

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN

BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY

PROCEEDINGS AGAINST:

**FINAL DECISION AND ORDER**

JEFFREY A. WEJROWSKI, R.Ph.

97 PHM 63

RESPONDENT.

LS 9808312 PHM

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The parties to this action for the purposes of §227.53, Wis. Stats., are:

Jeffrey A. Wejrowski, R.Ph.

2524 S. 62nd St.

Milwaukee, WI 53219

Wisconsin Pharmacy Examining Board

P.O. Box 8935

Madison, WI 53708-8935

Department of Regulation and Licensing

Division of Enforcement

P.O. Box 8935

Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the 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**

1. Respondent Jeffrey A. Wejrowski (dob 11/13/52) is and was at all times relevant to the facts set forth herein a registered pharmacist licensed in the State of Wisconsin pursuant to license #9051, originally granted on 6/29/76. His address of record with the Board is 2524 S. 62nd St., Milwaukee, WI 53219.
2. Respondent was at all times relevant to the facts set forth herein the owner and managing pharmacist of Koplín Pharmacy, and was a certified provider of prescription medication to Medicaid recipients. This pharmacy has since closed.
3. Respondent did, between March 23, 1994 and September 21, 1994, in the City of Milwaukee, Wisconsin, knowingly and willfully make or cause to be made false statements in 13 applications for Medicaid payments, stating in the claims that Koplín Pharmacy had provided the prescription drug Neupogen® to recipient J.S., when it had not. The records maintained by EDS and the Wisconsin Department of Health and Family Services show that these claims from Koplín Pharmacy for dispensing Neupogen® to J.S. were paid by EDS. These claims were made and paid on the following dates for the following amounts:

Date of Claim	Date of Service	EDS Number	Amount Paid	Date Paid
3/23/94	3/22/94	101394082025610	\$5,085.38	3/25/94
4/6/94	4/1/94	101394096032680	\$2,541.69	4/10/94
4/20/94	4/19/94	101394110009480	\$2,541.69	4/24/94
5/5/94	5/3/94	101394125028580	\$2,541.69	5/8/94
5/25/94	5/21/94	101394145013970	\$2,541.69	5/27/94
6/8/94	6/3/94	101394159005730	\$2,541.69	6/12/94
7/6/94	6/29/94	101394187016210	\$2,541.69	7/10/94
7/20/94	6/18/94	101394201023620	\$2,537.00	7/29/94
8/3/94	7/15/94	101394215008290	\$2,541.69	8/7/94
8/3/94	7/30/94	101394215008840	\$2,541.69	8/7/94
8/18/94	8/12/94	101394230018980	\$2,541.69	8/21/94
8/31/94	8/26/94	101394243018930	\$2,541.69	9/11/94
9/21/94	9/4 and 9/16/94	101394264012620	\$5,083.38	9/30/94
			TOTAL \$38,120.48	

4. Respondent did, between February 6, 1993 and January 21, 1995 receive \$6,976.61 of returned, reusable medication from nursing homes. The Medicaid Provider Handbook permits the Medicaid provider to keep only 20% of the net amount identified as the total cost of reusable units of each drug returned to cover the pharmacy's administrative costs. Respondent did not credit Medicaid for any of the returned medications. Therefore, respondent did, on April 21, 1995, by virtue of his business, have possession of money and intentionally retain possession of money in the amount of \$5,581.29 without the consent of the State of Wisconsin, the owner, and contrary to its authority with intent to convert the money to his own use.

5. Respondent did, between August 27, 1993 and February 5, 1995, bill and receive payments from Maryhill Convent for prescriptions Koplín Pharmacy dispensed to Maryhill Convent residents M.B., S.A.B., R.B., M.D., B.G., M.G., B.H., B.H., M.H., Ev.H., C.H., Ed.H., I.H., Eu.H., H.H., I.J., L.L., A.M., F.N., A.P., M.S., P.S., B.S., H.T., V.W., E.B., and D.A., in the amount of \$16,129.35. When those clients became retroactively eligible for Medicaid benefits, Respondent submitted claims to Medicaid for medications for which Maryhill Convent had already paid Koplín Pharmacy directly. Respondent received \$13,538.57 from Medicaid for filling those prescriptions and did not subsequently send Maryhill Convent a refund check. He has no records establishing any amount which he otherwise repaid or credited the Maryhill Convent account, although he did not bill Maryhill Convent for a goods dispensed and services rendered in 1995. Respondent thus did, by virtue of his business, have possession of money and intentionally retain possession of money in an amount not exceeding \$13,538.57 without the consent of the Maryhill Convent, the owner, contrary to its authority, with intent to convert the money to his own use.

