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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
HAROLD E. MCEUEN, R.PH,	:	LS0210082PHM
RESPONDENT.	:	

01 PHM 031

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

Harold E. McEuen
617 Oak Avenue N
Onalaska, WI 54650

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 Harold E. McEuen, R.Ph. (d.o.b. 06/03/32), 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 # 6579 originally granted on 09/15/56. At all times relevant herein, Respondent was the owner and pharmacist at Service Drug Pharmacy in Onalaska, Wisconsin.
2. Respondent was previously disciplined by the Board for failure to provide consultation in Case 99 PHM 025.

3. The pharmacy practice of Respondent was observed on March 26, 2002. Respondent failed to provide consultations to three patients and permitted transfer of the prescriptions by an unlicensed individual.

4. On April 11, 2001, Respondent received a telephone prescription order for patient JS from Dr. Purdue for Ciloxan®, for an eye infection. Respondent instead dispensed Xalatan®, an ocular hypotensive agent, to the patient. Respondent has stated that when he received the telephone order the caller had difficulty pronouncing the name of the medication, and when the patient came to pick up the prescription she mentioned she had a problem with pressure in one eye, so Respondent assumed that Xalatan was the correct drug. Respondent did not check with the prescriber before dispensing the medication.

5. On May 13, 2000, Respondent certified on his license renewal application that he had completed 30 hours of ACPE-approved continuing education during the period June 1, 1998, through May 31, 2000. On October 10, 2001, Respondent was requested to provide the Division with evidence of compliance with the continuing education requirements for the two year period immediately preceding the June 1, 2000, license renewal. To date Respondent has failed to provide evidence of compliance.

6. Respondent has indicated his intent to retire from pharmacy practice and hereby tenders the voluntary surrender of his license to practice as a pharmacist in the state of Wisconsin.

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(e) and (em), 10.03(2), 16.02 and 16.06 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 the VOLUNTARY SURRENDER by Harold E. McEuen, R.Ph., of his license to practice as a pharmacist in the state of Wisconsin is accepted.

IT IS FURTHER ORDERED, that in the event the Respondent shall ever re-apply for a license in Wisconsin, he shall first submit to the Board proof that demonstrates to the satisfaction of the Pharmacy Examining Board that Respondent can safely and reliably practice as a pharmacist. The Board may require additional training, examination, or supervision, and impose such terms, limitations or conditions as the Board in its sole discretion deems appropriate.

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.

Dated this October 8th, 2002.

Susan Sutter

A Member of the board