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IN THE MATTER OF DISCIPLINARY

PROCEEDINGS AGAINST:

THOMAS W. MOORE, R.Ph,

RESPONDENT

FINAL DECISION AND ORDER

LS0110107PHM

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

Thomas W. Moore, R.Ph.

2712 Jenssen Shore Dr.

Frederic, WI 54837

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 Thomas W. Moore, R.Ph. (d.o.b. 1/3/54), 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 #9465, originally granted on 12/9/79. Respondent was the managing pharmacist of the "Olsen & Son Drug" pharmacy, Siren, Wisconsin, from March 6, 2000, on, where the below-described activity took place.
2. Respondent or his professional staff dispensed C-V drugs to G.K. without a prescription from an authorized prescriber on the following days (bold face indicates respondent's own dispensings): 5/26/00, **5/30/00**, 6/1/00, **6/8/00**, **06/15/00**, **6/19/00**, **6/22/00**, **6/29/00**, **7/11/00**, **7/17/00**, 7/31/00, **8/28/00**, **8/30/00**, 9/1/00, **9/5/00**, **9/7/00**, **9/11/00**, **9/13/00**, **9/16/00**, **9/18/00**, **9/21/00**, 9/23/00, **9/28/00**, **9/30/00**, **10/2/00**, **10/4/00**. Further, this patient had previously bought C-V drugs, as recorded in the pharmacy's C-V book, on a similarly frequent basis from September through December, 1999.
3. The Board finds that such prescribing is outside the standard of care and represents a danger to the health, safety and welfare of patient and public. A minimally competent pharmacist would have refused to dispense to G.K. without a prescription from an authorized practitioner no later than 6/8/00, and the managing pharmacist is responsible for having and enforcing policies requiring that staff meet minimum standards in practice.
4. Further, the C-V book used by the pharmacy does not have a separate columns for the pharmacist to record the name of the purchaser, and for the purchaser to sign. Examination of the book reveals that the

purchaser was permitted to enter his or her own address and sign his or her name, and that the pharmacist did not record the name and address of the purchaser. As a result, the names of some patients are illegible or incomplete. Additionally, in many cases, the address of the patient is listed only as "Siren" or "Webster."

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 §§450.10(1)(a)6. and 961.23(1), Wis. Stats., § Phar 10.03(1),(2) and (3), Wis. Adm. Code. The conduct described in paragraph 4, above, violated §961.23(4), Wis. Stats. 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 Thomas W. Moore, R.Ph., is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that respondent shall FORFEIT \$1,000, within 45 days of this Order.

IT IS FURTHER ORDERED, that the license of respondent is LIMITED in the following respect: respondent shall not dispense any C-V substance without a prescription from an authorized prescriber.

IT IS FURTHER ORDERED, that respondent shall pay COSTS of \$400, within 45 days of this Order.

IT IS FURTHER ORDERED, that an investigator of the department shall observe the practice of pharmacy at respondent's practice location, without advance notice to respondent, at a time convenient to the department, but no less than six nor more than twelve months from the date of this Order. Respondent shall cooperate by furnishing respondent's work schedule upon request.

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 10, 2001.

WISCONSIN PHARMACY EXAMINING BOARD, by:

John Bohlman

A Member of the board