6. On January 28, 1998, respondent Jeffrey Wejrowski was convicted of feloniously violating § 49.49(1)(a)1., 2., 3., and 4. (Medical Assistance Fraud), and § 49.49(4m)(a) 1., 2., and 3., Wis. Stats. (Medical Assistance Prohibited Conduct), in connection with the above claims. Respondent's sentence was withheld and he was placed on probation for 10 years, ordered to spend 8 months in the county jail during non-working hours, perform 400 hours of community service (to include speaking at schools regarding criminal behavior), pay \$930 in costs, and make full restitution.

#### CONCLUSIONS OF LAW

A. The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter pursuant to §450.10, Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

B. The conduct described in paragraph 3 violated § § 49.49(1)(a)1. and 450.10(1)(a)(7), Wis. Stats. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

C. The conduct described in paragraphs 4 and 5 violated § § 943.20(1)(b) and 450.10(1)(a)(2), Wis. Stats. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

D. The conviction described in paragraph 6 subjects him to discipline pursuant to § 450.10(1)(b)3., Wis. Stats.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that the license to practice pharmacy of Jeffrey A. Wejrowski, R.Ph., is SUSPENDED for one year, effective on the first day of the month following the adoption of this order. During this time, respondent shall not be in the professional area of any pharmacy for any reason. Respondent shall certify under

oath or affirmation to the department that he has complied with this condition and with the conditions set forth below, and that he has not practiced pharmacy in any respect while his license was suspended, and shall appear before the Board, before his license is reinstated.

IT IS FURTHER ORDERED, that effective immediately (and thus including the period during which respondent's license is suspended), the license to practice pharmacy of respondent is LIMITED in the following respects:

1. Respondent shall comply in all respects with all the conditions of his probation (including those not summarized above), as amended from time to time, including the condition of restitution. Respondent shall authorize and request his probation agent to communicate freely with the Department Monitor concerning all aspects of the supervision of respondent while he is on probation. A violation of any condition of probation shall constitute a violation of this Order, and of the license limitations imposed by this Order. Respondent shall furnish a copy of this Order to his probation agent forthwith.
2. Respondent shall not be a managing pharmacist, nor shall he own, directly or indirectly, any interest in any pharmacy or pharmaceutical manufacturer or distributor without express permission of the Board, other than as an investor in a mutual fund over which respondent has no management influence or control.
3. Respondent shall practice only in a setting in which he does not handle cash or orders for payment such as checks, vouchers, etc., and in which he does not make (including by filling out forms, entering data electronically, or otherwise) third party claims. (However, respondent may make proper records of his practice activities, including dispensing, from which others may make such claims, or during the course of which electronic adjudication occurs, in the ordinary course of business.) Respondent shall not practice in a setting in which he is compensated in whole or in part on the basis of billings, receipts, claims, or the like. Respondent shall provide whatever consents are needed to enable the Board to determine that respondent is in full compliance with this paragraph.
4. Respondent shall furnish a copy of this order to every employer for whom he may practice pharmacy, before beginning to perform such services. If respondent works for or with a temporary service agency, he shall furnish a copy of the order both to the agency and to any person or entity for whom services are directly performed, before commencing the work assignment. Respondent shall inform the Department Monitor of his current, and any subsequent, employer (including any temporary service agency), within 5 days of employment. If respondent provides pharmacist services as an independent contractor, the person or entity for whom he provides such services shall be deemed an "employer" for purposes of this paragraph.

IT IS FURTHER ORDERED, that respondent shall pay costs in the amount \$1900, before his license is next renewed.

IT IS FURTHER ORDERED, that pursuant to §227.51(3), Wis. Stats., and ch. RL 6, Wis. Adm. Code, if the Board determines that there is probable cause to believe that respondent has violated any term of this Final Decision and Order, the Board may order that the license of respondent be summarily suspended pending investigation of the alleged violation.

Dated this February 12, 1999.

WISCONSIN PHARMACY EXAMINING BOARD, by:

s/Daniel F. Luce, R.Ph.

a member of the board