

# 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

CHYAN WU, R.PH.  
RESPONDENT.

FINAL DECISION AND ORDER

ORDER 0000423

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[Division of Enforcement Case # 08 PHM 39]

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

Chyan Wu, R.Ph.  
2377 N. 86th Street  
Wauwatosa, WI 53226

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. Chyan Wu, R.Ph. ("Respondent") was born on May 16, 1948, and is licensed as a pharmacist in the state of Wisconsin pursuant to license number 9165-40. This license was first granted on March 28, 1977.

2. Respondent's most recent address on file with the Wisconsin Department of Regulation and Licensing is 2377 N. 86th Street, Wauwatosa, Wisconsin 53226.

3. At all times relevant to this proceeding, Respondent was working as a pharmacist at Kmart Pharmacy # 4380, 3201 N. Mayfair Road, Milwaukee. Wisconsin 53222.

4. On February 19, 2008, a patient came in to get a prescription order of Vicodin 7.5/500 filled, but Respondent mistakenly gave the patient a bag of medication that was intended for another patient. The patient was mistakenly given a prescription containing Levothyroid 50mcg used to treat hypothyroidism, instead of the correct medication of Vicodin 7.5/500 used to treat pain. The patient took one tablet of the incorrect Levothyroid 50mcg medication, suffered a severe headache, and missed a day of work.

### 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. Respondent's conduct of failing to make a final check on the accuracy and correctness of the prescription as described in paragraph 4 above, constitutes a violation of Wis. Admin. Code §§ Phar 7.01(1)(d) and 10.03(2) and subjects Respondent to discipline pursuant to Wis. Stat. § 450.10(1).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Chyan Wu, R.Ph. is hereby REPRIMANDED.
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 TWO HUNDRED FIFTY DOLLARS (\$250.00), pursuant to Wis. Stat. § 450.09(8).
3. Respondent shall, within sixty (60) days from the date of this Order, pay costs of this proceeding in the amount of THREE HUNDRED DOLLARS (\$300.00).
4. All payments required by this Order 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. 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 the Respondent's license(# 9165-40) MAY 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

Date

9/22/10