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BEFORE THE PHARMACY EXAMINING BOARD

In The Matter Of Disciplinary Proceedings Against :
ORDER : FINAL DECISION AND
AMERICAN HOMEPATIENT, INC., : LS0308132PHM
Respondent. :

Division of Enforcement Case #03 PHM 017

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

American HomePatient, Inc.
4611 Verona Road
Madison, WI 53715

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 American HomePatient, Inc. 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. American HomePatient, Inc., 4611 Verona Road, Madison, Wisconsin, 53715, is

duly licensed as a distributor in the State of Wisconsin pursuant to license #45-1497, granted on January 15, 2003.

2. A new distributor inspection conducted on March 6, 2003 revealed from January 15, 2003 until March 6, 2003, American HomePatient, Inc. 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). The facility had three inoperable and two missing audible alarms for the five entry doors.

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 above is in violation of Wis. Adm. Code § Phar 13.10(4).

ORDER

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

IT IS FURTHER ORDERED that American HomePatient, Inc., is REPRIMANDED.

IT IS FURTHER ORDERED that American HomePatient, Inc. shall pay costs in the amount of \$100.00, within 30 days of the date of this Final Decision and Order.

IT IS FURTHER ORDERED that American HomePatient, Inc. shall forfeit the sum of \$500.00 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 American HomePatient, Inc. 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