

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	<b>AMENDED</b>
DARREL L. BROWN, R.PH.	:	FINAL DECISION AND ORDER
RESPONDENT.	:	<u>ORDER 0000500</u>
	:	

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[Division of Enforcement Case # 08 PHM 002]

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

Darrel L. Brown, R.Ph.  
6124 Overlook Drive  
McFarland, WI 53558

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

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

PROCEDURAL HISTORY

The Pharmacy Examining Board issued a Final Decision and Order in this case on October 27, 2010, as Order 0000500. Thereafter, the Board was alerted to an imprecision and inaccuracy in the description of the violation. The Board therefore re-opened the case. The parties in this matter agree to the terms and conditions of the attached Stipulation as the amended 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. Darrel L. Brown, R.Ph. ("Respondent") was born on August 11, 1948, and is licensed to practice as a pharmacist in the state of Wisconsin pursuant to license number 8331-40. This license was first granted on June 22, 1972.

2. Respondent's most recent address on file with the Wisconsin Department of Regulation and Licensing is 6124 Overlook Drive, McFarland, WI 53558

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

4. Respondent received a faxed copy of a new electronic prescription for hydrocodone-acetaminophen, 10/325 mg., #16, on February 1, 2008, and a faxed copy of a second, new, electronic prescription for hydrocodone-acetaminophen, 10/325 mg., #180, on February 5, 2008. Neither new prescription carried the handwritten signature of the prescribing physician. Respondent filled and dispensed each of the prescriptions.

5. A faxed copy of an electronic prescription order is the same as a faxed written prescription order under Wis. Admin Code Phar § 7.08(1). A faxed written prescription order requires a written practitioner's signature in order to be a valid prescription order under Wis. Admin Code Phar § 8.12. A pharmacist may only dispense a prescription pursuant to a valid prescription order under Wis. Stats. § 450.11(1).

6. Respondent has fully complied with the terms of Order 0000500 previously issued in this case.

## 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 accepting and dispensing a prescription based upon an invalid prescription order as described in paragraph(s) 4, and 5, above, constitutes a violation of Wis. Admin. Code § Phar 10.03(2).

## ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. This Amended Final Decision and Order be published in accordance with the Department's standard procedures, as a correction only, and not as discipline of any kind.

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

Wisconsin Pharmacy Examining Board

By: Sharon C. Weber  
A Member of the Board

9/12/12  
Date