

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

| | | |
|-------------------------------|---|--------------------------|
| IN THE MATTER OF DISCIPLINARY | : | |
| PROCEEDINGS AGAINST | : | |
| | : | FINAL DECISION AND ORDER |
| NEW ENGLAND COMPOUNDING | : | |
| PHARMACY, INC., | : | |
| RESPONDENT. | : | ORDER 0002115 |

Division of Legal Services and Compliance¹ Case No. 12 PHM 059

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

New England Compounding Pharmacy, Inc.
697 Waverly Street
Framingham, MA 01702

Pharmacy Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Division of Legal Services and Compliance
Department of Safety and Professional Services
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 disposition 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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent New England Compounding Pharmacy, Inc. is licensed in the State of Wisconsin as an out-of-state pharmacy, having license number 43-239 issued on July 13, 2007, and current through May 31, 2014. Respondent's most recent address on file with the Wisconsin

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

Department of Safety and Professional Services (Department) is 697 Waverly Street, Framingham, MA 01702.

2. Respondent operates in Wisconsin under its corporation name, New England Compounding Pharmacy, Inc., and does business under the name New England Compounding Center, (NECC), a facility licensed by the Massachusetts Board of Registration in Pharmacy.

3. On or about October 3, 2012, Respondent voluntarily surrendered its pharmacy license in its home state of Massachusetts based upon an inspection of Respondent's facility on October 2, 2012, that concerned the sterility of certain drug products compounded and dispensed by the Pharmacy; specifically methylprednisolone acetate. The Voluntary Surrender Agreement entered into by Respondent and the Commonwealth of Massachusetts Board of Registration in Pharmacy is attached and incorporated herein by reference.

4. As it is no longer licensed in the Commonwealth of Massachusetts, the state in which it is located, the Respondent is not eligible for licensure as an out-of-state pharmacy in the State of Wisconsin, pursuant to Wis. Stat. § 450.065(2)(c).

5. As a result, Respondent has voluntarily tendered the surrender of its license to practice as an out-of-state pharmacy in the state of Wisconsin.

6. By entering into this Agreement, Respondent understands and agrees that the decision to enter into this Agreement is a final act and is not subject to reconsideration or judicial review.

7. This Order shall in no event be construed as or deemed to be evidence of or an admission on the part of the Respondent and shall not be construed as an admission of the truth of any fact set forth above, and further, if this matter were to proceed to a hearing, Respondent would deny any wrongdoing. Respondent has stipulated to this order solely for the purpose of avoiding the expense and anxiety of a protracted hearing process.

8. Respondent concedes that this document is legally sufficient to support the following order.

9. Respondent shall not reapply for a license to practice as an out-of-state pharmacy in the state of Wisconsin.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 450.10(1) and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.
2. The SURRENDER of Respondent New England Compounding Pharmacy, Inc.'s license (number 43-239) to practice as an out-of-state pharmacy in Wisconsin is accepted.
3. In the event that Respondent applies for licensure in the future, the Department of Safety and Professional Services shall not process the application and the Board may enter an order denying such application without further notice or hearing.
4. This Order is effective on the date of its signing.

WISCONSIN PHARMACY EXAMINING BOARD

by: 
A Member of the Board

10-31-12
Date