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**Before the  
State of Wisconsin  
Pharmacy Examining Board**

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In the Matter of the Disciplinary Proceedings  
Against Reithmeyer, Jennifer L., R.PH.,  
Respondent.

FINAL DECISION AND ORDER

Order No. **ORDER 0007192**

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**Division of Legal Services and Compliance Case No. 18 PHM 180**

The State of Wisconsin, Pharmacy Examining Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, make the following:

**ORDER**

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Pharmacy Examining Board.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin on the 28 day of January, 2021.

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Member  
Pharmacy Examining Board



Before The  
State of Wisconsin  
**DIVISION OF HEARINGS AND APPEALS**

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In the Matter of Disciplinary Proceedings Against  
Jennifer L. Reithmeyer, R.P.H., Respondent

DHA Case No. SPS-20-0027  
DLSC Case No. 18 PHM 180

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**PROPOSED DECISION AND ORDER**

The parties to this proceeding for purposes of Wis. Stat. §§ 227.47(1) and 227.53 are:

Jennifer L. Reithmeyer  
801 Kelly Place  
Monona, WI 53716

Wisconsin Pharmacy Examining Board  
P.O. Box 8366  
Madison, WI 53708-8366

Department of Safety and Professional Services, Division of Legal Services and  
Compliance, by:

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

**PROCEDURAL HISTORY**

The proceedings were initiated on September 23, 2020, when the Department of Safety and Professional Services (Department), Division of Legal Services and Compliance (Division), filed a formal complaint against Jennifer L. Reithmeyer, R.Ph. (Respondent). The complaint alleged that Respondent engaged in unprofessional conduct by administering, dispensing, supplying, or obtaining a drug other than in legitimate practice, or as prohibited by law, in violation of Wis. Admin. Code § Phar 10.03(1); and violated Wis. Stat. § 440.20(5)(a) by failing to respond, to the satisfaction of the Board, within 30 days to request for information from the Board in connection with an investigation of alleged misconduct of the credential holder.

On September 23, 2020, the Division served a notice of hearing and complaint on Respondent by sending it to her last known address via certified and regular first-class mail.

Respondent was required to file an answer within 20 days from date of service, but no answer was filed.

After the expiration of the 20-day time period to file an Answer, Administrative Law Judge (ALJ) Sally Pederson scheduled a telephone prehearing conference for October 21, 2020. The ALJ sent notice of the conference by first-class mail to Respondent. The notice ordered Respondent to contact the ALJ no later than October 20, 2020, to provide a telephone number at which she could be reached for the conference. The notice also stated that if Respondent failed to appear at the scheduled conference, default judgment may be entered against her.

Respondent did not provide the ALJ with a telephone number by October 20, 2020. At the prehearing conference on October 21, 2020, Respondent failed to appear. The ALJ called Respondent using the telephone number on file with the Department and left a voice mail message for Respondent informing her to return the call within 15 minutes. Respondent failed to do so. The ALJ then reconvened the telephone prehearing conference without Respondent, and the Division moved for default based on Respondent's failure to file an answer and failure to appear at the prehearing conference, pursuant to Wis. Admin. Code § SPS 2.14 and Wis. Admin. Code § HA 1.07(3)(c).

On October 21, 2020, the ALJ granted the Division's motion and issued a Notice of Default and Order which required the Division to file and serve a recommended proposed decision and order by December 9, 2020. The Division timely filed its submission.

### FINDINGS OF FACT

#### Facts Related to the Alleged Violations

Findings of Facts 1-10 are taken from the Division's complaint in this matter.

