

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

RONALD G. BERG, R.PH.
.RESPONDENT

:
:
:
:
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:

FINAL DECISION AND ORDER

ORDER 0000 785

[Division of Enforcement Case # 10 PHM 030]

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

Ronald G. Berg, R.Ph.
920 W. Fairfield Court
Glendale, WI 53217

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

Pharmacy Examining Board
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

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. Ronald G. Berg, R.Ph., (D.O.B. June 29, 1943) is duly licensed as a pharmacist in the state of Wisconsin (license # 7933-40). This license was granted on January 30, 1979.

2. Respondent's most recent address on file with the Wisconsin Pharmacy Examining Board is 920 W. Fairfield Ct., Glendale, WI 53217.

3. On May 14, 1996, the Pharmacy Examining Board disciplined Respondent in case # 95 PHM 079. The Board issued an Order that Reprimanded Respondent, ordered Respondent to pay a Forfeiture of \$250.00, and ordered payment of the costs of the proceeding in the amount of \$50.00. Respondent was disciplined for permitting an unlicensed person to transfer prescribed drugs to at least six different patients, without consultation being provided by a licensed pharmacist.

4. On or about June 8, 2010, CVS Pharmacy installed a CCTV security system at their pharmacy located at 240 E. Hampton Rd., Whitefish Bay, Wisconsin. A review of the security system's video footage showed that Respondent on several occasions had removed several tablets from pharmacy stock and had concealed them in his pharmacy lab coat pocket.

5. On or about June 23, 2010, the Department of Regulation and Licensing received notification of theft or significant loss of schedule II controlled substances from the CVS Pharmacy in Whitefish Bay.

6. On or about June 23, 2010, A CVS Pharmacy Regional Loss Prevention Manager interviewed Respondent on suspicion of the theft of schedule II controlled substances from the CVS Pharmacy in Whitefish Bay. Respondent admitted that he had to diverting drugs from the pharmacy for 4-5 years, totaling about 1,500 tablets of Butabital/BAC, 300 tablets of hydrocodone/APAP 5/500, and 12 tablets of Certirizine, with a total estimated retail cost of approximately \$655.83. Respondent's attorney stated that Respondent stole and the used the drugs to self-medicate himself.

7. On September 23, 2010, Respondent pled No Contest to and was convicted of one count of possessing or illegally obtaining a prescription without a valid prescription order, a violation of Wis. Stats. § 450.11(7)(h). Respondent was Ordered to pay a forfeiture of \$500.00, and to pay Restitution in the amount of \$655.83.

8. Respondent has retired from the practice of pharmacy and tendered the surrender of the license previously granted to him.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. 450.11 and is authorized to enter into the attached Stipulations and Order, pursuant to Wis. Stat. § 227.44(5).

2. Respondent's conduct of obtaining a drug other than in legitimate practice constitutes a violation of Wis. Admin. Code. § PHAR 10.03(1) and subjects Respondent to discipline pursuant to Wis. Stat. § 450.10(1).

ORDER

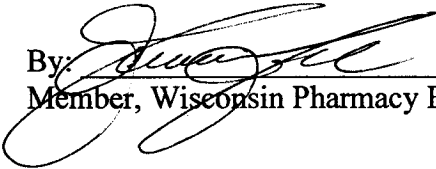
1. The Board accepts the surrender of the licensee previously granted to Ronald G. Berg, R.Ph. (license # 7933-40).

2. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of Three Hundred Thirty-Two dollars (\$332.00). Payment 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

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

WISCONSIN PHARMACY EXAMINING BOARD

By: 
Member, Wisconsin Pharmacy Examining Board

Date: 4/6/11