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IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JAMES J. KUNZ, R.PH.
RESPONDENT.

FINAL DECISION AND ORDER
99 PHM 62

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

Mr. James J. Kunz, R.Ph.
324 Superior Ave.
Crystal Falls, MI 49920

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 James J. Kunz (dob 9/18/1940) 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 #7763, originally granted on 6/3/1968. Respondent is also a registered pharmacist licensed in the state of Michigan pursuant to license #53-02-020147. The following conduct all occurred while respondent was practicing pharmacy in Michigan at Fall Drugs, Crystal Falls, Michigan.
2. On 10/5/1998, respondent dispensed the wrong prescriptions to two patients who had similar names. Patient X had previous prescriptions for Coumadin® tablets and patient Y had previous prescriptions for Minitran® patches. Patient X received Minitran® patches instead of Coumadin® tablets. Patient Y received Coumadin® tablets instead of Minitran patches.
3. Respondent did not have original prescription orders to support the dispensing.
4. On 3/26/1999, the State of Michigan Board of Pharmacy reprimanded the respondent for his conduct in this incident.

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, above, violated § Phar 10.03(2) Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.
- C. The conduct described in paragraph 3, above, violated § Phar 7.05(1) Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.
- D. The conduct described in paragraph 4, above, violated § Phar 10.03(17) 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 James J. Kunz, is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that respondent shall pay COSTS in this matter in the amount of \$150, within 30 days of this order.

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 March 15, 2000.

WISCONSIN PHARMACY EXAMINING BOARD, by

John Bohlman, R.Ph.
a member of the board