

# 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
MATTHEW J. LORING, R.Ph.,	:	LS0610113PHM
RESPONDENT.	:	

[Division of Enforcement Case # 06 PHM 030]

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

Matthew J. Loring, R.Ph.  
1595 W. Golf Drive  
Platteville, WI 53818

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

Wisconsin Pharmacy Examining Board  
Department of Regulation and 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 this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Matthew J. Loring, R.Ph., (Respondent), date of birth October 29, 1957, is licensed by the Wisconsin Pharmacy Examining Board as a pharmacist in the state of Wisconsin pursuant to license number 11831, which was first granted August 23, 1992.
2. Respondent’s address of record with the Department of Regulation and Licensing (DRL) is 1595 W. Golf Drive, Platteville, WI 53818.
3. On all dates relevant to the facts set forth here, Respondent was employed as a pharmacist at Wal-Mart Pharmacy 10-0958, 1800 Progressive Parkway, Platteville, WI 53818.
4. On May 2, 2006, a DRL investigator witnessed multiple transactions during which Respondent permitted transfer of prescriptions to patients without consultation with Respondent or another licensed pharmacist. While Respondent was the only pharmacist present, the DRL investigator repeatedly saw a pharmacy technician approach Respondent with a prescription, show the prescription to Respondent and then relay the prescription to a patient without any interaction between Respondent and the patient. During the same time period the DRL investigator also saw Respondent engage in consultation with one patient.

5. On July 1, 2006, Respondent admitted that on May 2, 2006, he had allowed pharmacy technicians to transfer several prescription refills to patients without consulting with the patients. Respondent explained that he “was aware of every prescription that was being dispensed, all of which were refills to our regular customers.”

6. The Pharmacy Examining Board requires pharmacists to provide consultation with every prescription, regardless of whether the prescription is new or a refill. The duty to consult is not satisfied by an offer to consult. The only exception to the consultation requirement for community pharmacies concerns prescriptions that are delivered to residences. None of the transactions witnessed by the DRL investigator on May 2, 2006, involved home-deliveries.

### CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 450.10 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraph 4 constitutes a violation of Wis. Admin. Code § Phar 7.01(1)(e) and subjects Respondent to discipline pursuant to Wis. Stat. § 450.10(1).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Matthew J. Loring, R.Ph., is REPRIMANDED for the conduct set out above.

2. Respondent shall, within 60 days from the date of this Order, pay to the Department of Regulation and Licensing a forfeiture in the amount of \$250.00, pursuant to Wis. Stat. § 450.09(8).

3. Respondent shall, within 60 days from the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$296.00, pursuant to Wis. Stat. § 440.22(2).

4. All payments required by this Order shall be mailed 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. In the event Respondent fails to timely submit any payment of the forfeiture as set forth above or fails to pay costs as ordered, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Wisconsin Pharmacy Examining Board

By: Michael Bettiga  
A Member of the Board

10-11-2006  
Date