

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF DISCIPLINARY

PROCEEDINGS AGAINST

MICHAEL S. IVEY, R.Ph.

RESPONDENT.

**FINAL DECISION AND ORDER**

LS 990514 PHM

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

*Michael S. Ivey, R.Ph.*  
*3400 Pierce Ave. #106*  
*Marinette, WI 54143*

*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 Michael S. Ivey (dob 10/27/64) 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 #12523, originally granted on 8/23/96.
2. Respondent did, on and between May, 1998, and January 25, 1999, on multiple occasions, provide one or more dosage units of hydrocodone, a Schedule III controlled substance, to co-employee Marily Christensen, without an order from an authorized prescriber or other authority.
3. The hydrocodone so provided to Marily Christensen without a prescription was the property of Copps Pharmacy, 1819 E. Main St., Green Bay, WI, respondent's employer, and was removed from stock by respondent without the permission of Copps Pharmacy, and with intent to permanently deprive Copps Pharmacy of the hydrocodone, in that it was not paid for by either respondent or Marily Christensen.
4. On multiple occasions in 1998 and 1999, respondent provided hydrocodone to a patient, T.V., without an order from an authorized prescriber or other authority.
5. On one occasion during 1998 or 1999, respondent provided 100 clonazepam, a Schedule III controlled substance, to a patient, J.C., without an order from an authorized prescriber or other authority.
6. On one occasion during 1998 or 1999, respondent provided 100 amitriptyline, a prescription drug, to a patient, D.K., without an order from an authorized prescriber or other authority.

## 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 2, 4, and 5, above, violated §§450.10(1)(a)2. and 6., 450.11(1) and (4), and 961.41(1), Wis. Stats., §§ Phar 8.02(1) and (2), 8.05(2), and 10.03(1), (2), and (5), Wis. Adm. Code, and 21 CFR §1306.21(a). Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

C. The conduct described in paragraph 3, above, violated §§450.10(1)(a)2., Wis. Stats. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

D. The conduct described in paragraph 6, above, violated §§450.10(1)(a)2. and 6., and 450.11(1) and (4), Wis. Stats., and § Phar 10.03(1), (2), and (5), Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

## ORDER

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

IT IS FURTHER ORDERED, that the license to practice pharmacy of Michael S. Ivey, R.Ph., is SUSPENDED for ninety days (and until the costs are paid), effective the first day of the first month following the adoption of this order. Respondent shall tender his biennial credentials, both the wallet card and the wall certificate insert, on the day his suspension commences. While his license is suspended, he shall not be in the professional area of any pharmacy for any reason, and he shall not permit his original wall certificate to be displayed in any pharmacy. At the expiration of ninety days, his license shall be restored by staff, without further action by the Board, provided that costs are fully paid.

IT IS FURTHER ORDERED, that the license to practice pharmacy of Michael S. Ivey is LIMITED in the following respect: he shall not be a managing pharmacist, and shall provide a complete copy of this Order to any health care provider for whom he provides services constituting the practice of pharmacy, before such services commence. Respondent may petition the Board to modify this limitation, but any decision to do so shall be solely within the discretion of the Board.

IT IS FURTHER ORDERED, that respondent shall pay the COSTS of investigating and prosecuting this matter. The Division of Enforcement and Bureau of Legal Services shall file their statements of costs within 15 days; these shall be provided to respondent who shall have 15 days to object. They shall be paid before the suspension is terminated. Statutory interest shall commence 30 days after the statements of costs are mailed to respondent.

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 November 9, 1999.

WISCONSIN PHARMACY EXAMINING BOARD, by:

s/ Daniel Luce, R. Ph.

a member of the board