

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	:	FINAL DECISION AND ORDER
	:	
COMMUNITY HOME MEDICAL	:	
EQUIPMENT LLC,	:	ORDER 0000135
RESPONDENT.	:	

Division of Enforcement Case No. 09 PHM 012

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

Community Home Medical Equipment LLC
901 Watson Avenue Suite 49
Madison, WI 53713

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. Community Home Medical Equipment LLC, Respondent, is licensed by the Wisconsin Pharmacy Examining Board as a distributor in the State of Wisconsin pursuant to license No. 2273-45, which was first granted November 5, 2009.
2. Respondent's address of record with the Department of Regulation and Licensing is 901 Watson Avenue Suite 49, Madison, Wisconsin 53713.
3. A new distributor inspection conducted on December 22, 2008 revealed that Respondent failed to meet security requirements for all facilities at which prescription drugs or devices are stored, warehoused, handled, held, offered, marketed, or displayed as required by Wis. Admin. Code § Phar 13.10(4). Respondents had a security system capable of monitoring the facility after hours; however it was not in operation and had not been for two years.
4. The Department was notified on February 11, 2009 that the facility's security system is now in compliance with Wis. Admin. Code § Phar 13.10(4).
5. On March 25, 2009, a consumer protection investigator reinspected the facility and confirmed the system was operational and in use.

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. The conduct described above constitutes a violation of Wis. Admin. Code § Phar 13.10(4) and subjects Respondent to discipline pursuant to Wis. Stat. § 450.10(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Community Home Medical Equipment LLC, is REPRIMANDED for the conduct set out above.
2. Respondent shall, within sixty (60) days from the date of this Order, pay to the Department of Regulation and Licensing a forfeiture in the amount of ONE THOUSAND dollars (\$1,000), pursuant to Wis. Stat. § 450.09(8).

3. Respondent shall, within sixty (60) days from the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of ONE HUNDRED SIXTY dollars (\$160.00), pursuant to Wis. Stat. § 440.22(2).

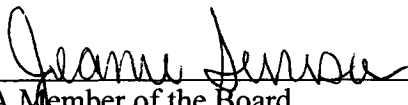
4. All payments required by this Order shall be mailed or delivered to:

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

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, Respondent's license (No. 2273-45) 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.

Wisconsin Pharmacy Examining Board

By: 
A Member of the Board

4/7/10
Date