

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

-----  
-----  
IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

LAWRENCE MARKEY, R.Ph.

**FINAL DECISION AND ORDER**

98 PHM 13

RESPONDENT

LS9910133PHM

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

*Mr. Lawrence Markey, R.Ph.  
7929 Legend Creek Ct.  
Franklin, WI 53132*

*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 Lawrence Markey, R.Ph. (dob 10/20/52) 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 #9298, originally granted on 12/10/77. At all times relevant to the matters set forth below, respondent was the managing pharmacist of Wal-Mart Pharmacy, Franklin, Wisconsin, where the conduct set forth below took place.
2. On 3/20/98, respondent dispensed a prescription to patient L.O. Patient L.O. took her prescription home and noticed that she had received 20 tablets instead of the 60 tablets prescribed. Patient L.O. said that respondent did not provide any consultation when he dispensed her prescription and that she was not told that her prescription had been partially filled until she called the respondent later and questioned him about her prescription.
3. On 5/26/99, a department investigator observed patient L.P. hand a prescription order to a non-pharmacist. A few minutes later, patient L.P. returned to the pharmacy to pick up his prescription. An unlicensed person transferred the prescription to patient L.P. without a consultation from a pharmacist. The respondent was present and on duty, but did not have any interaction with patient L.P.

4. On 5/26/99, a department investigator observed patient E.H. hand a prescription order to a non-pharmacist. A few minutes later, patient E.H. returned to the pharmacy to pick up her husband's prescription. An unlicensed person transferred the prescription to patient E.H. without a consultation from a pharmacist. The respondent was present and on duty, but did not have any interaction with patient E.H.

5. On 5/26/99, a department investigator observed on four other occasions an unlicensed person transfer prescriptions to four different patients without consultation from a pharmacist. The respondent was present and on duty, but did not have any interaction with any patient.

6. On 5/26/99, a department investigator observed that the respondent's pharmacy license was not displayed in the view of the public.

#### 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, 4, and 5, above, violated § Phar 7.01(1)(e) and (em) Wis. Adm. Code and § Phar 10.03(2) Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes. Each and every patient (or patient's agent) must receive a face-to-face consultation from a registered pharmacist (or supervised intern), whether the prescription is new or a refilled or renewed prescription.

C. The conduct described in paragraph 6, above, violated § Phar 5.03 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 Lawrence Markey, R.Ph., is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that respondent shall FORFEIT \$250, to be paid within 30 days.

IT IS FURTHER ORDERED, that respondent shall pay COSTS in this matter in the amount of \$500, 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 13, 1999.

WISCONSIN PHARMACY EXAMINING BOARD, by

Daniel F. Luce, R.Ph.

a member of the board