

# 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 THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
TANAPONG CHAIRIN, R.Ph.,	:	LS0904081PHM
RESPONDENT.	:	

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[Division of Enforcement Case # 08 PHM 027]

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

Tanapong Chairin, R.Ph.  
144 N. 16<sup>th</sup> Place  
Sturgeon Bay, WI 54235

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

Wisconsin Pharmacy Examining Board  
Department of Regulation and 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. Tanapong Chairin, R.Ph., Respondent, date of birth August 23, 1961, is licensed by the Wisconsin Pharmacy Examining Board as a pharmacist in the state of Wisconsin pursuant to license number 14090, which was first granted April 30, 2004.

2. Respondent's address of record with the Department of Regulation and Licensing is 144 N. 16<sup>th</sup> Place, Sturgeon Bay, WI 54235.

3. On all dates relevant to the facts set out below, Respondent was employed as a staff pharmacist at Bay Pharmacy (Pharmacy), 1300 Egg Harbor Road, Suite 112, Sturgeon Bay, WI 54235.

4. Approximately twice each year, Respondent visits Thailand to visit family. Respondent then also sees a Thai physician who prescribes medications for Respondent and Respondent's son. Respondent fills the prescriptions in Thailand and brings them back to the United States for his personal use and for his son. Among the medications Respondent receives are equivalents to Advair and Nasonex.

5. Sometime in the Fall of 2007, a customer came to the Pharmacy to pick up prescriptions for Advair and Nasonex. The customer complained to Respondent about the high cost of prescriptions.

6. Respondent offered the customer the medications he obtained in Thailand, which were no longer needed for his son. According to Respondent, the medications at issue are the equivalent to Advair and Nasonex, and manufactured by the same company, but sold in Thailand under different brand names. Based on his professional training and experience, Respondent believed the dosages corresponded with those of Advair and Nasonex.

7. The customer accepted Respondent's offer to take the medications and, although Respondent did not request it, ultimately reimbursed Respondent for the cost of the medications.

8. There is no evidence that the medication caused harm to the patient. Respondent acknowledges his misconduct, indicated that he did not realize he had violated the law, and expressed remorse.

9. By the conduct described above, Respondent provided the customer with medications for which she did not actually have a prescription, and which had not been subjected to safety precautions in place for medications lawfully dispensed in the United States.

### CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 450.10 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent's conduct, as set out above, constitutes a violation of Wis. Admin. Code § Phar 10.03(1), and subjects Respondent to discipline pursuant to Wis. Stat. § 450.10(1).

3. Respondent's conduct, as set out above, constitutes a violation of Wis. Admin. Code § Phar 10.03(2).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Tanapong Chairin, R.Ph., is REPRIMANDED for the conduct set out above.

2. Respondent shall, within 180 days from the date of this Order, provide proof that he has taken and successfully completed the Multi-state Pharmacy Jurisprudence Examination.

3. Respondent shall, within 30 days from the date of this Order, pay to the Department of Regulation and Licensing a forfeiture in the amount of \$1,000.00, pursuant to Wis. Stat. § 450.09(8).

4. Respondent shall, within 30 days from the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$475.00, pursuant to Wis. Stat. § 440.22(2).

5. All payments and documentation required by this Order shall be mailed or delivered to:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax: (608) 266-2264  
Telephone: (608) 267-3817

6. Respondent shall not administer, dispense, supply or obtain medications, from any source, except in compliance with the laws of this state and the rules of the Pharmacy Examining Board.

7. 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 timely submit any payment of the forfeiture as set forth above or fails to pay costs as ordered, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Wisconsin Pharmacy Examining Board

By: Gregory C. Weber	4/8/09
A Member of the Board	Date

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
TANAPONG CHAIRIN, R.Ph.,	:	LS _____ PHM
RESPONDENT.	:	

[Division of Enforcement Case # 08 PHM 027]

It is hereby stipulated and agreed, by and between Tanapong Chairin, R.Ph., Respondent; and Sandra L. Nowack attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent’s licensure by the Division of Enforcement (file 08 PHM 027). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondent understands that by signing this Stipulation, he voluntarily and knowingly waives his rights, including the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondent has been provided an opportunity to obtain advice of legal counsel prior to signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's Order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent’s attorney, if any, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board’s deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board’s Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

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Tanapong Chairin, R.Ph.  
Respondent  
144 N. 16<sup>th</sup> Place  
Sturgeon Bay, WI 54235

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Date

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Sandra L. Nowack  
Attorney for Complainant  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

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Date