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STATE OF WISCONSIN

BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
ORDER : FINAL DECISION AND
VISITING NURSE HOME MEDICAL SERVICE, : LS0311112PHM
RESPONDENT :

Division of Enforcement Case # 03 PHM 028

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

Visiting Nurse Home Medical Service
600 52nd Street, Suite 300
Kenosha, WI 53140

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 Visiting Nurse Home Medical Service, by an authorized agent, and by Michael J. Berndt, attorney supervisor 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. Visiting Nurse Home Medical Service, 600 52nd Street, Suite 300, Kenosha, Wisconsin 53140, is duly licensed as a distributor in the State of Wisconsin pursuant to license #45-1529, granted on April 18, 2003.
2. Visiting Nurse Home Medical Service, previously located at 712 49th Street, Kenosha, WI 53140, was duly licensed as a distributor in the State of Wisconsin pursuant to license #45-1017. This license was granted on May 20, 1998. This license expired on May 31, 2000.
3. From June 1, 2000 and continuing on through April 17, 2003, Visiting Nurse Home Medical Service operated as a distributor at its new location, 600 52nd Street, Suite 300, Kenosha, Wisconsin 53140, without a valid Wisconsin distributor license.
4. In resolution of this matter, Visiting Nurse Home Medical Service consents to entry of the following Conclusions of Law and Order.

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 3 above is in violation of § 450.07(2), Stats.

ORDER

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

IT IS FURTHER ORDERED that Visiting Nurse Home Medical Service, is REPRIMANDED.

IT IS FURTHER ORDERED that Visiting Nurse Home Medical Service 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 Visiting Nurse Home Medical Service shall forfeit the sum of \$1,500.00 to be paid to the Department of Regulation and Licensing, 1400 E. Washington Avenue, P.O. Box 8935, Madison, Wisconsin, 53708-8935. Payment shall be submitted on the following schedule:

\$500.00 due on or before October 15, 2003;

\$500.00 due on or before January 15, 2004; and

\$500.00 due on or before May 15, 2004.

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 Visiting Nurse Home Medical Service 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 11th day of November, 2003

WISCONSIN PHARMACY EXAMINING BOARD

Susan Sutter

Member