

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF THE

DISCIPLINARY PROCEEDINGS AGAINST

PAUL J. MORNARD, R.Ph.

RESPONDENT.

**INTERIM DECISION AND ORDER**

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

*Paul J. Mornard R.Ph.  
3025 Big Timber Circle  
Green Bay, WI 54313*

*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 interim 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 is Paul J. Mornard (dob 1/19/48), and is licensed by the Board as a pharmacist. Respondent has been so licensed since 4/6/72. His address of record is 3025 Big Timber Circle, Green Bay, WI 54313.
2. On Wednesday, 3/25/99, respondent was arrested by Green Bay Police and the US Drug Enforcement Administration for multiple controlled substances violations.
3. On April 12, 1999, a state criminal complaint was issued against respondent, charging him with delivery of a Schedule II narcotic (§961.41(1)(a) and (d)1., Stats.), 2 counts. Respondent is awaiting trial, but is out on bond and is presently practicing pharmacy as the managing pharmacist in a community pharmacy which he owns.
4. On May 24, 1999, respondent's pharmacy was audited by the Wisconsin Medical Assistance Program, and substantial recordkeeping problems were found, including missing records and incomplete hardcopy prescription records.
5. A formal complaint has been filed alleging that respondent has committed unprofessional conduct based on the above violations, and upon an allegation that respondent provided a woman with unprescribed controlled substances in exchange for sexual activity, failed to report other controlled substances which were lost or stolen, and falsified prescription records in his pharmacy.
6. The above, if proved, constitutes unprofessional conduct pursuant to one or more of the following: §§450.10(1)(a)2 and 6, and 450.11(1) and (7)(c) and (e), 944.32, 961.41(1)(a) and (b), Wis. Stats., §§ Phar 8.02(1), 8.05(2) and (4), 10.03(1), (2) and (5), Wis. Adm. Code, 21 USC §§829(a) and (b), 841(a)(1), and 842(a)(1), and 21 CFR §§1306.11(a) and 1306.21(a).
7. Respondent has accepted an Offer to Purchase his pharmacy, which transaction is expected to close on August 1, 1999.

CONCLUSIONS OF LAW

A. The Wisconsin Pharmacy Examining Board has jurisdiction over this matter and authority to take action against the Respondent pursuant to §450.10(1), Wis. Stats. and ch. Phar 10, Wis. Adm. Code .

B. The Wisconsin Pharmacy Examining Board is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats., and has authority to summarily suspend the license of respondent under ch. RL 6, Wis. Adm. Code.

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, pending the outcome of disciplinary proceedings in this matter, that the STIPULATION of the parties, attached hereto, is ACCEPTED.

IT IS FURTHER ORDERED, that the license to practice pharmacy of Paul J. Mornard, R.Ph., is LIMITED only until the underlying disciplinary action is concluded, in the following manner:

(a) Respondent shall not be the managing pharmacist of any pharmacy. He shall practice pharmacy only in the Medical Center Pharmacy, 704 S. Webster Ave., Green Bay, or its successor in the same location. The managing pharmacist shall be physically present in the pharmacy at least two hours per day on any day the pharmacy is open for business and on which respondent also works in the pharmacy. The managing pharmacist shall either open or close the pharmacy, and shall have unfettered opportunity to review the work of that or the previous day, to determine whether any suspicious activity has occurred.

(b) Respondent shall return all prescription and other pharmacy records which are less than 5 years old to the pharmacy premises forthwith, and have them there during all regular business hours for inspection by duly authorized Department staff, and staff of other government regulatory agencies such as Medical Assistance auditors.

(c) Respondent shall forthwith (and in no event later than before opening for business on June 17, 1999) cause another Wisconsin licensed pharmacist to do and certify a complete exact-count inventory of all his controlled substances in stock, which shall be promptly filed with the Department Monitor, Department of Regulation & Licensing, P.O. Box 8935, Madison, WI 53708. Pending sale of the pharmacy, respondent shall file copies of all new order forms, invoices, and similar documentation, of all controlled substances ordered, received, returned, or otherwise disposed of by means other than dispensing to patients, with the Department Monitor, immediately upon creating or receiving such documents. At the close of business on the last day before the ownership of the pharmacy is transferred, respondent shall cause another Wisconsin licensed pharmacist to do and certify another complete exact-count inventory of all controlled substances in stock, which shall be filed with the Department Monitor no later than the next business day.

(d) Respondent shall furnish the managing pharmacist and each of the pharmacy's employees with a copy of this order, and shall report the names and addresses of the managing pharmacist and all current employees to the Board within 3 business days of this order. The managing pharmacist and each such employee is requested to report any suspected unprofessional conduct to the Department Monitor at 608-267-7139.

(e) Respondent shall keep the prosecuting attorney assigned to this matter fully informed of all material developments relating to the sale of the pharmacy, including any change in the closing date. Following closing, respondent may continue to work for the new owner, at this location only, and not as managing pharmacist. Respondent shall, before commencing work for the new owner, furnish the owner with a copy of this Order.

IT IS FURTHER ORDERED, that respondent shall, in all respects, comply with ch. 450, Wis. Stats., and the rules of the Board, shall refrain from engaging in unprofessional conduct, shall appear before the Board or its officers or agents at such times and places as may be designated by the Board from time to time, shall disclose fully to the Board or its officers or agents the nature of his practice and conduct, shall comply fully with the limits placed on his practice and conduct by the Board, and shall cooperate with the Board.

IT IS FURTHER ORDERED, that the Board or the Department in its discretion may conduct unannounced inspections and/or audits, and make copies, of pharmacy records and inventory where respondent is employed as a pharmacist, and respondent and his staff shall fully cooperate with any such inspections or audits. Respondent shall, upon request, forthwith furnish a witnessed sample of any body fluid, breath, or hair to any department investigator requesting it.

IT IS FURTHER ORDERED, that violation of any of the terms of this Order or of any law substantially relating to the practice of pharmacy may result in a summary suspension of the Respondent's license, and that this Order

constitutes a Board Order within the meaning of §450.10(1)(a)8., Wis. Stats.

IT IS FURTHER ORDERED, that this Order shall become effective immediately upon issuance by the Pharmacy Examining Board, and personal service upon respondent as a condition precedent to effectiveness has been waived.

Dated this June 16, 1999.

PHARMACY EXAMINING BOARD

By Daniel F. Luce, R.Ph.

A Member of the Board