

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
: :
THOMAS E. BARNES, R.PH., :
RESPONDENT. : ORDER 0001107

[Division of Enforcement Case # 11 PHM 002]

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

Thomas E. Barnes, R.Ph.
300 Germaine Drive
Saint Johns, MI 48879

Division of Enforcement
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Pharmacy Examining Board
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

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 this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Thomas E. Barnes, R.Ph., ("Respondent"), date of birth April 23, 1951, is licensed and currently registered by the Wisconsin Pharmacy Examining Board to practice as a registered pharmacist in the state of Wisconsin, pursuant to license number 13227-40, which was first granted on May 18, 2000.

2. Respondent's last address reported to the Department of Safety and Professional Services is 300 Germaine Drive, Saint Johns, MI 48879.

3. On November 17, 2010, the Michigan Board of Pharmacy (Michigan Board) summarily suspended Respondent's license to practice as a registered pharmacist for the diversion of narcotic for personal use. The Michigan Board stayed the suspension in lieu of a period of probation for four years.

4. The Respondent is currently in compliance with the Michigan Order and resides in Michigan.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 450.10 and has authority to enter into the stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by administering, dispensing, supplying or obtaining a drug other than in legitimate practice, as described above, constitutes a violation of Wis. Admin. Code § Phar 10.03(1).

3. Respondent, by having had disciplinary action taken against his Michigan license to practice as a registered pharmacist by the Michigan Board, has committed unprofessional conduct as defined by Wis. Admin. Code § Phar. 10.03(17).

ORDER

IT IS HEREBY ORDERED that:

1. The Board accepts the **VOLUNTARY SURRENDER** of Respondent's license to practice as a registered pharmacist in the state of Wisconsin, pursuant to license number 13227-40.

2. Respondent may petition the Board for reinstatement, however, the Board retains sole discretion of whether or not to grant Respondent licensure to practice as a registered pharmacist in the future and to impose conditions or limitations as the Board deems appropriate.

3. If, under these terms, Respondent seeks reinstatement of his license to practice as a registered pharmacist in the State of Wisconsin, the Board shall not grant licensure unless and until Respondent first, pursuant to Wis. Stat. § 440.22(3), pays the costs of the Division's investigation, to-wit \$400.00.

4. This Order shall become effective on the date of its signing.

WISCONSIN PHARMACY EXAMINING BOARD

By:  _____
A Member of the Board

9/14/11
Date