1. Respondent Jennifer L. Reithmeyer is licensed in the state of Wisconsin to practice pharmacy, having license number 13510-40, first issued on August 6, 2001. This license expired on August 30, 2020 and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew her license upon payment of a fee until August 29, 2025.
2. The most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) for Respondent is 801 Kelly Place, Monona, Wisconsin 53716.
3. At all times relevant to this matter, Respondent was employed as a pharmacist at a retail store located in Adams, Wisconsin (Pharmacy).
4. The Department received a complaint from the Pharmacy that Respondent stole the following medication from the Pharmacy: 100 hydrocodone-acetaminophen 5-325 mg

tablets, 1,600 hydrocodone-acetaminophen 10-325 mg tablets, and 900 oxycodone-acetaminophen 10-325 mg tablets.

5. The Pharmacy reported the theft to law enforcement who investigated and interviewed Respondent.
6. On August 2, 2018, Respondent admitted to the Pharmacy and to law enforcement that she stole approximately 20 bottles of controlled substances, including hydrocodone, oxycodone, and Percocet®, over the course of the prior two and a half years. Respondent admitted that she stole the controlled substances for her own personal use.
7. Respondent was terminated from the Pharmacy.
8. On May 1 and May 15, 2020, the Department emailed Respondent at her email address on file with the Department ([jlnowako@msn.com](mailto:jlnowako@msn.com)), requesting a response to the complaint. No response was received.
9. On May 29, 2020, a Department investigator called Respondent at the phone number on file with the Department (608-712-7253) and left a voicemail asking for a return call. The Respondent never returned the call.
10. On June 18, 2020, the Department mailed a letter to Respondent at her address on file with the Department (801 Kelly Place, Monona, Wisconsin 53716), requesting a response to the complaint. To date, the Department has not received any response from Respondent.

#### Facts Related to Default

11. On September 23, 2020, the notice of hearing and complaint were served on Respondent by both certified and first-class mail. The notice of hearing instructed Respondent: "If you do not provide a proper Answer within 20 days, you will be found to be in default and a default judgment may be entered against you on the basis of the Complaint and other evidence. In addition, the Board may take disciplinary action against you and impose the costs of the investigation, prosecution and decision of this matter upon you without further notice or hearing." (Affidavit of Service, ¶¶ 1-2).
12. Respondent failed to file an answer to the complaint.
13. At the expiration of the 20-day time period to file an Answer, the ALJ scheduled a telephone prehearing conference for October 21, 2020. The ALJ sent notice of the conference by U.S. mail to Respondent. The notice ordered Respondent to contact the ALJ no later than October 20, 2020 to provide a telephone number at which she could be reached for the conference. The notice also stated that if Respondent failed to

appear at the scheduled conference, default judgment may be entered against her. Respondent failed to provide the ALJ with a telephone number.

14. At the prehearing conference on October 21, 2020, Respondent failed to appear. The ALJ called Respondent using the telephone number on file with the Department and left a voice mail message for Respondent informing her to return the call within 15 minutes. Respondent did not call the ALJ back as instructed. The ALJ then reconvened the prehearing conference, and the Division moved for default based on Respondent's failure to file an answer and failure to appear at the prehearing conference. The ALJ granted the Division's motion and issued a Notice of Default and ordered that the Division file a recommended proposed decision and order by December 9, 2020.
15. The Division timely filed its recommended proposed decision and order.

#### DISCUSSION AND CONCLUSIONS OF LAW

##### Jurisdictional Authority

Pursuant to Wis. Admin. Code § 2.10(2), the undersigned ALJ has authority to preside over this disciplinary proceeding in accordance with Wis. Stat. § 227.46(1).

##### Default

By failing to file an answer to the complaint, Respondent violated Wis. Admin. Code § SPS 2.09(4). As stated in the October 21, 2020 Notice of Default and Order, Respondent is in default for failing to file an answer within the 20-day deadline and for failing to appear for the prehearing conference on March 26, 2020. *See* Wis. Admin. Code § SPS 2.14. *See also* Wis. Admin. Code HA 1.07(3)(b) and (c). Because Respondent is in default, the ALJ may take the allegations in the complaint as true and enter an order on the basis of the complaint. Wisconsin Admin. Code § SPS 2.14 provides that when a Respondent is in default, "the disciplinary authority may make findings and enter an order on the basis of the complaint and other evidence."

