

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
DAVID M. SMITH, R.PH,	:	LS0207092PHM
RESPONDENT.	:	

01 PHM 063

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

David M. Smith
12950 Gremoor Drive
Elm Grove, WI 53122

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 David M. Smith, R.Ph. (d.o.b. 10/07/53), 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 # 9427, originally granted on 06/09/78. Respondent is a pharmacist at Walgreens pharmacy, Beloit Road, Milwaukee, Wisconsin.
- On 7/31/01 a prescription order was issued to GO for Medrol 4 mg. # 150, one tablet by mouth per day in a.m..

The filling pharmacy technician prepared the prescription in a Dosepak, and the prescription label read "methylprednisolone 4mg Dospak, take one tablet by mouth every day in the morning."

Respondent states that the majority of prescriptions for this medication are in the Dospak form, and when he was verifying the prescription he assumed the format was correct. Upon dispensing the prescription to the daughter of the patient Respondent again missed the error and may have informed the recipient to follow the directions for use on the Dospak, which were " 1st day: 2 tablets before breakfast, 1 tablet after lunch and supper, and 2 tablets at bedtime; 2nd day: take 1 tablet before breakfast, 1 tablet after lunch and supper, and 2 tablets at bedtime; 3rd day: take 1 tablet before breakfast and after lunch, after supper and at bedtime,etc.

The error was discovered 8/16/01 by the patient's daughter.

2. Following the incident inservice training was provided to pharmacy staff.

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) Stats., and Phar. 7.01(1)(d) and (e) and 10.03(2) and (3) 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, David M. Smith, 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 to the Department of Regulation and Licensing.

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 July 9th, 2002.

WISCONSIN PHARMACY EXAMINING BOARD, by:

Susan Sutter

A member of the board