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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY

PROCEEDINGS AGAINST:	FINAL DECISION AND ORDER
OSCO DISTRIBUTION CENTER	98 PHM 19/32
RESPONDENT.	LS9901135PHM

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

American Stores Company
P.O. Box 27447
Salt Lake City, UT 84127-0447

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 Osco Distribution Center is and was at all times relevant to the facts set forth herein a licensed drug distributor in the State of Wisconsin pursuant to license #293, located at 2410 Lunt Ave, Elk Grove Village, IL 60007, and is wholly owned and controlled by American Stores Company, real party in interest.
2. Respondent did, on or about April 20, 1998, cause to be delivered to a number of Wisconsin prescribers approximately 10,000 prescription order blanks which were imprinted with the name and addresses of Osco pharmacies, which pharmacies are all wholly owned by respondent's parent company, American Stores Company.
3. A Wisconsin pharmacist employed by Osco became aware of this only after the distribution had been accomplished. The pharmacist notified responsible persons in the Osco organization that the distribution of imprinted prescription forms was illegal in Wisconsin. Osco then took steps to retrieve the distributed forms. Notwithstanding its efforts, some forms were used by a number of prescribers, and the Board became aware of the matter after a non-Osco pharmacist reported receiving a prescription order on such a form from a patient.

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(15), 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 Osco Distribution Center is REPRIMANDED for its unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that Osco Distribution Center would have been ordered to pay a substantial forfeiture except for the fact that it undertook to retrieve the blank forms before the Board became aware of the situation.

IT IS FURTHER ORDERED, that respondent shall pay COSTS in this matter in the amount of \$400, 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 January 13, 1999.

WISCONSIN PHARMACY EXAMINING BOARD, by:

Daniel F. Luce R. PH.

a member of the board

