

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 :

DAVID M. SMITH, R.PH., :
RESPONDENT. :

FINAL DECISION AND ORDER
LS0810295PHM

Division of Enforcement Case #04 PHM 007

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

David M. Smith, R.Ph.
W336 N6425 Lakeview Lane
Oconomowoc, WI 53066

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

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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. David M. Smith, R.Ph., (“Respondent”) was born on October 7, 1953, and is licensed to practice as a pharmacist in the state of Wisconsin pursuant to license number 9427. This license was first granted on June 9, 1978.
2. Respondent's most recent address on file with the Wisconsin Pharmacy Examining Board is W336 N6425 Lakeview Lane, Oconomowoc, WI 53066.
3. At all times relevant to this proceeding, Respondent was working as a pharmacist at Milwaukee, Wisconsin.
4. In July 2004, Respondent was the managing pharmacist at Luther Manor, a long term care facility in Milwaukee, Wisconsin.
5. Respondent allowed an unlicensed pharmacy technician to have a key to the pharmacy and to do medication cart exchanges on holidays without a licensed pharmacist being present.

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 number 5, above, constitutes a violation of Wis. Stat. s. 450.09(2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. David M. Smith, R.Ph. is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent shall, within 90 days from the date of this Order, pay costs of this proceeding in the amount of Two Hundred (\$200.00) 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

3. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to pay costs as ordered the Respondent's license (#9427) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Wisconsin Pharmacy Examining Board

By: Gregory C. Weber
A Member of the Board

10/29/08
Date