##### Violations

Under Wis. Stat. § 450.10(1)(b)1., the Board possesses the authority to discipline any licensee or license holder for violating the standards of conduct established by the Board under Wis. Stat. § 440.03(1), and for engaging in unprofessional conduct under Wis. Admin. Code § Phar 10.03(1) and Wis. Stat. § 450.10(1)(a)2. In addition, pursuant to Wis. Stat. § 440.20(5)(a), the Board has the authority to discipline a licensee for failure to satisfactorily respond within 30 days to a request for information from the Board.

The undisputed facts in this matter as set forth in the complaint are as follows:

Respondent stole the following controlled substances from the pharmacy at which she was working as a pharmacist: 100 hydrocodone-acetaminophen 5-325 mg tablets, 1,600 hydrocodone-acetaminophen 10-325 mg tablets, and 900 oxycodone-acetaminophen 10-325 mg tablets. When interviewed by her employer and law enforcement on August 2, 2018, Respondent admitted that she stole approximately 20 bottles of controlled substances, including hydrocodone, oxycodone, and Percocet, over the course of the prior two and a half years. Furthermore, Respondent admitted that she stole the controlled substances for her own personal use. Consequently, the Pharmacy terminated her employment.

Respondent failed to respond to multiple requests from the Board for information as part of the investigation into this matter. On May 1 and May 15, 2020, the Department emailed Respondent at her email address on file with the Department, requesting a response to the complaint. Respondent did not send a response. On May 29, 2020, a Department investigator called Respondent at the phone number on file with the Department and left a voicemail asking for a return call. Respondent never returned the call. On June 18, 2020, the Department mailed a letter to Respondent at her address on file with the Department, requesting a response to the complaint. To date, Respondent has not replied to the Department's requests for a response to the allegations in this matter.

By the conduct described above, Respondent 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. Respondent also engaged in unprofessional conduct as defined by Wis. Stat § 450.10(1)(a)2., by violating a law substantially related to the practice of a licensee. Specifically, Respondent violated Wis. Stat. § 440.20(5)(a) by failing to respond, to the satisfaction of the Board, within 30 days to requests for information from the Board in connection with an investigation of alleged misconduct of the credential holder.

As a result of the above conduct, Respondent is subject to discipline, pursuant to Wis. Stats. §§ 450.10(1)(b)1. and 440.20(5)(a).

#### Appropriate Discipline

The three purposes of discipline are to: (1) promote the rehabilitation of the credential holder; (2) protect the public from other instances of misconduct; and (3) deter other credential holders from engaging in similar conduct. *State v. Aldrich*, 71 Wis. 2d 206, 237 N.W.2d 689 (1976).

The Division has recommended that Respondent's license, when and if she renews it, be suspended pursuant to the terms and conditions of the Order section herein. For the reasons set forth below, I find that the recommended discipline is consistent with the purposes articulated in *Aldrich* and case law.

Promoting rehabilitation is one of the purposes of discipline. Respondent's conduct of stealing controlled substances from her employer over the course of two and a half years for her own personal use is not only very serious misconduct, it also is highly suggestive of substance abuse issues. Because Respondent has completely failed to respond to the Board's requests for

information, it is unknown whether Respondent has been diagnosed with substance abuse issues or if rehabilitation is plausible in this case. Nevertheless, the Order below provides ample opportunity for treatment and rehabilitation as appropriate. Requiring supervision and monitoring will allow Respondent to maintain her license while she gets whatever treatment may be necessary for her to overcome any substance abuse issues.

