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IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : **INFORMAL SETTLEMENT**
 : **CONFERENCE**
 : **MEMORANDUM AND ORDER**
SOLUTIONS PHARMACY, L.L.C., AND :
MARY T. SHARATA, R.PH., : LS0207093PHM
RESPONDENT. :

01 PHM 065

Pursuant to notice, a settlement conference was held before a panel representing the Pharmacy Examining Board on May 14, 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 Solutions Pharmacy, L.L.C., and Mary T. Sharata, R.Ph.

Appearances

The presiding officer was William Black, Board Counsel. Appearing on behalf of the Pharmacy Examining Board were Susan Sutter, 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 James G. Rappis, Attorney, and Mary T. Sharata, R.Ph.

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.

Mary Sharata for	6-7-02
Solutions Pharmacy, L.L.C.	Date

6-1-02

Mary T. Sharata, R.Ph. Date

5-17-02

James G. Rappis, Attorney for Respondents Date

6-26-02

James W. Harris, Attorney Date

Division of Enforcement

STATEMENT OF FACTS

1. Respondent Mary T. Sharata, R.Ph. (d.o.b. 12/13/59), 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 # 10578, originally granted on 06/27/84. Ms. Sharata is the managing pharmacist of Solutions Pharmacy in Madison, Wisconsin.
2. Respondent Solutions Pharmacy is licensed as a pharmacy in the state of Wisconsin, # 7919, originally granted 12/08/99.
3. A pharmacy initial inspection conducted by Division staff on August 9, 2001, revealed that the pharmacy did not have a centrally monitored alarm system installed as required by sec. Phar 6.08 Wis. Adm. Code. The Respondent pharmacy did not have in operation a centrally monitored alarm system as required by Phar 6.08 Wis. Adm. Code until August 27, 2001 (704 days without the alarm system).
4. Solutions Pharmacy is an investigational pharmacy which dispenses investigational, non-narcotic drugs only. Respondents submit that they are in full compliance with DHFS/FDA "Good Clinical Practice: Consolidated Guideline", in particular section 5.14 thereof regarding "supplying and Handling of Investigational Products."
5. Solutions Pharmacy is contained within a 278 square foot office on the 2nd floor of an office building. It does not serve the general public and is not accessible to "walk in" business. It dispenses investigational non-narcotic drugs on an appointment basis only. All drugs are locked within a cabinet within the pharmacy and the pharmacy is locked to the general public. In addition the office building within which the pharmacy resides is locked during non-business hours. The building exterior doors are automatically locked with a timing device.
6. 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. Solutions Pharmacy, L.L.C. is REPRIMANDED.
2. The Respondent, Solutions Pharmacy, L.L.C. shall FORFEIT the sum of
\$ 1,000.00, to be paid to the Department of Regulation and Licensing within 30 days of the date of this Order.
3. The Respondent, Solutions Pharmacy, L.L.C. shall pay COSTS in this matter in the sum of
\$ 100.00, to be paid to the Department of Regulation and Licensing within 30 days of this order.
4. The disciplinary case shall be closed as to Respondent, Mary T. Sharata, R.Ph.

Dated this 9th day of July, 2002.

WISCONSIN PHARMACY EXAMINING BOARD, by:

Susan Sutter,

A member of the Board