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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
GARY S. INHOFF, R.PH., :
RESPONDENT. : LS0406247PHM

Division of Enforcement
03 PHM 33

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

Gary S. Inhoff, R.Ph.
P.O. Box 783
Hayward, WI 54843

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, Gary S. Inhoff, 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 Gary S. Inhoff, R.Ph., Respondent herein, of P.O. Box 783, Hayward, Wisconsin 54843, whose date of birth is July 28, 1953, is licensed and currently registered as a pharmacist in the State of Wisconsin under license # 9458 which was granted on December 9, 1978.
2. A formal investigation, entitled 03 PHM 33, is pending before the Wisconsin Pharmacy Examining Board.
3. Respondent is the managing pharmacist of the Co-op Pharmacy. The pharmacy is located inside a grocery store.
4. Respondent on multiple occasions left prescriptions at the courtesy counter of the grocery store for patients to pick up after the pharmacy had closed. When the patient picked-up their prescription a grocery store employee would transfer the prescription to the patient. Since the pharmacy was closed, there was no pharmacist present to provide a consultation to the patient when the patient picked up their prescription.
5. The prescriptions were left at the courtesy counter in a bag, but were not locked in a cabinet or secured in any way.
6. Respondent said it is his routine practice to leave prescriptions at the courtesy counter of the grocery store for patients to pickup after the pharmacy had closed as a convenience for his patients.
7. On January 27, 2004 a DOE Investigator informed Respondent that a pharmacist must transfer all prescriptions to a patient and that Respondent could not leave prescriptions at the courtesy counter for patients to pick up, but Respondent continued his practice of leaving prescriptions at the courtesy counter for patients to pick up. Respondent is aware that consultations must be provided when a prescription is transferred to a patient.

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 their prescriptions constituted a violation of Wis. Adm. Code sec. Phar 7.01(1)(e) and (em).
3. Respondent’s conduct of leaving prescriptions at the grocery store’s courtesy counter compromised patient confidentiality and constituted a violation of Wis. Adm. Code sec. Phar 10.03(6).

ORDER

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

IT IS FURTHER ORDERED that Gary S. Inhoff, R.Ph. is REPRIMANDED.

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