

## 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

MELISSA A. EBBERS, R.PH.,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
:

0006199

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Division of Legal Services and Compliance Case No 17 PHM 036

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

Melissa A. Ebbers, R.Ph.  
N4079 Tunnel Hill Rd.  
Elroy, WI 53929

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 Melissa A. Ebbers, R.Ph., (DOB: May 24, 1968), is licensed in the State of Wisconsin to practice pharmacy, having license number 11800-40, first issued on June 9, 1992 with registration current through May 31, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is N4079 Tunnel Hill Road, Elroy, Wisconsin 53929.

2. At all times relevant to this proceeding, Respondent was employed at a pharmacy (Pharmacy) located in Mauston, Wisconsin.

3. On February 6, 2017, the Pharmacy received a refill request for oxycodone for Patient A from Nursing Home A, where Patient A resided.

4. On February 6, 2017, a pharmacy technician entered the refill request into the Pharmacy's computer system, but did not place the prescription on hold for authorization from the prescribing doctor.

5. On February 7, 2017, Respondent filled and dispensed this prescription, but did not verify that the prescribing doctor had submitted authorization for the refill. The prescribing doctor had not authorized the refill at the time it was dispensed.

6. As there was no authorization for the refill, Respondent did not initial and date the order on the date it was dispensed.

7. On February 11, 2017, the Pharmacy received a refill request for oxycodone for Patient A from Nursing Home A, where Patient A resided.

8. On this same day, a pharmacy technician entered the refill request into the Pharmacy's computer system, but did not place the prescription on hold for authorization from the prescribing doctor.

9. On February 12, 2017, Respondent filled and dispensed this prescription, but did not verify that the prescribing doctor had submitted authorization for the refill. The prescribing doctor had not authorized the refill at the time it was dispensed.

10. As there was no authorization for the refill, Respondent did not initial and date the order on the date it was dispensed.

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. § 448.02(3), 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, Respondent Melissa A. Ebberts, 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. The order shall be initialed and dated by the dispensing pharmacist as of the date the prescription is dispensed.

3. By the conduct described in the Findings of Fact, Respondent Melissa A. Ebberts, 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. As a result of the above conduct, Melissa A Ebbers, R.Ph., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Melissa A. Ebbers, R.Ph., is REPRIMANDED.
3. Within 90 days from the date of this Order, Melissa A. Ebbers, R.Ph., shall pay COSTS of this matter in the amount of \$1,000.00.
4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent 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

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

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

5. In the event Respondent violates any term of this Order, Respondent's license (no. 11800-40), or Respondent's right to renew her license, 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.

6. 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

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MELISSA A. EBBERS, R.PH.,  
RESPONDENT.

STIPULATION

0006199

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Division of Legal Services and Compliance Case No. 17 PHM 036

Respondent Melissa A. Ebbers, 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.

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, 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.

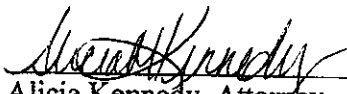
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Melissa A. Ebbers, R.Ph., Respondent  
N4079 Tunnel Hill Rd.  
Elroy, Wisconsin 53929  
License no. 11800-40

2.18.19

Date



Alicia Kennedy, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

2/20/2019

Date