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IN THE MATTER OF DISCIPLINARY

PROCEEDINGS AGAINST:

DOUGLAS K. STUCKY, R.Ph.,

FINAL DECISION AND ORDER

RESPONDENT

LS0010111PHM

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

Douglas K. Stucky, R.Ph.

N40W6634 W. Jackson St.

Cedarburg, WI 53012

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 Douglas K. Stucky, 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 # 8989, originally granted on 5/6/76.
2. Respondent was previously disciplined in file 88 Phm 22 (1991), which resulted from his being disciplined in Michigan for committing insurance fraud and being criminally convicted of insurance fraud, and for C-II recordkeeping violations and inventory shortages.
3. Respondent did, on or about 8/12/99, receive for verification several prescriptions for patient J.J. These prescriptions were, according to pharmacy records and practice, prepared by auxiliary staff. They had been prepared from an order written by a resident at a Milwaukee hospital, apparently as the patient's discharge medication order. One of these orders read: "Nifedipine 60 mg po qd #30 2 refills." Respondent was to check the prescriptions before their being transferred to the patient.
4. Nifedipine is a calcium channel blocker used to control chest pain. It comes in 10 and 20 mg sizes in immediate release forms, and in a 60 mg extended release form.
5. Staff had prepared 180 of the 10 mg standard release forms of nifedipine and prepared a label which instructed the patient to "take 6 capsules by mouth every day" and did not give any instructions on when to take the medication (e.g. all at the same time, or spaced in some manner throughout the day). Respondent allowed this prescription to pass as verified or checked.
6. The patient's profile revealed that she had been dispensed #30 Adalat CC® 60 mg on July 28, 1999. Adalat

is a brand name for nifedepine, and the CC is an extended release formulation.

7. The pharmacist should have realized that the physician intended the patient to receive the 60 mg extended release version of this medication, or should have telephoned the prescriber to clarify what was intended.
8. Respondent repeated this error when the patient came in for her first refill on 10/8/99.

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 paragraphs 5 and 7, above, violated §450.10(1)(a)6., Wis. Stats., and § Phar 10.03(2), 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 Douglas K. Stucky, R.Ph, is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that the license to practice pharmacy of respondent is LIMITED in the following manner: respondent shall, no later than September 1, 2002, have taken and passed four of the 15 hour modules in the Pharmacotherapy for Continuing Education series offered by the University of Wisconsin--Madison School of Pharmacy, including the cardiology module. Respondent shall do one module per quarter, at a minimum, and shall report to the Department Monitor on February 1, 2000, and every three months thereafter, on his progress with this program. All costs of the CE shall be born by respondent. If the Board has not received satisfactory evidence from the provider that respondent has taken and passed all required CE by 11/1/01, respondent's license shall be automatically SUSPENDED by staff until the CE is taken and passed.

It is respondent's responsibility to ensure that the Department Monitor has received documentation directly from the school in a timely manner, and respondent shall sign all necessary releases to ensure that the Board and department staff have access to all school records relevant to his performance and completion of the course.

Respondent may propose an equivalent course from another accredited source of continuing education through the Department Monitor, but shall ensure that it is acceptable to and pre-approved by the Board or its designee before commencing a different course.

IT IS FURTHER ORDERED, that respondent shall pay COSTS in this matter in the amount of \$300, 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 October 11, 2000.

WISCONSIN PHARMACY EXAMINING BOARD, by:

John Bohlman

A member of the board