

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN

BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY

PROCEEDINGS AGAINST:

PAUL JANKOWSKI, R.Ph.,

RESPONDENT

FINAL DECISION AND ORDER

LS0201081PHM

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

Paul Jankowski

498 Herford Dr.

Wales, WI 53183

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 Paul [NMI] Jankowski, R.Ph. (d.o.b. 8/31/57), 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 #9767, originally granted on 6/6/80.
2. On 2/22/00, respondent verified three prescriptions written by a Dr. R for two brothers, both children. One brother had a prescription for amoxicillin 250 chewable tabs, the other had prescriptions for prednisolone 15mg/5ml syrup and albuterol inhalers.
3. Through error, unlicensed staff had entered into the computer all three prescriptions in the name of the brother who was to receive the prednisolone and albuterol.
4. The label for the prednisolone syrup, as printed and verified, read: TAKE 1 AND ONE-HALF TEASPOONFUL BY MOUTH BIDFOR 5 DAYS." This error occurred because when the prescription was entered into the computer, the staff person failed to enter a space between the "BID" and the next word, resulting in the computer program's not automatically recognizing the "BID" abbreviation and changing the label to "TWICE A DAY."
5. Although two albuterol inhalers were prescribed, in that one was to be kept at the patient's school and the other at the patient's home, only one was dispensed.
6. Respondent failed to detect any of these three errors during the verification process.

7. During the investigation, respondent stated that he checked the patient's profile "most of the time."
8. Respondent has not been able to produce, upon request, evidence that he completed 30 hours of continuing education for the biennium 1998-2000; only 2 hours could be documented.

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 ¶6, above, violated §450.10(1)(a)6., Wis. Stats., and §§ Phar 7.01(1)(d), Wis. Adm. Code. The conduct described in ¶7, above, violated § Phar 7.07(4), Wis. Adm. Code, in that the profile must be checked each and every time. The conduct described in ¶8, above, violated § Phar 16.05, 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, Paul Jankowski, R.Ph., is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that respondent shall FORFEIT \$1400, as and for his failure to produce evidence of 28 hours of required continuing education for the 1998-2000 biennium.

IT IS FURTHER ORDERED, that respondent shall, within 60 days of this Order, forward to the Department Monitor evidence that he has completed 28 hours of ACPE-approved continuing education. These credits shall not be used to satisfy respondent's CE requirement in the current or any other biennium.

IT IS FURTHER ORDERED, that respondent shall pay COSTS in this matter in the amount of \$700, within 30 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 January 8, 2002.

WISCONSIN PHARMACY EXAMINING BOARD, by:

Susan Sutter

A member of the board