

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
BAY AREA MEDICAL CTR PHARMACY :
RESPONDENT. : LS0406245PHM

Division of Enforcement
03 PHM 51

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

Bay Area Medical Center Pharmacy
3100 Shore Dr,
Marinette, WI 54143

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, Bay Area Medical Center Pharmacy, Respondent, and David A. Hart, 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. Bay Area Medical Center Pharmacy, Respondent herein, of 3100 Shore Drive, Marinette, Wisconsin 54143, is licensed and currently registered as a pharmacy in the State of Wisconsin under license # 6698 which was granted on February 1, 1986.
2. A formal investigation, entitled 03 PHM 51, is pending before the Wisconsin Pharmacy Examining Board.
3. From May of 2002 thru January of 2003 the Bay Area Medical Center Pharmacy allowed an individual without a valid Wisconsin pharmacist license to work at the Bay Area Medical Center Pharmacy as a pharmacist. This individual was granted a Wisconsin pharmacist license on September 3, 2003.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction in this proceeding pursuant to Wis. Stats. Sec. 450.10.
2. The Wisconsin Pharmacy Examining Board has the authority to resolve this proceeding by Stipulation without an evidentiary hearing pursuant to Wis. Stats. Sec. 227.44(5).
3. Respondent's conduct of allowing an unlicensed pharmacist to work as a pharmacist constituted a violation of Wis. Adm. Code Sec. Phar 10.03(10).

ORDER

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

IT IS FURTHER ORDERED that Bay Area Medical Center Pharmacy. is REPRIMANDED.

IT IS FURTHER ORDERED that Respondent shall pay COSTS in the amount of TWO HUNDRED FIFTY dollars (\$250.00).

IT IS FURTHER ORDERED that Respondent shall pay a FORFEITURE in the amount of ONE THOUSAND dollars (\$1,000.00).

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