

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF :  
DISCIPLINARY PROCEEDINGS AGAINST :  
FRANK C. PETINIOT, R.Ph., : FINAL DECISION AND ORDER  
RESPONDENT. : LS # 0802066PHM

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Division of Enforcement Case # 07 PHM 034

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

Frank C. Petiniot, R.Ph.  
560 Hilltop Drive  
Green Bay, WI 54301

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. Frank C. Petiniot, R.Ph., (DOB 09/24/1940) is duly licensed as a pharmacist in the state of Wisconsin (license # 40-7249). This license was first granted on April 10, 1963.

2. Respondent's most recent address on file with the Wisconsin Pharmacy Examining Board is 560 Hilltop Drive, Green Bay, Wisconsin, 54301.

3. On April 5, 2007, a Division of Enforcement investigator conducted an unannounced inspection of CVS Pharmacy # 8535 at 2222 S. Webster Avenue in Green Bay, Wisconsin. She observed that Respondent was not conducting consultations as required by pharmacy board rules.

4. The investigator asked Respondent about the pharmacy practice for performing consultations. Respondent told her that consultations were performed on all new prescriptions, but not on all refills.

#### 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 3-4 above constitutes a violation of Wisconsin Administrative Code §§ Phar 7.01(e) and (em) and Phar 10.03(2) and subjects Respondent to discipline pursuant to Wis. Stat. §450.10(1)(a)2.

#### ORDER

#### IT IS ORDERED:

1. Frank C. Petiniot, R.Ph. is REPRIMANDED.
2. Within ninety (90) days of the date of this Order, Respondent shall pay a forfeiture of Two Hundred and Fifty Dollars (\$250.00).
3. Within ninety (90) days from the date of this Order, Respondent shall pay costs of this proceeding in the amount of One Hundred Dollars (\$100.00).
4. Payments of forfeitures and costs 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

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, the Respondent's license(# 40-7249) 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.

Dated this 6 day of February, <sup>2008</sup> 2007.

PHARMACY EXAMINING BOARD

By: *Angela C. Kelly*  
A Member of the Board