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**STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD**

**IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST**

**MICHAEL S. IVEY, R.Ph.,
RESPONDENT**

**ORDER DENYING
STAY OF SUSPENSION**

LS9097232PHM

TO: Michael S. Ivey
417 Harrison St., Apt. 11
North Fond du Lac, WI 54937

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

The Pharmacy Examining Board considered this matter at its meeting on October 27, 2010.

BACKGROUND

On July 22, 2009, the Board issued a Final Decision and Order related to the disciplinary proceedings against Michael S. Ivey, Pharmacist license #12523. Provisions regarding the suspension of the respondent's license as well as provisions regarding a stay of suspension are set forth in such order, among other conditions and limitations. Paragraph B.1. provides:

B.1. The suspension shall not be stayed for the first six (6) months, but any time after six months the suspension shall be stayed upon Respondent providing proof, which is determined by the Board or its designee to be sufficient, that Respondent has been in compliance with the provisions of Section C and D of this Order for the most recent three (3) consecutive months.

On or about, September 7, 2010, Mr. Ivey petitioned the Board for an initial stay of suspension.

Based upon all the information of record, the Board orders the following:

ORDER

NOW, THEREFORE, IT IS ORDERED that Mr. Ivey's petition for a stay of suspension, be and hereby is, Denied. There must be full compliance with the paragraphs C and D of the Final

Decision and Order for the 3 months preceding the petition in order for a stay of the suspension to be issued. Respondent is not compliant with paragraphs C.4, C.7, C.8, C.12, and D.6. The Respondent must, among other requirements of the Final Decision and Order, participate in drug and alcohol testing with an Approved Program as specified in paragraph C.12. The Respondent may choose an Approved Program, but the Board would prefer the Respondent to test with Affinity.

Dated this 10 day of November, 2010.

Pharmacy Examining Board

By:

Jeanne Severson *nw
Jeanne Severson, R.Ph., Chairperson