

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
RALPH M. LEONI, R.PH.,	:	<u>ORDER 0000498</u>
RESPONDENT.	:	

[Division of Enforcement Case # 09 PHM 40]

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

Ralph M. Leoni, R.Ph.
P.O. Box 308
Mokena, IL 60448

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 & 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. Ralph M. Leoni, R.Ph., (DOB December 27, 1965) is duly licensed as pharmacist in the state of Wisconsin (license # 15031). This license was first granted on July 31, 2007.

2. Respondent's most recent address on file with the Wisconsin Pharmacy Examining Board is P.O. Box 308, Mokena, Illinois 60448.

3. At all times relevant to this action, Respondent was working as a pharmacist at the Reedsburg Area Medical Center Pharmacy in Reedsburg, Wisconsin.

4. Respondent was the Managing Pharmacist of the Reedsburg Area Medical Center Pharmacy on August 22, 2008, when Respondent signed a new pharmacy self-inspection report that had been prepared for him by a subordinate. The inspection report incorrectly verified and attested to the fact that the pharmacy had a centrally monitored alarm system in the pharmacy or in the immediate physical structure within which the pharmacy is located. On June 2, 2009, a Department of Regulation and Licensing Investigator conducted an inspection of the pharmacy and discovered that the pharmacy did not have a centrally monitored alarm system in the pharmacy or in the immediate physical structure within which the pharmacy is located, a violation of Wis. Stats. § PHAR 6.08. On June 5, 2009, a Notice of Compliance was issued and the pharmacy was given 45 days in which to come into compliance.

5. On July 13, 2009, the pharmacy installed a centrally monitored alarm system in the pharmacy or in the immediate physical structure within which the pharmacy is located.

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 4, above, constitutes a violation of Wisconsin Administrative Code § PHAR 10.03(2) by Respondent's failure to adequately supervise the performance of tasks delegated to others, resulting in the provision of inaccurate information to the Pharmacy Examining Board, and subjects Respondent to discipline pursuant to Wis. Stat. § 450.10(1)(a)1.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Respondent shall, within sixty (60) days from the date of this Order, pay a FORFEITURE of ONE THOUSAND DOLLARS (\$1000.00).

2. Respondent shall, within sixty (60) days from the date of this Order, pay COSTS of this proceeding in the amount of Two Hundred Fifty DOLLARS (\$250.00).

3. All payments shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent 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

4. 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 as set forth above, the Respondent's license (# 15031) may, in the discretion **of the board** or its designee, be **SUSPENDED**, without further notice or hearing, until Respondent has complied with payment of the costs or forfeiture.

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

Wisconsin Pharmacy Examining Board

By: 
A Member of the Board

10/27/10
Date