

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
	:	
DAVID L. EICHSTAEDT, R.PH.,	:	
RESPONDENT.	:	ORDER 0001355

Division of Enforcement Case # 10 PHM 033

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

David L. Eichstaedt, R.Ph.
224 N Lake Road
Oconomowoc, WI 53066

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
Division of Enforcement
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 (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. David L. Eichstaedt, R.Ph., ("Respondent") was born on April 29, 1960 and is licensed to practice as a pharmacist in the State of Wisconsin (license #10506-40). This license was first granted on May 30, 1984.

2. Respondent's most recent address on file with the Wisconsin Pharmacy Examining Board is 224 N. Lake Road, Oconomowoc, Wisconsin.

3. At all times relevant, Respondent was the Managing Pharmacist, owner and operator of the Prescription Center Pharmacy, located in Oconomowoc, Wisconsin. Respondent was responsible for dispensing, verifying and consultations for all the prescription orders filled by Prescription Center Pharmacy.

4. On November 25, 2009, Respondent received an order for Client D.G. for Ciproflaxin, an antibiotic. Respondent mistakenly filled this order with Cyclobenzaprine, a muscle relaxant. The error was caught and corrected prior to the order leaving the pharmacy.

5. On May 3, 2010, Respondent received an order for Client D.G. for Furosemide and Alprazolam. Client D.G. was given the correct medication but incorrect dosage. Client D.G. was given 80 mg of Furosemide instead of the prescribed 40 mg, and 0.5 mg of Alprazolam instead of the prescribed 0.25 mg.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction over this matter and authority to take disciplinary action against the Respondent pursuant to Wis. Stat. § 450.10(1), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. The conduct described above constitutes unprofessional conduct as defined by Wis. Admin. Code § Phar 10.03(2) and subjects Respondent to discipline pursuant to Wis. Stat. § 450.10(1)(b)1.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. David L. Eichstaedt, R.Ph., (License #10506-40) is **REPRIMANDED**.

IT IS FURTHER ORDERED that:

2. Respondent shall, within ninety (90) days from the date of this Order, pay forfeiture in the amount of ONE THOUSAND DOLLARS (\$1,000.00). The payment shall be made payable to the Wisconsin Department of Safety and Professional Services and mailed to the Department Monitor at the address below.

3. Respondent shall, within ninety (90) days from the date for this Order, pay costs of this proceeding in the amount of FOUR HUNDRED DOLLARS (\$400.00). The payment shall be made payable to the Wisconsin Department of Safety and Professional Services and mailed to:

Department Monitor
Division of Enforcement
Department of Safety and Professional Services
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 forfeiture or costs as set forth above, the Respondent's license (#10506-40) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has paid forfeiture and costs.

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

PHARMACY EXAMINING BOARD

By: Gregory C. Luecke
A member of the Board

2/9/12
Date