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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
JAMES JERNEGAN, R.Ph.,	:	LS0602082PHM
RESPONDENT.	:	

Division of Enforcement Case Nos. 03 PHM 055, 05 PHM 051

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

James Jernegan, R.Ph.
N3235 Frances Lane
New London, WI 54961

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. James Jernegan, R.Ph., (DOB 01/16/1952) is duly licensed as a pharmacist in the State of Wisconsin (license # 40 8940). This license was first granted on March 11, 1976.
- 2. Respondent's most recent address on file with the Wisconsin Pharmacy Examining Board is N3235 Frances Lane, New London, Wisconsin.
- 3. At all times relevant to this action, Respondent was working as a pharmacist in Wisconsin.

The 1997 Board Order

- 4. In 1997, Respondent was reprimanded by the Pharmacy Examining Board and was assessed a forfeiture and costs for a dispensing error and for not consulting on refills. Respondent had filled a prescription for Phenobarbital with

Prednisone.

The 2003 Dispensing Error

5. On June 26, 2003, P.T. picked up a prescription refill for Atenolol. Respondent verified the prescription. After taking the medication for approximately one week, he had headaches and was sleepy. On July 8, 2003, P.T. noted that the pills in the bottle were different than previously filled prescriptions. He took the medication to the pharmacy and was told he had been given Amitriptyline instead of Atenolol.

6. Respondent could not explain how this error occurred. He noted that the two medications were in close proximity on the shelf, and he also noted that errors can be the result of manufacturers putting different medications in the same shape and size bottle and label format.

The 2005 Dispensing Error

7. On May 31, 2005, Respondent dispensed Hydroxyzine in a container that was correctly labeled as prescribed for Hydroxychloroquine. The customer discovered the dispensing error when she got home from the pharmacy.

8. Respondent again noted that the two medications were in close proximity on the shelf, and that sometimes manufacturers use the same shape bottle and label for multiple drugs.

9. The pharmacy is installing a bar code system to help reduce medication errors.

The Continuing Education Report

10. Respondent signed and submitted to the Pharmacy Examining Board a form indicating that he had completed 30 continuing education credits for the 2003-2004 biennium.

11. Respondent was asked to provide copies of the certificates of attendance for his continuing education. He could only provide proof of 25 continuing education credits.

CONCLUSIONS OF LAW

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

2. The conduct described in paragraphs 5-9 above is unprofessional conduct pursuant to Wis. Stat. § 450.10(1)(a)6 and is grounds for discipline pursuant to Wis. Stat. § 450.10(1)(b)1.

3. The conduct described in paragraphs 10-11 above violates Wis. Stat. §§ 450.085 and 450.10(1)(a)1 and subjects respondent to discipline pursuant to Wis. Stat. § 450.10(1)(b).

ORDER

IT IS ORDERED:

1. James Jernegan, R.Ph., is REPRIMANDED.
2. The license of James Jernegan, R.Ph. to practice as a pharmacist in the State of Wisconsin is LIMITED as follows:
 - (a) Within ninety (90) days of the date of this Order, Respondent must provide proof to the Board or its designee that he has completed and passed the Multi-state Pharmacy

Jurisprudence Exam. Respondent must bear all costs associated with taking this examination.

- (b) Within ninety (90) days of the date of this Order, Respondent will complete his missing five continuing education credits from the 2003-2004 biennium. Any continuing education taken to make up the missing five credits from the 2003-2004 biennium may not be used to satisfy the requirements for the 2005-2006 biennium.
- (c) Respondent must pay a forfeiture of Two Dollars (\$2.00) per day for each day since April 21, 2004, the date of Respondent's 2004 registration renewal, until Respondent provides proof of successful completion of the missing five credits from the 2003-2004 biennium. This forfeiture must be submitted concurrently with the submission of proof of successful completion of the missing credits.
- (d) Within ninety (90) days of the date of this Order, Respondent must complete fifteen (15) hours of continuing education in patient consultation and pharmacy work flow improvement. These 15 hours of continuing education may not be used to satisfy the continuing education requirements of Wis. Stat. 450.085. Respondent must submit the course syllabus to the board or its designee for approval prior to taking the course. Respondent bears all costs relating to this continuing education.

3. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Nine Hundred Fifty Dollars (\$950.00) dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

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

4. In the event Respondent fails to timely submit any payment of the forfeiture and costs as set forth above, or fails to comply with the ordered continuing education, the Respondent's license(#40 8940) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Dated this 8th day of February, 2006.

PHARMACY EXAMINING BOARD

By: Michael Bettiga
A Member of the Board