

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
RICK B. KLECKLER, R.PH.,	:	<u>ORDER 0000331</u>
RESPONDENT.	:	

[Division of Enforcement Case # 09 PHM 058]

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

Rick B. Kleckler, R.Ph.
135 Saratoga Circle
Oregon, WI 53575

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. Rick B. Kleckler, R.Ph., (D.O.B.: March 18, 1967) is duly licensed as a pharmacist in the state of Wisconsin (license # 11863-40). This license was first granted on November 10, 1992.

2. Respondent's most recent address on file with the Wisconsin Pharmacy Examining Board is 135 Saratoga Court, Oregon, Wisconsin 53575.

3. At all times relevant to this action, Respondent was working as the managing pharmacist at Walgreens Pharmacy Store # 9741 in Oregon, Wisconsin.

4. From September of 2008 through September of 2009, Respondent diverted approximately sixty-six 100mg Viagra tablets and forty-one 50mg Viagra tablets from stock that had been returned to the pharmacy to be destroyed. Respondent maintains that he gave the Viagra to a friend, and did not sell them.

5. Respondent also filled two refill prescriptions of Alprazolam 0.25mg for his wife, but failed to follow the proper procedures for documenting the oral prescription authorization from the personal physician who authorized the refills.

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 paragraph(s) 4 and 5, above, constitutes a violation of Wisconsin Administrative Code § PHAR 10.03(1) and Wis. Stat. § 450.11(1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Rick B. Kleckler, R.Ph. is hereby REPRIMANDED.

2. Respondent shall, within one hundred-eighty (180) days from the date of this Order, provide the Board with proof of re-examination with a passing score on the Wisconsin Multistate Pharmacy Jurisprudence Examination (MPJE).

3. Respondent shall, within ninety (90) days from the date of this Order, pay a FORFEITURE in the amount of ONE THOUSAND DOLLARS (\$1,000.00), pursuant to Wis. Stat. § 450.10(2).

4. Respondent shall, within ninety (90) days from the date of this Order, pay COSTS of this proceeding in the amount of THREE HUNDRED FIFTY DOLLARS (\$350.00).

5. All requests, notice, payments required by this Order shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed, faxed, or delivered to:

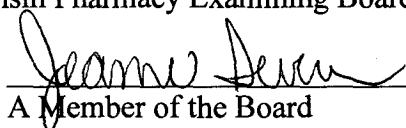
Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

6. 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 payment of the costs or payment of the forfeiture as ordered or fails to timely submit proof of successfully taking and passing the MPJE as set forth above, the Respondent's license (# 11863-40) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Wisconsin Pharmacy Examining Board

By:


A Member of the Board

7/28/10

Date