

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
MATHEW A. SYVERSON, R.Ph.,	:	LS0909236PHM
RESPONDENT.	:	

Division of Enforcement Case # 08 PHM 051

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

Mathew A. Syverson
1821 E. Menlo Blvd.
Shorewood, WI 53211

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. Mathew A. Syverson, R.Ph., (DOB 08/01/1973) is duly licensed as a pharmacist in the state of Wisconsin (license # 40-14072). This license was first granted on February 13, 2004.
2. Respondent's most recent address on file with the Wisconsin Pharmacy Examining Board is 1821 E. Menlo Boulevard, Shorewood, Wisconsin, 53211.
3. At all relevant times, Respondent was the managing pharmacist of Walgreens # 10873 at 2950 Oakland Avenue, Milwaukee, Wisconsin.
4. On or about September 11, 2008, a Division of Enforcement investigator conducted an unannounced inspection of Walgreens # 10873 at 2950 Oakland Avenue, Milwaukee, Wisconsin. She observed that the technician on duty was dispensing prescriptions to patients without a pharmacist consultation. She spoke to the Respondent about the

importance of consultations. Respondent claimed that respondents are usually done and could not explain why it was not done that day.

5. On or about December 11, 2008, another Division of Enforcement investigator was at the same Walgreens pharmacy, and observed three patient prescription transactions in which no pharmacist was involved. Respondent was the pharmacist on duty at the time. Respondent again claimed that it is his policy to consult on all prescriptions.

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(1)(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. Mathew A. Syverson, R.Ph. is REPRIMANDED.
2. Within ninety (90) days of the date of this Order, Respondent shall pay a forfeiture of Five Hundred Dollars (\$500.00).
3. Within ninety (90) days from the date of this Order, Respondent shall pay costs of this proceeding in the amount of Three Hundred Dollars (\$300.00).
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(# 40-14072) 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 23rd day of September, 2009.

PHARMACY EXAMINING BOARD

By: Gregory C. Weber
A Member of the Board

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 : STIPULATION
MATHEW A. SYVERSON, R.Ph., : LS# _____
RESPONDENT. :

Division of Enforcement Case # 08 PHM 051

Respondent Mathew Syverson, R.Ph., personally on his own behalf, and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case # 08 PHM 051). Respondent consents to the resolution of this investigation by stipulation.
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 the advice of legal counsel prior to signing this stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Pharmacy Examining 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 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 Pharmacy Examining Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or his attorney, 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 Board 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 the Board adopt this Stipulation and issue the attached Final Decision and Order.

Mathew A. Syverson, R.Ph.
1821 E. Menlo Blvd.
Shorewood, WI 53211

Date

Jeanette Lytle, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date