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IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**
:
WESTHILL HOME MEDICAL, LLC : LS0706274PHM
RESPONDENT. :

Division of Enforcement Case #06 PHM 80

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

Westhill Home Medical, LLC
920 N. Westhill Blvd.
Appleton, WI 54914

Wisconsin Pharmacy Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
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 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. Respondent Westhill Home Medical, LLC, is a drug distributor, licensed in the State of Wisconsin pursuant to license #1909, originally granted on 5/5/06.
2. On and between a October 1, 2005, and May 4, 2006, Respondent was engaged in the sale of medical oxygen, labeled for sale as a prescription drug, without a distributor license or other authority.
3. On and between a day in October 1, 2005, and a day unknown, but before September 5, 2006, Respondent was engaged in the sale of medical oxygen, labeled for sale as a prescription drug, from a location in Rhinelander, Wisconsin, without a distributor license or other authority.

CONCLUSIONS OF LAW

- A. 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 pursuant to Wis. Stat. § 227.44(5).
- B. The conduct described in paragraphs 2-3, above, violated Wis. Stat. § 450.07(2) and Wis. Adm. Code § Phar 13.03. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that Westhill Home Medical, LLC, is REPRIMANDED for its unprofessional conduct in this matter, and shall FORFEIT \$3,600, constituting approximately \$10 per business day of unlicensed activity, within 6 months of this Order.

IT IS FURTHER ORDERED, that respondent shall pay COSTS in this matter in the amount of \$550, within 30 days of this order.

IT IS FURTHER ORDERED, that in the event Respondent fails to timely submit full payment of the forfeiture or costs as set forth above, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

Dated this June 27, 2007.

WISCONSIN PHARMACY EXAMINING BOARD, by:

Michael Bettiga
a member of the board