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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
MICHAEL L. CHEW, R.Ph.	:	LS # 0507275PHM
RESPONDENT.	:	

Division of Enforcement Case # 04 PHM 070

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

Michael L. Chew, R.Ph.
1915 N. Water St. #200
Milwaukee, WI 53202

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Pharmacy Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Pharmacy Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Michael L. Chew, R.Ph. (DOB 11/26/1976) is duly licensed as a pharmacist in the state of Wisconsin (license # 40 13362). This license was first granted on 01/03/2001.
2. Respondent's most recent address on file with the Wisconsin Pharmacy Examining Board is 1915 N. Water St., #200, Milwaukee, Wisconsin, 53202.
3. At all times relevant to this action, Respondent was working as pharmacist in Wisconsin.
4. On January 20, 2005, Respondent was convicted in Milwaukee County Circuit Court of using a computer to facilitate a child sex crime in violation of Wis. Stat. §948.075(1). Wis. Stat. § 948.075(1) is an offense the circumstances of which substantially relate to the practice of pharmacy.

5. The offense occurred on September 2, 2004, when Respondent communicated in an internet chat room with someone who he believed to be a 14 year old girl (but who was actually an undercover detective). Respondent arranged to meet the girl in the parking lot of a Walgreens pharmacy for the purpose of having oral sex with her.

6. Respondent was sentenced on March 11, 2005 to one year in prison, stayed, and three years of probation.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 450.10(1)(b), [\[smg1\]](#) and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by having been convicted of an offense the circumstances of which substantially relate to the practice of pharmacy, has committed unprofessional conduct as defined by § 450.10(1)(a)2 and is subject to discipline pursuant to § 450.10(1)(b)1 and 3, Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Michael L. Chew, R.Ph., is hereby REPRIMANDED for the above conduct.

2. The license of Michael L. Chew, R.Ph. to practice as a pharmacist in the State of Wisconsin is LIMITED as follows:

(a) Within 60 days of the date of this Order, Respondent shall undergo a comprehensive psychological evaluation by an evaluator who is approved in advance by the Board or its designee. The evaluator shall be provided with a copy of this Order and a copy of the related criminal complaint. Respondent shall sign releases sufficient to release all records to the Board or its designee and to allow the Board or its designee to communicate with the evaluator. Respondent shall comply with all treatment or counseling recommended by the evaluator.

(b) In the course of his employments within a pharmacy, Respondent shall not be in the presence of any minor female patient in any area where Respondent is not observable by, and within the hearing of, another employee.

(c) Respondent shall, within 14 days of the date of this Order, provide his managing pharmacist, at any current place of employment as a pharmacist, with a copy of this Final Decision and Order. Respondent shall provide his managing pharmacist, at any future place of employment as a pharmacist, with a copy of this Final Decision and Order, prior to commencing that employment.

3. Respondent may at any time petition the Board and seek modification or ending of any limitation. The decision whether to grant the petition shall be in the sole discretion of the Board. If Respondent believes that the Board's refusal to modify or end a limitation imposed or maintained by the Board is inappropriate, Respondent may seek a class 1 hearing pursuant to § 227.01(3)(a), Stats., in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. The limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

4. All petitions, requests, reports and payments required by this Order shall be mailed, faxed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

5. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$500.00 (five hundred dollars), pursuant to § 440.22(2), Stats.

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to pay costs as ordered the Respondent's license(#1550) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order. [\[smg2\]](#)

7. This Order is effective on the date of its signing.

Pharmacy Examining Board

By: Michael Bettinga
A Member of the Board

July 27, 2005
Date

[\[smg1\]](#) This should be deleted/ changed to a blank

[\[smg2\]](#) This section should be the standard summary suspension provision: **Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.** Where the terms of discipline consist of a forfeiture, costs or continuing education, alternative "self-effectuating" language should be utilized. E.g.: **In the event Respondent fails to timely submit any payment of the forfeiture as set forth above, the Respondent's license(#1550) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.**