

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
	:	
JAMES P. HANEY, R.PH.,	:	DHA case SPS 12-0028
RESPONDENT.	:	ORDER 0001948

Division of Enforcement Case # 10 PHM 061

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

James P. Haney, R. Ph.
N9507 Beulah Meadows Road
Mukwonago WI 53149

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

PROCEDURAL HISTORY

The Division of Enforcement commenced this proceeding by filing a formal complaint on April 3, 2012. Respondent James P. Haney, R.Ph., filed an Answer on April 12, 2012. Administrative Law Judge Jennifer Nashold presided at a prehearing conference on May 7, 2012, and a hearing was scheduled for July 2, 2012. The parties have reached a stipulated resolution and presented it to the Pharmacy Examining Board for its consideration.

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

FINDINGS OF FACT

1. James P. Haney, ("Respondent") was born on March 3, 1972, and was at all times relevant to this proceeding duly licensed under the provisions of Chapter 450, Wis. Stats., to practice as a registered pharmacist in the State of Wisconsin, under license number 13310-40. This license was granted on August 30, 2000.
2. Respondent's last address reported to the Department of Safety and Professional Services is N9507 Beulah Meadows Road, Mukwonago, Wisconsin 53149.
3. At the time of the events set out below, Respondent was employed as a registered pharmacist with Aurora Pharmacy in Hartland, Wisconsin.
4. On November 12, 2010, the Hartland Police Department was notified by Aurora Pharmacy that Respondent had been diverting medication.
5. Respondent admits that he stole two hundred forty tablets of Oxandrolone, 10mg., and asserts that he was self-medicating for self-diagnosed hypogonadism.
6. Aurora Pharmacy management terminated Respondent for theft on November 10, 2010.

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. Respondent's conduct in obtaining any drug other than through legitimate practice, as set forth in paragraph 4 above, constitutes unprofessional conduct pursuant to Wis. Adm. Code § PHM 10.03(1).

ORDER

IT IS ORDERED that

1. The license previously issued to James P. Haney, R.Ph., is SUSPENDED for a period of three months.

IT IS FURTHER ORDERED, effective the date of this Order:

2. Respondent shall, within ninety (90) days from the date of this Order, pay to the Department of Safety and Professional Services costs of this proceeding in the amount of One Thousand Nine Hundred Seventy-Five Dollars (\$1,975.00) pursuant

to Wis. Stat. § 440.22(2). Payment can be made out to the Department of Safety and Professional Services, and sent to:

Department Monitor
Department of Safety and Professional Services
Division of Enforcement
1400 E. Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

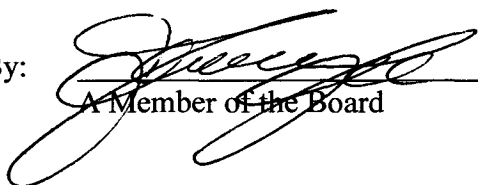
3. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as set forth above, the Respondent's license (#13310-040) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

This Order is effective on the date of its signing.

Dated at Madison, Wisconsin this 25th day of July, 2012.

PHARMACY EXAMINING BOARD

By:


A Member of the Board

Date:

7/25/12