

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
AARON R. FRANCK, R.PH. : ORDER 0000657
RESPONDENT. :

[Division of Enforcement Case # 08 PHM 63]

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

Aaron R. Franck, R.Ph.
1041 Saint Austin Avenue
Wausau, WI 54403

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. Aaron R. Franck, R.Ph. ("Respondent") was born on September 17, 1960, and is licensed to practice pharmacy in the state of Wisconsin pursuant to license number 10823-40. This license was first granted on June 10, 1986.

2. Respondent's most recent address on file with the Wisconsin Department of Regulation and Licensing is 1041 Saint Austin Avenue, Wausau, WI 54403.

3. At all times relevant to this proceeding, Respondent was working as a pharmacist at Southside Pharmacy in Wausau, Wisconsin.

4. Patient JL (hereinafter "JL") had been taking Coumadin, a blood thinner, for many years. On July 31, 2008, JL went to pick up a new prescription for Cipro, an antibiotic, which JL had never taken before while he was on Coumadin. Respondent failed to provide any consultation to JL when he picked up his new prescription of Cipro. The concurrent use of Coumadin and Cipro may result in an increased risk of bleeding. A consultation with the patient would have resulted in the Respondent informing the patient of this possible side effect.

5. JL went home and took the Cipro as prescribed. JL became extremely weak, with loss of consciousness and mild exertion. JL was taken to the emergency room, diagnosed with internal bleeding, and hospitalized for nine (9) days.

6. The Pharmacy Examining Board requires pharmacists to provide consultation with every prescription, regardless of whether the prescription is new or a refill. Respondent was the managing Pharmacist on July 31, 2008.

7. Respondent disputes some parts of the allegations contained in the formal complaint and believes that he has legitimate responses to those allegations, but agrees there is sufficient evidence that the Pharmacy Examining Board could reasonably find otherwise. However, in the interest of resolving this matter, Respondent agrees to the entry of this Order.

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 provide consultations to patients as described in paragraph 4, above, constitutes a violation of Wis. Admin. Code §§ Phar 7.01(e) 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. Aaron R. Franck, R.Ph., is hereby REPRIMANDED.

2. Respondent shall, within ninety (90) 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 ninety (90) days from the date of this Order, pay COSTS of this proceeding in the amount of ONE THOUSAND ONE HUNDRED FIFTY DOLLARS (\$1,150.00).

4. Payment for Costs and Forfeiture 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 payment of the costs or payment of the forfeiture as ordered as set forth above, the Respondent's license (# 10823-40) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the payment of the costs or forfeiture.

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

Wisconsin Pharmacy Examining Board

By:


A Member of the Board

2/10/11
Date