"Protection of the public is the purpose of requiring a license." *State ex rel. Green v. Clark*, 235 Wis. 628, 631, 294 N.W. 25 (1940). When a license is granted to an individual, Wisconsin is assuring the public that the licensed individual is competent in his or her profession. *Shringez v. Dep't of Regulation & Licensing Dentistry Examining Bd.*, 103 Wis. 2d 281, 287, 307 N.W.2d 664 (1981). It follows that if the Board, via the Department, cannot assure the public of the licensee's competence to practice the profession, then suspension is appropriate. *Gilbert v. State Medical Examining Bd.*, 119 Wis. 2d 168, 189-90, 349 N.W.2d 68 (1984). Respondent admitted to diverting controlled substances from her employer for her own personal use. Respondent's conduct of stealing controlled substances from her employer over the course of two and a half years for her own personal use indicates a likelihood of substance abuse issues. She has failed to cooperate with the Board investigation into her conduct or provide any information regarding her misconduct or possible substance abuse issues. The Board cannot ensure that Respondent will practice as a pharmacist competently and safely if she is not monitored and required to participate in treatment.

Moreover, suspension of Respondent's license is necessary to deter other licensees from engaging in similar conduct. Respondent has demonstrated a lack of respect for the Board's authority as well as a wanton disregard of the law and public welfare. Imposing anything less than suspension would not aid in deterrence but may instead imply that such conduct by a licensee is tolerable. Therefore, suspension and limitations on Respondent's license, when and if renewed, are an appropriate response to her disrespect for the law, the public welfare, and the licensing authority governing her profession.

Even though Respondent's license is currently expired, it is appropriate and necessary to impose discipline. Wisconsin Stat. § 440.08(3)(a) allows the holder of a credential to restore the credential even after expiration by simply paying the application renewal fee and a late renewal penalty of \$25. The Department has the authority to promulgate rules requiring credential holders who have failed to renew the credential for five years to complete additional requirements to restore their licenses. *See* Wis. Stat. § 440.08(3)(b). Read together, these statutory provisions have been interpreted by the Department to mean that credential holders retain a right to automatically renew their credentials within five years of expiration by simply paying the required fees. Thus, Respondent has an automatic right to renew her license until August 29, 2025. The fact that Respondent retains a right to renew makes the reasoning for discipline against active licensees equally appropriate to discipline against expired licensees.

The requested discipline is also consistent with Board precedent. *See In the Matter of Disciplinary Proceedings Against Angela M. Lane, R.Ph.*, Order Number 0005254 (May 22, 2019) (pharmacist who diverted controlled substances from her employer over the course of 19 months, for her own personal use, had her license suspended for 18 months and subject to a five

(5) year impairment order);<sup>1</sup> *See In the Matter of Disciplinary Proceedings Against Brad R. Spross, R.Ph.*, Order Number 0005010 (November 3, 2016) (pharmacist who diverted controlled substance from his employer over several months and on more than one occasion, for his own personal use, had his license suspended for nine (9) months and subject to a five (5) year impairment order).<sup>2</sup>

Based upon the facts of this case and the factors set forth in *Aldrich*, as well as other cases involving similar conduct, I find the conditions and limitations of the Order section below are warranted.

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<sup>1</sup> This Order can be found online at <https://online.drl.wi.gov/decisions/2019/ORDER0005254-00015507.pdf>.

<sup>2</sup> This Order can be found online at <https://online.drl.wi.gov/decisions/2016/ORDER0005010-00013218.pdf>.

### Costs

The Board is vested with discretion concerning whether to assess all or part of the costs of this proceeding against Respondent. *See* Wis. Stat. § 440.22(2). In exercising such discretion, the Board must look at aggravating and mitigating facts of the case; it may not assess costs against a licensee based solely on a "rigid rule or invocation of an omnipresent policy," such as preventing those costs from being passed on to others. *Noesen v. State Department of Regulation & Licensing, Pharmacy Examining Board*, 2008 WI App 52, ¶¶ 30-32, 311 Wis. 2d 237, 751 N.W.2d 385. In previous orders, Boards have considered the following factors when determining if all or part of the costs should be assessed against the Respondent: (1) the number of counts charged, contested and proven; (2) the nature and seriousness of the misconduct; (3) the level of discipline sought by the prosecutor; (4) the Respondent's cooperation with the disciplinary process; (5) prior discipline, if any; (6) the fact that the Department is a program revenue agency, funded by other licensees; and (7) any other relevant circumstances. *See In the Matter of Disciplinary Proceedings Against Elizabeth Buenzli-Fritz*, LS0802183CHI (Aug. 14, 2008). It is within the Board's discretion as to which of these factors to consider, whether other factors should be considered, and how much weight to give any factors considered.

