

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF

JENNIFER WEILAND,  
RESPONDENT.

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ADMINISTRATIVE INJUNCTION

**ORDER 0008790**

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Division of Legal Services and Compliance Case No. 22 UNL 104

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

Jennifer Weiland  
Monona, WI 53716

Wisconsin Department of Safety and Professional Services  
P.O. Box 8368  
Madison, WI 53708-8368

Division of Legal Services and Compliance  
Wisconsin 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 Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Jennifer Weiland (Respondent), (Year of Birth: 1978) is licensed in the state of Wisconsin as a pharmacy technician (license no. 223739-41) first issued on May 3, 2023, and current through May 31, 2024. Respondent is not and has never been licensed as a pharmacist in the state of Wisconsin, or any other state.

2. At all times relevant to this proceeding, Respondent was employed as an unlicensed pharmacy technician<sup>1</sup> for a pharmacy located in Verona, Wisconsin (Pharmacy A). Respondent worked at Pharmacy A's remote site.

3. In September 2021, Respondent electronically transferred several hundred prescriptions from Pharmacy A to Pharmacy B without first seeking approval or permission from a pharmacist at Pharmacy A. The pharmacist responsible for Pharmacy A's remote site (Pharmacist C) had no knowledge of the transfer of prescriptions until after the transfers occurred.

4. Respondent asserts that, prior to the transfer of prescriptions at issue and in relation to earlier prescription transfers, Pharmacist C told Respondent that she could print and fax prescription transfers from the remote site. Thereafter Respondent did not tell Pharmacist C about the prescription transfers she effectuated.

5. Pharmacist C asserts that Respondent attempted to secretly transfer prescriptions from Pharmacy A to Pharmacy B without the knowledge of the supervising pharmacist and outside the scope of accepted pharmacy practice. Pharmacist C asserts that he did not instruct Respondent to do anything other than follow Wisconsin state statutes.

### CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction in this matter pursuant to Wis. Admin. Code ch. SPS 3 and Wis. Stat. § 440.21 and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5).

2. Pursuant to Wis. Admin. Code § Phar. 7.04(1)(a), which applies to individuals licensed under Wis. Stat. ch. 450, a transfer of prescription order information between pharmacies must occur via a verbal or electronic communication between two pharmacists, or electronically between two pharmacies.

3. Pursuant to Wis. Admin. Code §§ Phar 7.04(2)(a)2., 7.04(2)(b)7., 7.04(3)(b), 7.04(3)(c), and 7.04(3)(d)6., a transfer of prescription order information between pharmacies must be authorized by a pharmacist at the transferring pharmacy.

4. Pursuant to Wis. Stat. § 450.01(16), the "practice of pharmacy" includes performing any act necessary to manage a pharmacy.

5. Pursuant to Wis. Stat. § 450.03(1), no person may engage in the practice of pharmacy or use the title "pharmacist" or sell, give away or barter drugs unless the person is licensed as a pharmacist by the board.

6. The conduct described above constitutes the unlicensed practice of pharmacy contrary to Wis. Stat. § 450.03.

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<sup>1</sup> At the time the activity that is the subject of this injunction took place, the Wisconsin Pharmacy Examining Board did not license pharmacy technicians.

ORDER

1. The attached stipulation is accepted.
2. Unless and until Respondent is properly licensed as a pharmacist by the Wisconsin Pharmacy Examining Board, Respondent is enjoined and prohibited from the practice of pharmacy in the state of Wisconsin.<sup>2</sup> Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. See Wis. Stat. § 440.21(4)(a).
3. If the Department determines that there is probable cause to believe that Respondent has violated any terms of this Administrative Injunction, the Department may refer the violations covered by this decision and order to any appropriate prosecutorial unit for review for possible criminal charges.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: Aloysius Rohmeyer

Aloysius Rohmeyer, Chief Legal Counsel  
On behalf of the Department

9/29/2023

Date

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<sup>2</sup> This Order does not prohibit Respondent from engaging in the practice of a pharmacy technician as long as Respondent is actively licensed as a pharmacy technician in Wisconsin.

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF

JENNIFER WEILAND,  
RESPONDENT.

STIPULATION

**ORDER 0008790**

Division of Legal Services and Compliance Case No. 22 UNL 104

Jennifer Weiland (Respondent), and the Division of Legal Services and Compliance (Division), Department of Safety and Professional Services (Department), stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division. 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 Administrative Injunction by the Department. The parties to the Stipulation consent to the entry of the attached Administrative Injunction without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's Administrative Injunction, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division for further proceedings. In the event that the Stipulation is not accepted by the

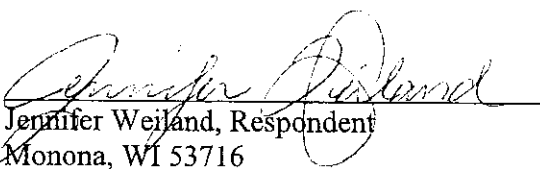
Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney for the Department may appear before the Department for the purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on this Stipulation.


7. Respondent is informed that should the Department adopt this Stipulation; the Department's Administrative Injunction is a public record and will be published in accordance with standard Department procedure.

8. Respondent is further informed that should the Department adopt this Stipulation, the Department's Administrative Injunction will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

9. The Division joins Respondent in recommending the Department adopt this Stipulation and issue the attached Administrative Injunction.

  
Jennifer Weiland, Respondent  
Monona, WI 53716

9/16/2023  
Date

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

September 25, 2023  
Date