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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

STEPHEN E. PAQUIN, R.PH.	FINAL DECISION AND ORDER
RESPONDENT.	98 PHM 39
	LS0004112PHM

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

Mr. Stephen E. Paquin, R.Ph.
36596 Upper Cape Ct.
Oconomowoc, WI 53066

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 Stephen E. Paquin (dob 7/4/1950) 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 #10429, originally granted on 8/9/1983. At all times material to the matters set forth below, respondent was employed as a staff pharmacist in a community pharmacy in Milwaukee, Wisconsin, where the described activity took place.
2. On 7/29/1999, a DOE investigator reminded the respondent that consultations must always be provided to all patients for both new and refill prescriptions. The respondent said that he understood the Pharmacy Examining Board's requirement and did provide consultations to all patients.
3. On 1/11/2000 at approximately 7:10 a.m., a DOE investigator observed an unlicensed person transfer a refill prescription of Zestril® to patient B.S. without consultation from a pharmacist. The respondent was the only pharmacist present and on duty, but allowed a clerk to handle the entire transaction. The respondent did not have any interaction with the patient.
4. On 1/11/2000 at approximately 7:13 a.m., a DOE investigator observed the respondent transfer a prescription to patient W.W. without a consultation. The respondent handed the prescription to the patient, and did not speak to the patient during the entire transaction. Records of the pharmacy show that the prescription was not initially received by respondent, so respondent could not have counseled the patient at any earlier time.
5. On 1/11/2000 at approximately 7:20 a.m., a DOE investigator observed the respondent transfer a

prescription to patient S.J. without a consultation. The respondent said to patient "Looks like a partial fill of the prescription." The respondent handed the patient the prescription, and did not have any further interaction with the patient. Records of the pharmacy show that the prescription was not initially received by respondent, so respondent could not have counseled the patient at any earlier time.

6. On 1/11/2000 at approximately 7:24 a.m., a DOE investigator observed the respondent transfer a refill prescription to a patient without a consultation. The respondent asked the patient "You take two at a time?" The patient replied "Yes." The respondent handed the prescription to the, and did not have any further interaction with the patient. Records of the pharmacy show that the prescription was not initially received by respondent, so respondent could not have counseled the patient at any earlier time.
7. On 1/11/2000 at approximately 7:30 a.m., a DOE investigator observed the respondent transfer a prescription to patient S.N. without a consultation. The respondent handed the prescription to the patient, and did not speak to the patient during the entire transaction. Records of the pharmacy show that the prescription was not initially received by respondent, so respondent could not have counseled the patient at any earlier time.

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 3, 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.

C. The conduct described in paragraphs 4, 5, 6, and 7, 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 an appropriate 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 Stephen E. Paquin, R.Ph., is REPRIMANDED for his unprofessional conduct in this matter.

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

IT IS FURTHER ORDERED, that respondent shall pay COSTS in this matter in the amount of \$600, 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 April 11, 2000.

WISCONSIN PHARMACY EXAMINING BOARD, by:

s/ John Bohlmann, R.PH.

a member of the board