Here, because Respondent defaulted, the factual allegations were deemed admitted. Thus, the Division proved all counts alleged. Respondent's misconduct was serious, and she showed a disregard for the law and rules governing her profession. Drug abuse by a pharmacist poses a threat to the health and safety of customers who are being served, as well as to the pharmacist. Respondent failed to cooperate with the Board's investigation and disciplinary process and has not offered any acceptable justification for her actions in this regard. Lastly, the Department is a program revenue agency whose operating costs are funded by the revenue received from credential holders. It would be unfair to impose the costs of pursuing discipline in this matter on those licensees who have not engaged in misconduct. Therefore, I find that it is appropriate for Respondent to pay the full costs of the investigation and this proceeding, as determined in accordance with Wis. Admin. Code § SPS 2.18.

### ORDER

In the event Respondent renews her license, or submits an application for re-licensure, the license to practice pharmacy issued to Respondent Jennifer L. Reithmeyer (license number 13510-40) shall be SUSPENDED as follows:

### SUSPENSION

- A.1. The license of Jennifer L. Reithmeyer, R.Ph., to practice pharmacy in the state of Wisconsin is SUSPENDED for an indefinite period.
- A.2. Upon a showing by Respondent of continuous, successful compliance for a period of at least five years with the terms of this Order, including at least 600 hours of active pharmacy practice for every year the suspension is stayed, the Board may grant a petition by the Respondent under paragraph D.6. for return of full Wisconsin licensure. The

Board may, on its own motion or at the request of the Department Monitor, grant full Wisconsin licensure at any time.

#### STAY OF SUSPENSION

- B.1. The suspension shall not be stayed for six months; but any time after six months the suspension may be stayed upon Respondent providing proof, which is determined by the Board or its designee to be sufficient, that Respondent has been in compliance with the provisions of Sections C and D of this Order for the most recent three consecutive months.
- B.2. The Board or its designee may, without hearing, remove the stay upon receipt of information that Respondent is in substantial or repeated violation of any provision of Sections C or D of this Order. A substantial violation includes, but is not limited to, a positive drug or alcohol screen. A repeated violation is defined as the multiple violation of the same provision or violation of more than one provision. The Board or its designee may, in conjunction with any removal of any stay, prohibit the Respondent for a specified period of time from seeking a reinstatement of the stay under paragraph B.4.
- B.3. This suspension becomes reinstated immediately upon notice of the removal of the stay being provided to Respondent either by:
  - (a) Mailing to Respondent's last-known address provided to the Department of Safety and Professional Services pursuant to Wis. Stat. § 440.11; or
  - (b) Actual notice to Respondent or Respondent's attorney.
- B.4. The Board or its designee may reinstate the stay, if provided with sufficient information that Respondent is in compliance with the Order and that it is appropriate for the stay to be reinstated. Whether to reinstate the stay shall be wholly in the discretion of the Board or its designee.

#### CONDITIONS AND LIMITATIONS

##### Treatment Required

- C.1. Respondent shall enter into, and shall continue, drug and alcohol 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.
- C.2. Respondent shall immediately provide Treater with a copy of this Final Decision and Order and all other subsequent orders.
- C.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 D.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.

- C.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 D.4., below.
- C.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

- C.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.

#### Recovery Meetings

- C.7. Respondent shall attend program meetings for recovering professionals, such as Narcotics Anonymous or Alcoholics Anonymous meetings, at the frequency recommended by Treater, but no less than twice per week. Attendance of Respondent at such meetings shall be verified and reported quarterly to Treater and the Department Monitor.

