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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

BARBARA TELLIER, R.PH., : FINAL DECISION AND ORDER
RESPONDENT. : LS04062410PHM

Division of Enforcement
03 PHM 33

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

Barbara Tellier, R.Ph.
500 Wanebo Rd.
Washburn, WI 54891

Wisconsin Pharmacy Examining Board
1400 E. Washington Ave.
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, Barbara Tellier, R.Ph., Respondent, and Michael J. Berndt, attorney for the Department of Regulation and Licensing, agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Pharmacy Examining 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

1. That Barbara Tellier, R.Ph., Respondent herein, of 500 Wanebo Road, Washburn, Wisconsin 54891, whose date of birth is March 18, 1953, is licensed and currently registered as a pharmacist in the State of Wisconsin under license # 9159 which was granted on March 28, 1977.
2. A formal investigation, entitled 03 PHM 33, is pending before the Wisconsin Pharmacy Examining Board.
3. On September 17, 2003 a DOE investigator observed on four separate occasions an unlicensed person transfer a prescription to a patient. Respondent was the only pharmacist present and did provide consultations to the two patients that received new prescriptions, but the Respondent did not provide consultations to the two patients that were picking up refill prescriptions.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction in this proceeding pursuant to Wis. Stats. sec. 450.10 and is authorized to resolve this proceeding by Stipulation without an evidentiary hearing pursuant to Wis. Stats. sec. 227.44(5).
2. Respondent's conduct of allowing unlicensed persons to transfer prescriptions to patients and failing to provide consultations to patients that picked-up refill prescriptions constituted a violation of Wis. Adm. Code secs. Phar 7.01(1)(e) and (em).

ORDER

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

IT IS FURTHER ORDERED that Barbara Tellier, R.Ph. is REPRIMANDED.

IT IS FURTHER ORDERED that Respondent shall pay a FORFEITURE in the amount of TWO HUNDRED FIFTY dollars (\$250.00) and COSTS in the amount of FOUR HUNDRED dollars (\$400.00). Payment shall be submitted within sixty (60) days from the date of this order. Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to: Department Monitor, Division of Enforcement, Dept. of Regulation & Licensing, P. O. Box 8935, Madison, WI 53708-8935

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".

Dated at Madison, Wisconsin, this 24th day of June, 2004.

WISCONSIN PHARMACY EXAMINING BOARD

Michael Bettiga
A Member of the Board