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STATE OF WISCONSIN

BEFORE THE PHARMACY EXAMINING BOARD

In The Matter Of Disciplinary Proceedings Against :

ORDER : FINAL DECISION AND

PHARMACY BUYING GROUP OF AMERICA, : LS0308131PHM

Respondent. :

Division of Enforcement Case Nos. 02 PHM 103 and 03 PHM 006

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

Pharmacy Buying Group of America
1001 W. Glen Oaks Lane #107
Mequon, WI 53092

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 Wisconsin Pharmacy Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Pharmacy Buying Group of America and by Michael J. Berndt, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Pharmacy Examining Board makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Pharmacy Buying Group of America, 1001 W. Glen Oaks Lane #107, Mequon,

Wisconsin, 53092, is duly licensed as a distributor in the State of Wisconsin pursuant to license #45-1395, granted on May 16, 2002.

2. A new distributor inspection conducted on September 19, 2002 revealed from May 16, 2002 until September 19, 2002, Pharmacy Buying Group of America (1001 W. Glen Oaks Lane, Mequon, WI 53092, license #45-1395) failed to meet security requirements for all facilities at which prescription drugs or devices are stored, warehoused, handled, held, offered, marketed, or displayed as required by Wis. Admin. Code § Phar 13.10(4).

3. On exact dates unknown, but beginning at least on June 6, 2002 and continuing on through August 28, 2002, Pharmacy Buying Group of America (3831 W. Wells, Milwaukee WI, 53208, license #45-1447) had engaged in activities requiring a distributor license under § 450.07(2), Stats., without having obtained such license.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter pursuant to § 450.10, Stats. and is authorized to enter into the attached Stipulation pursuant to § 227.44(5), Stats.

2. The conduct described in paragraph 2-3 above is in violation of Wis. Adm. Code § Phar 13.10(4) and § 450.07(2) Stats.

ORDER

NOW, THEREFORE, IT IS ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that Pharmacy Buying Group of America, is REPRIMANDED.

IT IS FURTHER ORDERED that Pharmacy Buying Group of America shall pay costs in the amount of \$150.00, within 30 days of the date of this Final Decision and Order.

IT IS FURTHER ORDERED that Pharmacy Buying Group of America shall forfeit the sum of \$1,250.00 to be paid to the Department of Regulation and Licensing, 1400 E. Washington Avenue, P.O. Box 8935, Madison, Wisconsin, 53708-8935, within 30 days of the date of this Order.

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 Pharmacy Buying Group of America 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 at Madison, Wisconsin, this 13th day of August, 2003.

WISCONSIN PHARMACY EXAMINING BOARD

Susan Sutter

Member, Wisconsin Pharmacy Examining Board