#### Sobriety

- C.8. Respondent shall abstain from all personal use of alcohol.
- C.9. 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 and alcohol 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.

- C.10. 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 or of alcohol, 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.
- C.11. Respondent shall report to Treater and the Department Monitor all prescription medications and drugs taken by Respondent. Reports must be received within 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.
- C.12. 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 C.11.

Drug and Alcohol Screens

- C.13. Respondent shall enroll and begin participation in a drug and alcohol monitoring program which is approved by the Department (Approved Program).
- C.14. 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 and alcohol 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, week-ends, 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 hours of notification of a test.
- C.15. The Approved Program shall require the testing of specimens at a frequency of not less than 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.

- C.16. If any urine, blood, sweat, fingernail, hair, saliva, or other specimen is positive or suspected positive for any controlled substances or alcohol, 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.
- C.17. 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.
- C.18. 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.
- C.19. The Approved Program shall submit information and reports to the Department Monitor as directed.

Practice Limitations

- C.20. Respondent shall only practice in a setting pre-approved by the Board or its designee. Pre-approval will not be granted without written acknowledgement from the managing pharmacist that he or she has received this Order.
- C.21. 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), without prior approval of the Board.
- C.22. 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), without prior approval of the Board.
- C.23. 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), without prior approval of the Board.
- C.24. Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders immediately 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).
- C.25. It is Respondent's responsibility to arrange for written reports from supervisors 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.
- C.26. 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.

- C.27. In addition to the foregoing subparagraph, Respondent shall obtain from her managing pharmacist an 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 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 following the audit. However, any discrepancy or missing drugs indicated by the audits shall be immediately reported in writing to the Board.
- C.28. 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.
- C.29. Respondent shall not own in whole or in part any interest in a pharmacy during the period of time this Order remains in effect.
- C.30. Respondent shall report to the Board any change of employment status, residence, address, or telephone number within five days of the date of change.

MISCELLANEOUS  
Department Monitor

- D.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](mailto:DSPSMonitoring@wisconsin.gov)

Respondent may also submit this information online via DSPS' Monitoring Case Management System, at: <https://dspsmonitoring.wi.gov>

Required Reporting by Respondent

- D.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.

- D.3. Every three months the Respondent shall notify the Department Monitor of the Respondent's compliance with the terms and conditions of the Order and shall provide the Department Monitor with a current address and home telephone number.

Change of Treater or Approved Program by the Board

- D.4. 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

- D.5. Respondent may petition the Board on an annual basis for modification of the terms of this Order. However, no such petition for modification shall occur earlier than one year from the date of the initial stay of the suspension. Any petition for modification shall be accompanied by a written recommendation from Respondent's Treater expressly supporting the specific modifications sought. 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.
- D.6. Respondent may petition the Board for termination of this Order any time after five years from the date of the initial stay of the suspension. 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 years.

Costs of Compliance

- D.7. 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.

Additional Discipline

- D.8. 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).

IT IS FURTHER ORDERED that Respondent pay all recoverable costs in this matter in an amount to be established, pursuant to Wis. Admin. Code § SPS 2.18. After the amount is established, payment shall be made by certified check or money order payable to the Wisconsin

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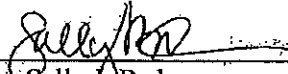
Department of Safety and Professional Services and sent to the address listed in paragraph D.1. above.

IT IS FURTHER ORDERED that the terms of the Order are effective the date the Final Decision and Order in this matter is signed by the Board.

Dated at Madison, Wisconsin on December 30, 2020.

STATE OF WISCONSIN  
DIVISION OF HEARINGS AND APPEALS  
4822 Madison Yards Way, 5<sup>th</sup> Floor North  
Madison, Wisconsin 53705  
Tel. (608) 266-7709  
Fax: (608) 264-9885

By:



Sally J. Pederson  
Senior Administrative Law Judge