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STATE OF WISCONSIN

BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY

PROCEEDINGS AGAINST:

WAYNE W. MELIN, R. Ph.

FINAL DECISION AND ORDER

RESPONDENT

LS0102141PHM

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

Wayne W. Melin, R.Ph.

2879 Sunset Circle

Luck WI 54853

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 Wayne W. Melin (dob 1/28/44) 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 #7866, originally granted on 4/3/70. Respondent was managing pharmacist of Balsam Lake Pharmacy in Balsam Lake, WI, at the time the incidents took place, and was the owner of this pharmacy until approximately May, 1999.
2. Respondent was disciplined by the Board on 9/14/93 in file #93 Phm 93 for failing to do a biennial controlled substances inventory between 1986 and 1993.
3. The respondent had been dispensing C-V drugs to patient S.J. without a prescription by an authorized prescriber. The substances (codeine cough syrup) were dispensed on the following dates: 6/29/94, 7/28/94, 9/8/94, 10/6/94, 10/18/94, 11/23/94, 12/9/94, 12/16/94, 1/20/95, 2/16/95, 2/17/95, 4/28/95, 5/8/95, 6/2/95, 7/21/95, 8/16/95, 8/25/95, 9/26/95, 11/8/95, 11/22/95, 12/6/95, 1/3/96, 1/15/96, 3/5/96, 3/12/96, 3/26/96, 4/2/96, 4/11/96, 4/18/96, 5/1/96, 5/11/96, 5/21/96, 6/3/96, 6/17/96, 6/27/96, 7/16/96, 7/23/96, 8/2/96, 8/7/96, 8/12/96, 8/29/96, 9/12/96, 9/17/96, 9/24/96, 10/3/96, 10/15/96, 10/31/96, 11/14/96, 1/6/97, 1/8/97, 1/21/97, 1/31/97, 2/10/97, 3/26/97, 4/15/97, 5/1/97, 5/13/97, 5/22/97, 6/9/97, 6/12/97, 6/19/97, 6/24/97, 7/9/97, 7/16/97, 7/24/97, 7/31/97, 8/7/97, 8/14/97, 8/21/97, 9/5/97, 9/11/97, 9/18/97, 9/23/97, 10/1/97, 10/7/97, 10/16/97, 10/22/97, 11/3/97, 11/11/97, 11/18/97, 12/1/97, 12/8/97, 12/15/97, 12/18/97, 1/8/98, 1/15/98, 1/20/98, 2/5/98, 2/9/98, 2/16/98, 2/27/98, 3/9/98, 3/13/98, 3/17/98, 3/26/98, 3/30/98, 4/4/98,

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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 §§961.23(1) and 961.38(4), Wis. Stats., and § Phar 10.03(1),(2), and (3), Wisconsin Administrative 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 Wayne W. Melin, R.Ph., shall FORFEIT \$1800, to be paid within 45 days of this order.

IT IS FURTHER ORDERED, that the license to practice pharmacy of Wayne W. Melin, R.Ph., is LIMITED in the following respect: respondent shall not dispense a C-V substance to any person without a prescription from an authorized prescriber.

IT IS FURTHER ORDERED, that respondent shall pay COSTS in this matter in the amount of \$250, 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 February 14, 2001.

WISCONSIN PHARMACY EXAMINING BOARD, by:

John Bohlman

A member of the board