

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
MEDI-SAVE PHARMACY, and, : 91 PHM 027
KATHRYN A. PALMER, R.Ph., :
RESPONDENTS. :

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

Medi-Save Pharmacy
908 Grand Avenue
Schofield, WI 54476

Kathryn A. Palmer, R.Ph.
2239 Glendalen North
Mosinee, WI 54455

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. Kathryn A. Palmer (D.O.B. 12/08/56) is duly licensed in the state of Wisconsin as a pharmacist (license #10890). This license was first granted on December 16, 1986.

2. Ms. Palmer's latest address on file with the Department of Regulation and Licensing is 2239 Glendalen North, Mosinee, WI 54455.

3. Medi-Save Pharmacy is duly licensed in the State of Wisconsin as a pharmacy (license # 7115). This license was first granted September 27, 1990. The latest address of the pharmacy on file with the Department of Regulation and Licensing is 908 Grand Avenue, Schofield, WI 54476. At all times relevant to this action, Kathryn A. Palmer was the managing pharmacist of Medi-Save Pharmacy.

4. An audit conducted May 1, 1991 by the Division of Enforcement revealed that on multiple occasions Schedule II controlled substances were dispensed to nursing home patients without a written prescription order signed by the prescriber, in other than an emergency situation.

CONCLUSIONS OF LAW

By the conduct described above, Medi-Save Pharmacy and Kathryn A. Palmer are subject to disciplinary action against their license to practice pharmacy in the state of Wisconsin, pursuant to Wis. Stats. sec. 161.38(1) and 450.10(1)(a)2 and 6, and Wis. Adm. Code sec. Phar 8.05(2) and (4).

The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter pursuant to Wis. Stats. sec. 450.10(1).

The Board is authorized to enter into the attached Stipulation pursuant to Wis. Stats. sec. 227.44(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that :

1. The attached stipulation is accepted.
2. Medi-Save Pharmacy, Schofield, Wisconsin, and Kathryn A. Palmer, R.Ph. are each REPRIMANDED for their unprofessional conduct in this matter.
3. Kathryn A. Palmer shall, within 60 days of the date of this Order successfully complete and pass the Wisconsin Pharmacy Jurisprudence Examination (which may, at Respondent's option be taken through the PLATO professional development center. Only two attempts during this period shall be permitted). Examination results shall be reported directly to the Board. In

the event Respondent fails to receive a passing score on the examination, her license to practice pharmacy shall, without further action of the Board, be LIMITED in that she shall not act as the managing pharmacist of any pharmacy until she has successfully completed and passed both the Federal Drug Law Examination and the Wisconsin Pharmacy Jurisprudence Examination. Upon proof of passing the examinations, the staff of the Department shall notify Respondent and the limitation shall be removed without further formal action of the Board.

4. Respondents shall each pay a civil forfeiture in the sum of \$ 250.00 to the Department of Regulation and Licensing within 20 days of the date of this Order.

5. Respondents shall pay the costs of the investigation and prosecution of this matter to the Department of Regulation and Licensing in the sum of \$250.00 within 60 days of the date of this Order.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

This Order shall become effective upon the date of its signing.

WISCONSIN PHARMACY EXAMINING BOARD

By: Charles H. Dunkel
a member of the Board

1-12-93
Date

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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
MEDI-SAVE PHARMACY, and,	:	91 PHM 027
KATHRYN A. PALMER, R.Ph.,	:	
RESPONDENTS	:	

It is hereby stipulated between Medi-Save Pharmacy by its duly authorized representative, Kathryn A. Palmer, personally on her own behalf and James W. Harris, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Respondents' licensure by the Division of Enforcement. Respondents consent to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondents understand that by the signing of this Stipulation they voluntarily and knowingly waive their rights, including: the right to a hearing on the allegations against them, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against them; the right to call witnesses on their behalf and to compel their attendance by subpoena; the right to testify themselves; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to them under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondents are aware of their right to seek legal representation and have been provided the opportunity to seek legal advice prior to signing this stipulation.

4. Respondents agree to the adoption of the attached Final Decision and Order by the Pharmacy Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents waive all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each, and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Pharmacy Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Pharmacy Examining Board

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Pharmacy Examining Board.

The date of mailing of this decision is January 14, 1993.