

# 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

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ORDER DENYING REINSTATEMENT OF  
SURRENDERED LICENSE  
LS0701251PHM  
LS0702231PHM

WESTBY PHARMACY,  
GARY W. MILLER, R.Ph.,  
RESPONDENTS.

Division of Enforcement Case Numbers: 05PHM056,  
05PHM075, 06PHM029, 06PHM035,  
06PHM046, 06PHM062, 07PHM003

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TO: Gary W. Miller R.Ph.  
104 West State Street  
Westby, WI 54667

The Pharmacy Examining Board considered this matter at its meeting on June 24, 2009.

**DECISION**

On March 15, 2007, based upon a Stipulation signed by Mr. Miller, the Board issued a Final Decision and Order accepting the voluntary surrender of his license (#40-7383) to practice as a pharmacist in Wisconsin. The Board's Final Decision and Order accepting the surrender of Mr. Miller's pharmacist license contains Finding of Facts and Conclusions of Law indicating that Mr. Miller violated numerous laws relating to the practice of pharmacy. In the Board's Order, Mr. Miller agreed to the surrender of his pharmacist license and he agreed that, if in the future, he applied for a Wisconsin pharmacist license or to operate a Wisconsin pharmacy, the Board would enter an order denying any such application without further notice or hearing. Attorney Ellen Thorn, Arndt Buswell & Thorn, S.C., represented Mr. Miller in that matter. Attorney Jeanette Lytle represented the Division of Enforcement.

On or about March 25, 2009, Mr. Miller, by his attorney, Christopher D. Wolske, Hinshaw & Culbertson LLP, submitted a request to the Board for reinstatement of his pharmacist license. The Board considered Mr. Miller's request for reinstatement of his license at its meeting on June 24, 2009. Mr. Miller and his attorney, Christopher D. Wolske, appeared at the board meeting in support of his request for reinstatement. Attorney Jeanette Lytle appeared on behalf of the Division of Enforcement in opposition to Mr. Miller's request for reinstatement.

Having heard the arguments of the parties, the Board denies Mr. Miller's request for reinstatement of his pharmacist license based upon the seriousness and number of violations that he stipulated to in the Board's March 15, 2007 Final Decision and Order; his consent to the Stipulation and his disregard for pharmacy laws. Based upon all of the information of record, the Board orders the following:

**ORDER**

**NOW, THEREFORE, IT IS ORDERED** that the request of Gary W. Miller for reinstatement of his license (#40-7383) to practice as a pharmacist in the state of Wisconsin be, and hereby is, Denied.

This order is effective on June 24, 2009.

Dated this 6th day of October, 2009.

Pharmacy Examining Board

Gregory C. Weber, M.S., R.Ph.  
Chairman