

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
: :
GARY A. MILLER, R.PH., : LS0712054PHM
RESPONDENT. :

Division of Enforcement Case #07 PHM 027

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

Gary A. Miller, R.Ph.
2121 Edgewood Court
Kaukauna, WI 54130

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 this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Gary A. Miller, R.Ph., (DOB 05/06/1954) is duly licensed as a pharmacist in the state of Wisconsin (license #40-9344). This license was granted on March 8, 1978.
2. Respondent's most recent address on file with the Wisconsin Pharmacy Examining Board is 2121 Edgewood Court, Kaukauna, WI 54130.
3. On Respondent's May 16, 2006 licensure renewal application, he signed a statement that he had completed the required continuing education for the biennium beginning June 1, 2004 and ending May 31, 2006.
4. On or about October 9, 2006, a representative of the Department contacted Respondent to inform him that he was 4 credits short of the required continuing education.

5. On or about November 11, 2006, Respondent wrote a letter to the Department explaining that there was a misunderstanding regarding a conference he went to offering CE credits and that he would be happy to comply by making up the missing credits.
6. On or about August 1, 2007, Respondent was again contacted by a representative of the Department about his missing credits. Respondent, that day, satisfied the missing credits required for the biennium ending May 31, 2006.
7. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

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 paragraph 3 thru 6, above, constitutes a violation of Wis. Stat. §§ 450.085 and 450.10(1)(a)1. and subjects Respondent to discipline pursuant to Wis. Stat. 450.10(1)(b).

ORDER

NOW, THEREFORE, IT IS ORDERED that:

1. Gary A. Miller, R.Ph. (license #40-9344), is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent shall, within ninety (90) days from the date of this Order, pay a forfeiture of five hundred (\$500) dollars.
3. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of one hundred (\$100.00) dollars.

All payments 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
Tel. (608) 267-3817
Fax (608) 266-2264

4. Case number 07 PHM 027, shall be, and hereby is, closed without further proceedings.
5. The continuing education credits obtained in August 2007 to satisfy the 2004-2006 biennium requirement may not be applied to satisfying the 2006-2008 biennium requirement.
6. In the event the Respondent fails to pay the forfeiture or the costs as ordered the Respondent's license SHALL BE SUSPENDED until the Respondent has complied with the terms of this Order.

This Order shall become effective on the date of its signing.

WISCONSIN PHARMACY EXAMINING BOARD

By: Michael Bettiga
Member, Wisconsin Pharmacy Examining Board

12/5/07
Date