

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST : FINAL DECISION
 : AND ORDER
DAVID W. WHITE, R.PH., : LS0401147PHM
RESPONDENT :

Division of Enforcement Case #01 PHM 029

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

David W. White, R.Ph.
431 Southview Ave. #2
Cincinnati, OH 45219

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 David W. White, R.Ph., personally on his own behalf, 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, Conclusion of Law, and Order.

FINDINGS OF FACT

1. David W. White, R.Ph., 431 Southview Ave. #2, Cincinnati, Ohio 45219, was born November 27, 1954, and has an expired Wisconsin pharmacist license #40-12484. The license expired on May 31, 2002.
2. On November 7, 2001 Mr. White entered into an Order with the Ohio State Board of Pharmacy which suspends his license to practice as a pharmacist in the State of Ohio for an indefinite period of time. The factual basis for the imposition of discipline against Mr. White in Ohio involved: 1) on or about October 2000, setting up a false patient profile and creating a false prescription while practicing pharmacy at K-mart in Cudahy, Wisconsin; and 2) intentionally creating and/or knowingly possessing a false or forged prescription for 100 doses of Ultram 50mg, with refills. A true and correct copy of the Ohio Board's Order is attached to this document as Exhibit A. Exhibit A is incorporated into this document by reference.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction in this proceeding pursuant to Chapter 450, Stats.
2. The Wisconsin Pharmacy Examining Board has authority to resolve this proceeding by stipulation without an evidentiary hearing pursuant to § 227.44(5), Stats.
3. By engaging in the conduct set out in Finding of Fact 2, the Respondent has violated Wis. Admin. Code Sec. Phar

ORDER

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

IT IS FURTHER ORDERED that the license of David W. White, R.Ph. (license #40-12484) to practice as a pharmacist in the State of Wisconsin is SUSPENDED for an INDEFINITE PERIOD OF TIME.

IT IS FURTHER ORDERED, pursuant to the Stipulation of the parties, that Mr. White shall not renew or attempt to renew his license to practice as a pharmacist in the state of Wisconsin until he has fully complied with the terms of the Ohio State Board Pharmacy Order dated November 7, 2001, and has an unrestricted license in the State of Ohio.

If at any time Mr. White requests to practice in Wisconsin he shall appear in person before the Board to answer any questions that the Board may have regarding that practice. The Board may impose additional terms, limitations and conditions on any Wisconsin practice of Mr. White.

IT IS FURTHER ORDERED that Mr. White shall pay costs in the amount of \$100.00, within 60 days of the date of this Final Decision and Order to be paid to the Department of Regulation and Licensing, 1400 E. Washington Avenue, P.O. Box 8935, Madison, Wisconsin, 53708-8935.

IT IS FURTHER ORDERED that the pending investigation, 01 PHM 029, shall be, and hereby is, closed without further proceedings.

The rights of a party aggrieved by this Final Decision and Order to petition the Wisconsin Pharmacy Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information."

This Order shall become effective on the date of its signing.

Dated at Madison, Wisconsin, this 14th day of January, 2004.

WISCONSIN PHARMACY EXAMINING BOARD

Michael Bettiga
Member, Pharmacy Examining Board