

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

JEFF M. STAUFFACHER, R.PH.
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0001472

[Division of Enforcement Case #10 PHM 020]

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

Jeff Stauffacher, R.Ph.
18100 County Road C
Mineral Point, WI 53565

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

PROCEDURAL HISTORY

The Division of Enforcement filed a Complaint in this matter on October 20, 2011. Respondent, represented by attorney Hal Harlowe, Hal Harlowe and Associates, filed an Answer on November 9, 2011. Administrative Law Judge Jennifer Nashold of the Department of Administration, Division of Hearings and Appeals, presided over a prehearing conference on January 11, 2012, and issued a scheduling order that day. 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. Jeff M. Stauffacher, R.Ph., ("Respondent") was born on July 27, 1973, and is licensed to practice pharmacy in the state of Wisconsin, pursuant to license number 12559-40. This license was first granted on August 23, 1996.
2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services is 18100 County Road C, Mineral Point, WI 53565.
3. At all times relevant to this proceeding, Respondent worked as a registered pharmacist at Wal-Mart Pharmacy in Monroe, Wisconsin.
4. On April 22, 2010, Respondent was terminated from Wal-Mart Pharmacy in Monroe, Wisconsin for gross misconduct related to cash theft and for violating Wal-Mart's standard of integrity.
5. Respondent admitted to stealing approximately \$20,000.00 over the past two (2) years by processing numerous fraudulent cash refunds for prescriptions and keeping the cash. Respondent further admitted to falsifying patient records to obtain the fraudulent prescription refunds.
6. Respondent neither admits nor denies the allegations in the Complaint and these Findings of Fact but enters into the accompanying Stipulation and this resolution to avoid the costs and uncertainties of litigation.

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 obtaining compensation by fraud or deceit and falsifying patient records, as described in paragraph 5 above, constitutes a violation of Wis. Stat. § 450.10(1)(a)7 and Wis. Admin. Code § Phar 10.03(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license of Jeff M. Stauffacher, R.Ph., to practice as a pharmacist in the State of Wisconsin is SUSPENDED for a period of one year, effective the date of this Order.
2. Respondent shall, within ninety (90) days from the date of this Order, pay COSTS of this proceeding in the amount of One Thousand Five Hundred (\$1,500.00) dollars.

3. All requests, notice, payments required by this Order shall be made payable to the Wisconsin Department of Safety and Professional Services, and mailed, faxed or delivered 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 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 costs or payment of the forfeiture as ordered, as set forth above, the Respondent's license (#12559-40) 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 costs or forfeiture.

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

Wisconsin Pharmacy Examining Board

By: *Gregory C. Webb*
A Member of the Board

 4/4/12
Date