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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

HAROLD E. MCEUEN, R.PH.	FINAL DECISION AND ORDER
RESPONDENT.	99 PHM 25
	LS9912072PHM

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

Harold E. McEuen, R.Ph.
617 Oak Ave. N
Onalaska, WI 54650

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

- Respondent Harold E. McEuen (dob 6/13/1932) 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 #6579, originally granted on 9/15/1956. Respondent is the managing pharmacist of Service V/S Variety Drugs of Onalaska, where the activity described below took place.
- On 2/1/1999, a patient picked up her prescription of Fioricet® with codeine. According to the records of the pharmacy, the patient had never taken this medication before. An unlicensed person transferred the prescription to the patient without consultation from a pharmacist. The respondent was on duty at the pharmacy, but did not have any interaction with the patient.
- On 2/17/1999, a the same patient picked up a prescription of Prempro®. According to the records of the pharmacy, the patient had never taken this medication before. An unlicensed person transferred the prescription to the patient. The patient asked the clerk if the pharmacist was going to speak to her. The clerk asked the patient if this was a new prescription. When the patient said "yes it's a new prescription," the pharmacist came out and spoke to the patient.
- On 8/11/1999, a Department investigator met and spoke with the respondent. The respondent said that it was his routine practice that the clerk transferred the prescription to the patient and that the respondent did not always provide consultations to patients when the pharmacy is busy.

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, and 4 above, violated § Phar 7.01(1)(e) and (em) 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.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that Harold McEuen, 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 of this order.

IT IS FURTHER ORDERED, that respondent shall pay COSTS in this matter in the amount of \$350, 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 December 7, 1999

WISCONSIN PHARMACY EXAMINING BOARD, by:

s/ Daniel Luce, R. Ph.

a member of the board