

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN

BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY

PROCEEDINGS AGAINST:

JAN R. VEENENDAAL, R.PH,

RESPONDENT

FINAL DECISION AND ORDER

LS0110109PHM

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

Jan R. Veenendaal, R.Ph.

8509 W. Poplar Dr.

Mequon, WI 53097

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 Jan R. Veenendaal, R.Ph. (d.o.b. 7/12/42), 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 #8435, originally granted on 1/11/73. On 10/13/99, respondent was disciplined in 99 PHM 43 for knowingly permitting unlicensed staff to transfer prescriptions to patients, and failing to provide consultations; he was reprimanded and ordered to forfeit \$500. At that time, and at the time described below, respondent was a part owner and the managing pharmacist of Dan Fitzgerald Pharmacy, where the below-described activity took place.

2. On 8/1/01, an investigator for the Board observed two patients receive prescriptions which were transferred by unlicensed persons, without a consultation from a licensed pharmacist.

3. As the managing pharmacist, respondent is accountable for all professional operations of the pharmacy, and from the above facts, the Board infers that respondent has failed to implement adequate policies and failed to take adequate compliance steps to ensure that staff follow the Board's consultation rule.

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) and (em), Wis. Adm. 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 respondent, Jan R. Veenendaal, R.Ph., is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that respondent shall FORFEIT \$2,000, to be paid within 60 days.

IT IS FURTHER ORDERED, that respondent's license is LIMITED in the following respect: respondent shall not be a managing pharmacist until he has taken and passed the patient consultation portion of the examination given to license applicants. Respondent shall take and pass the examination no later than 6/31/02. Respondent may not attempt the examination more than twice without permission of the Board. If respondent has not passed the examination by 6/31/02, respondent's license shall be SUSPENDED by staff without further action of the Board, until he has passed the examination.

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