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STATE OF WISCONSIN

BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY

PROCEEDINGS AGAINST

CRAIG R. OSNESS, R.PH.

FINAL DECISION AND ORDER

RESPONDENT.

LS0001124PHM

99 PHM 31

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

Mr. Craig R. Osness, R.Ph.
2400 E. Bradford Ave.
Milwaukee, WI 53211

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 Craig R. Osness (dob 6/6/1967) 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 #11804, originally granted on 6/9/1992.
2. Respondent was previously disciplined by the Board on 3/10/1999, file 97 PHM 50. The respondent was the managing pharmacist of a chain pharmacy when an audit discovered that 5 pints of codeine and hydrocodone syrup and approximately 58,000 solid oral dosage units of controlled substances including narcotics, benzodiazepines, phentermine, propoxyphene, and barbiturates, had been received but were missing from the pharmacy and could not be accounted for. The Pharmacy Examining Board reprimanded the respondent, limited his license to practice pharmacy to prohibit him from being a managing pharmacist, ordered him to forfeit \$2,000, and ordered him to pay the costs of the investigation.
3. On 4/15/1999, respondent, was employed by a different chain pharmacy as a staff pharmacist. Patient J.D.'s husband dropped off a written prescription for hydrocodone, which was written by the prescriber for J.D. A pharmacy technician entered the prescription into the computer system under the husband's name instead of J.D.'s name, and respondent then dispensed the prescription labeled for the husband.
4. Respondent did not review the patient's prescription profile before dispensing the prescription.
5. Pursuant to the pharmacy's established practice, respondent routinely relied on Osco Drug's computer system to alert him to any irregularities or contraindications for the prescription that he was dispensing. If the computer system did not show any alerts, the patient's prescription profile was not reviewed before respondent dispensed any prescription to any patient.

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, above, violated §450.11(1), Wis. Stats., and §§ Phar 7.01(1)(d) and 10.03(2) Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.
- C. The conduct described in paragraphs 4-5, above, violated § Phar 7.07(4) Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes. At the time a prescription order is dispensed, the pharmacist must personally review the medication history and must determine whether the prescription order presented should be dispensed. A computer check may be used only as an aid, and not as a replacement for a pharmacist reviewing a patient's prescription profile.

ORDER

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

IT IS FURTHER ORDERED, that Craig R. Osness, is REPRIMANDED for his unprofessional conduct in this matter.

Dated this January 12, 2000,

WISCONSIN PHARMACY EXAMINING BOARD, by:

John Bohlman, R. Ph.

a member of the board