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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST:

HAYWARD C. ANDERSON, R.PH., **FINAL DECISION AND ORDER**
RESPONDENT LS0206123PHM

01 PHM 073

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

Hayward C. Anderson, R.Ph.
1435 Main Street
Marinette, WI 54143

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 Hayward C. Anderson, R.Ph. (d.o.b. 05/15/45), 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 # 7929, originally granted on January 30, 1970. Respondent was at all times relevant to this action the managing pharmacist of Valu Care Pharmacy, Marinette, Wisconsin.
2. On 8/27/01, patient JB received a written prescription order for Oxistat® lotion from his physician for the treatment of seborrheic dermatitis. The prescription order was barely legible. Patient JB was assisted by a home health care aide who presented the prescription order for filling on 8/27/01. A pharmacy technician entered an order for Oxisoralen® lotion. Respondent, who was responsible for final verification of the prescription permitted a prescription for Oxisoralen® lotion to be issued. The home health aide who picked up the prescription states that no consultation occurred. The medication is for treatment of severe psoriasis and is to be administered by a physician only. Patient JB used the drug for several days before the error was discovered but has suffered no long term adverse effect. Upon learning of the error, Respondent promptly notified the physician, reviewed pharmacy practice and implemented additional mechanisms for prevention of error. Respondent states that normal procedure at the pharmacy is for the pharmacist to hand out the prescription with consultation.

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. 10.03(3). 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, Hayward C. Anderson, R.Ph., is REPRIMANDED for his unprofessional conduct in this matter.
IT IS FURTHER ORDERED, that respondent shall pay COSTS in this matter in the amount of \$400.00, 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.

Dated this June 12th, 2002.

WISCONSIN PHARMACY EXAMINING BOARD, by:

Susan Sutter
A Member of the board