for modification shall be accompanied by a written recommendation from Respondent's Treater expressly supporting the specific modifications sought. Any petition for modification shall be accompanied by a favorable recommendation from Respondent's current managing pharmacist. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Respondent shall not have a right to any further hearings or proceedings on

the denial. The decision whether to remove or amend the limitation is a discretionary act and is not reviewable.

- B.5. Respondent may petition the Board for termination of this Order any time after five (5) years from the effective date of this Order. However, no petition for termination shall be considered without a showing of continuous, successful compliance with the terms of the Order, for at least five (5) years.

Costs of Compliance

- B.6. Respondent shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

Costs of Proceeding

- B.7. Respondent shall pay costs of this matter in the amount of \$2,705.52 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 B.1., above. In the event Respondent fails to timely submit any payment of costs, Respondent's license (no. 14196-40) 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 this Order.

Additional Discipline

- B.8. Within ninety (90) days from the date of this Order, Angela M. Lane, R.Ph., shall pay a FORFEITURE in the amount of \$1000.00.
- B.9. 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).

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

WISCONSIN PHARMACY EXAMINING BOARD

by: 
A Member of the Board

5/22/2019
Date

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ANGELA M. LANE, R.Ph.,
RESPONDENT.

STIPULATION

0005254

Division of Legal Services and Compliance Case No. 16 PHM 190

Respondent Angela M. Lane, 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 Robert Ruth.
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.



Angela M. Lane, Respondent
2149 Crestwood Springs Drive
Green Bay, WI 54304
License no. 14196-40

4/5/19

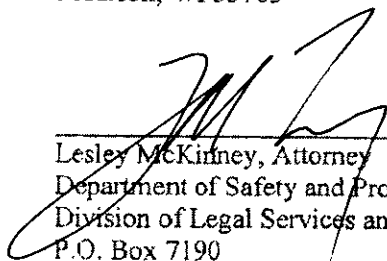
Date



Robert Ruth, Attorney for Respondent
7 N Pinckney Street
Suite 240
Madison, WI 53703

4-5-2019

Date



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

4/9/19

Date