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IN THE MATTER OF DISCIPLINARY

PROCEEDINGS AGAINST:

ALLAN J. LOEB, R.Ph.,

RESPONDENT

FINAL DECISION AND ORDER

LS0109113PHM

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

Allan J. Loeb, R.Ph.

18600 Yorkshire Ln

Brookfield, WI 53045

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 Allan J. Loeb (dob 11/4/46) is and was at all times relevant to the facts set forth herein a pharmacist licensed in the State of Wisconsin pursuant to license #9462, originally granted on 12/9/78. At all times material to the matters set forth herein, respondent was the Director of Pharmacy at St. Joseph's Hospital, Milwaukee.
2. During the weeks preceding 6/7/99, respondent personally interviewed and hired Stacey N. Bernard, R.Ph., a pharmacist licensed in Texas and Louisiana, to work as a pharmacist at respondent's Wisconsin hospital. Ms. Bernard was not licensed in Wisconsin at the time she interviewed with respondent, and he was aware that Ms. Bernard did not have Wisconsin licensure, but believed that she would obtain such licensure before commencing work in Wisconsin. On 6/7/99, Ms. Bernard commenced employment; respondent was attending a professional meeting out of state on that day. No later than that day, respondent's human resources department was to have verified her licensure as part of its normal duties as set forth on a "checklist" then in use, but failed to do so. Respondent had not specially alerted the human resources department regarding his knowledge of Ms. Bernard's status, and did not check her status upon his return from his meeting.
3. Ms. Bernard continued to practice pharmacy in St. Joseph's Hospital's employ until July 7, 2000.

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 2-3, above, violated § Phar 10.03, 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 Allan J. Loeb, R.Ph., is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that respondent shall obtain, in addition to the 30 hours of continuing education required of all licensees each biennium, 20 hours of continuing education, pre-approved by the Board or its designee, in the areas of pharmacy administration or management, pharmacy law, pharmacy quality assurance/improvement, safety processes, and/or pharmacy regulation, reasonably related to preventing circumstances which gave rise to this Order. Respondent shall complete this additional 20 hours no later than two years from the date of this Order, and shall submit all requests for approval, and evidence of completion, to the Department Monitor, Department of Regulation & Licensing, P.O. Box 8935, Madison, WI 53708-8935.

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 September 11, 2001.

WISCONSIN PHARMACY EXAMINING BOARD, by:

John Bohlman

A Member of the board