

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
RESTORE HEALTH PHARMACY, LLC.,	:	
RESPONDENT.	:	
		ORDER 0002212

Division of Legal Services and Compliance¹ Case No. 12 PHM 038

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

Restore Health Pharmacy, LLC
1289 Deming Way
Madison, WI 53717

Wisconsin 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 Wisconsin 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 Restore Health Pharmacy, LLC, is licensed in the State of Wisconsin as a pharmacy, having license number 9070-42, first issued on May 1, 2011 and current through May 31, 2014. Restore Health Pharmacy's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1289 Deming Way, Madison, WI 53717.

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

2. On July 5, 2012, the department received a complaint regarding Respondent's internet advertisement of the hormone human chorionic gonadotropin (hCG), which Respondent compounded and distributed in sublingual tablet form.

3. Respondent's marketing team created the advertisement and described the drug as appropriate for weight loss programs, and quoted the managing pharmacists as claiming that it could be absorbed directly into the bloodstream through buccal mucosa and was intended for use as an alternative to injectable hCG.

4. The molecular size of the hormone hCG prevents absorption into the bloodstream through a sublingual tablet.

5. Respondent's marketing team failed to seek prior approval from the managing pharmacist regarding the content of the advertisement or use of the pharmacist's name in the advertisement.

6. Upon receipt of the complaint Respondent's pharmacy staff and management met and responded by removing the announcement and all references to hCG from the company website and newswire service.

7. In addition to the advertisement and order forms for hCG, Respondent's website contained pre-printed prescription order blanks for other hormone compounds which listed the pharmacy's telephone number, fax number and email address.

8. After notification of the restriction on use of pre-printed prescription forms, Respondent has removed the forms from the pharmacy website and indicated they do not intend to make prescription blanks available on the internet in the future.

9. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

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 pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Restore Health Pharmacy, LLC, violated Wis. Admin. Code § Pharm 10.03 (11) by engaging false, misleading and deceptive advertising.

3. By the conduct described in the Findings of Fact, Restore Health Pharmacy, LLC, violated Wis. Admin. Code § Pharm 10.03 (15) by furnishing a prescriber with any prescription order blanks imprinted with the name of specific pharmacist or pharmacy.

4. As a result of the above violations, Restore Health Pharmacy, LLC, is subject to discipline pursuant to Wis. Stat. § 450.10(1)(b)1.

ORDER

1. The attached Stipulation is accepted.
2. Respondent Restore Health Pharmacy, LLC, is REPRIMANDED.

IT IS FURTHER ORDERED that the license of Respondent Restore Health Pharmacy, LLC, is hereby LIMITED, to wit: Respondent shall not make prescription blank forms available on the internet.

3. Within 90 days from the date of this Order, Restore Health Pharmacy, LLC, shall pay a FORFEITURE in the amount of \$1,000.00 and COSTS of this matter in the amount of \$1,000.00.

4. Payment of forfeiture and costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. 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 and costs as ordered, Respondent's license (no. 9070-42) 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 forfeiture and costs.

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

WISCONSIN PHARMACY EXAMINING BOARD

by: 
A Member of the Board

12/12/12
Date