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IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

SCENIC BLUFFS COMMUNITY

INFORMAL SETTLEMENT

HEALTH CENTER AND JASON D.

CONFERENCE MEMORANDUM

EISERMANN, R.PH.,

AND ORDER

RESPONDENT

LS0205141PHM

01 PHM 066

Pursuant to notice, a settlement conference was held before a panel representing the Pharmacy Examining Board on March 12, 2002. The purpose of the conference was to provide all interested parties an opportunity to discuss allegations received pertaining to compliance with Wis. Adm. Code sec. Phar. 6.08, Security by Scenic Bluffs Community Health Center, and Jason D. Eisermann, R.Ph.

Appearances

The presiding officer was William Black, Board Counsel. Appearing on behalf of the Pharmacy Examining Board were John Bohlman, R.Ph., and Daniel Luce, R.Ph. Appearing for the Division of Enforcement was James W. Harris, Attorney. Appearing on behalf of the Respondents were Susan Lacava, Attorney, and Robert Jecklin, M.P.H. Jason D. Eisermann, R.PH. appeared by telephone.

Proceedings

Following an introductory statement, oral presentations of the respective positions of the parties were made for the purpose of reaching a binding, consensual agreement. The parties presented recommendations for terms of a settlement. The Board panel considered the recommendations and issued the following proposed findings and order, which the parties hereby accept.

Scenic Bluffs Community Health Center	4-15-02
Respondent	Date
Jason D. Eisermann, R.Ph.	4-15-02
Respondent	Date
Susan Lacava	4-11-02
Attorney for Respondents	Date
James W. Harris, Attorney	4-19-02
Division of Enforcement	Date

FINDINGS OF FACT

1. Respondent Jason D. Eisermann, R.Ph. (d.o.b. 03/30/72), 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 # 12371, originally granted on 10/13/95. On and after July 13, 2000, Mr. Eisermann has been the managing pharmacist of Scenic Bluffs

Community Health Center in Cashton, Wisconsin.

2. Respondent Scenic Bluffs Community Health Center is licensed as a pharmacy in the state of Wisconsin, # 7970, originally granted 06/26/2000. The Scenic Bluffs Community Center is a 501-C3 charitable institution.

3. A Pharmacy self-inspection documentation submitted to the Department on June 20, 2000, by Robert Jecklin, executive director of Respondent Scenic Bluffs Community Health Center indicated at PHAR 6.08 Security: "The Pharmacy has a centrally monitored alarm system in the pharmacy or the immediate physical structure within which the pharmacy is located. (Effective 1/1/2000)Will have on order." The form entry bore the initials JE.

4. Prior to 1/01/2000, the Respondent pharmacy installed an alarm system that was centrally monitored at the Community Center switchboard during all clinic operating hours (approximately 12 hours per day). Respondents believed the system met the literal requirements of PHAR sec. 6.08. On 8/08/2001, the Respondent pharmacy was inspected by a DOE inspector. At that time Respondents were notified the alarm system was deficient because it was not continually monitored 24 hours a day. The Respondent pharmacy had in operation a continually, centrally monitored alarm system by August 30, 2001 (385 days without a fully compliant alarm system).

5. Each day of non-compliance constitutes a separate violation.

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 settlement agreement pursuant to §227.44(5), Wis. Stats.

B. The conduct described in paragraph 4, above, violated § Phar 6.08 Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, based upon the settlement conference and the agreement of the parties:

1. Scenic Bluffs Community Health Center is REPRIMANDED.

2. The Respondent, Scenic Bluffs Community Health Center shall FORFEIT the sum of \$1,625.00, to be paid to the Department of Regulation and Licensing within 30 days of the date of this Order.

3. The Respondent, Scenic Bluffs Community Health Center shall pay COSTS in this matter in the sum of \$ 400.00, to be paid to the Department of Regulation and Licensing within 30 days of this order.

4. The Respondents shall cause a Pharmacy Self-Inspection to be performed by the managing pharmacist within 30 days of the date of this order to assure compliance with Wisconsin pharmacy rules and regulations. The Self-Inspection Report shall then be submitted forthwith to the Pharmacy Examining Board.

5. The disciplinary case shall be closed as to Respondent Jason D. Eisermann, R.Ph.

Dated this 14th day of May, 2002.

WISCONSIN PHARMACY EXAMINING BOARD

Susan Sutter

A Member of the Board