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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

RICHARD M. MCKINNEY, R.PH.	FINAL DECISION AND ORDER
RESPONDENT.	LS000122PHM
	98 PHM 20

:

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

*Mr. Richard M. McKinney, R.Ph.
148 S. Pine St.
Burlington, WI 53105*

*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 Richard M. McKinney (dob 8/12/1937) 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 #7011, originally granted on 9/16/1960. Respondent was the Managing Pharmacist at Tobin Drugs, 148 S. Pine St., Burlington, WI at the time the incident below took place.
2. On 10/27/1999, a DOE investigator observed on five occasions an unlicensed person transfer prescriptions to patients without consultations from a pharmacist. The respondent and one other pharmacist were both present and on duty at the pharmacy, but both pharmacists allowed a clerk to handle the entire transaction. Neither the respondent nor the other pharmacist had any interaction with any of the patients.

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 7.01(1)(e) 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 Richard M. McKinney is REPRIMANDED for his unprofessional conduct in this matter.

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 respondent shall FORFEIT \$100, to be paid within 60 days, for his unprofessional conduct in this matter.

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 12, 2000,

WISCONSIN PHARMACY EXAMINING BOARD, by:

John Bohlman, R.Ph.

a member of the board