

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF DISCIPLINARY :  
 PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**  
 :  
 PHILLIPS HEALTH CARE CENTER :  
 PHARMACY AND :  
 PATRICK J. COLLINS, R.PH, : LS0212102PHM  
 RESPONDENTS. :

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

Phillips Health Care Center Pharmacy  
S4555 Hwy CH  
Reedsburg, WI 53959

Patrick J. Collins, R.Ph.  
570 Reed Street  
Reedsburg, WI 53959

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

- Respondent Patrick J. Collins, R.Ph. (d.o.b. 12/24/42), 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 # 7583, originally granted on April 10, 1967. Mr. Collins is the managing pharmacist of Phillips Health Care Center Pharmacy.

2. Respondent Phillips Health Care Center Pharmacy is duly licensed as a pharmacy in the State of Wisconsin pursuant to license # 8078, originally granted September 4, 2001.

3. A change of ownership pharmacy inspection conducted September 25, 2001, revealed the following violations:

- a. Phar. 7.02, prescription labels did not list manufacturer or distributor of the drug or drug product dispensed. (A conforming prescription label was in place 10/25/01).
- b. Phar 6.06(1)(a), the pharmacy did not have a balance that conformed to the specifications of the rule. (The pharmacy received a variance to this requirement from the Board on 11/13/01).
- c. Phar 6.07(3), Schedule II controlled substances were kept separate from other drugs in an unlocked cabinet. (A secured, locked storage cabinet for Schedule II controlled substances was installed 10/10/01).

#### 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 paragraphs 2 through 4, above, violated § Phar 6.06(1)(a), 6.07(3), and 7.02 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, Patrick J. Collins, R.Ph., is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that Phillips Health Care Center Pharmacy is REPRIMANDED.

IT IS FURTHER ORDERED, that the Respondents shall jointly and severally FORFEIT the sum of \$ 600.00 to be paid to the Department of Regulation and Licensing within 30 days of the date of this order.

IT IS FURTHER ORDERED, that Respondents shall pay COSTS in this matter in the amount of \$ 600.00, 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.

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 10<sup>th</sup> day of December, 2002.

WISCONSIN PHARMACY EXAMINING BOARD

Susan Sutter

A Member of the Board