

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
: **FINAL DECISION AND ORDER**
ANDREW P. RICE, R.PH., :
RESPONDENT. : **ORDER 0002831**

Division of Legal Services and Compliance¹ Case No. 12 PHM 075

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

Andrew P. Rice, R.Ph.
574 West 4th St.
New Richmond, WI 54017-1508

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 (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 Andrew P. Rice, R.Ph. (DOB May 25, 1955) is licensed in the State of Wisconsin as a registered pharmacist, having license number 9594-40, first issued on June 13, 1979 and current through May 31, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 574 West 4th Street, New Richmond, Wisconsin 54017-1508.

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

2. On November 9, 1999, in file 99 PHM 041, Respondent was placed on a 5 year impairment order for dispensing Fiorinal® to a patient without a prescription, and for using oxycodone, meperidine, codeine and morphine, all of which are controlled substances, without a valid prescription for 6 years prior to being caught. His unlimited license was restored on October 19, 2005.

3. On November 16, 2012, Respondent admitted to stealing 30 ondansetron on the evening of November 15, 2012 from his employing pharmacy, for his wife who was suffering from a migraine. Respondent also admitted to taking 12 potassium pills, 12 ibuprofen pills, and 30 anti-gas pills, 30 antacid pills, 6-10 tramadol pills, 3 pills containing hydrocodone (and which were schedule III controlled substances), 1 naproxen pills, and 12 meloxicam pills. Respondent was discharged from employment.

4. Respondent represents to the Board that he voluntarily did not practice pharmacy during the investigation of this matter, between February 1, 2013, and October 25, 2013.

5. 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(1), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Andrew P. Rice, R.Ph., engaged in unprofessional conduct by violating Wis. Admin. Code § Phar 10.03(1) by obtaining a drug other than in legitimate practice, or as prohibited by law.

3. Andrew P. Rice, R.Ph., engaged in unprofessional conduct by violating Wis. Stat. § 450.10(1)(a)2., by violating a law, Wis. Stat. § 943.20(1)(a), which substantially relates to the practice of pharmacy.

4. As a result of the above violations, Andrew P. Rice, R.Ph. is subject to discipline pursuant to Wis. Stat. § 450.10(1)(b)1.

ORDER

1. The attached Stipulation is accepted.

2. Respondent Andrew P. Rice, R.Ph. is REPRIMANDED.

3. The license issued to Respondent Andrew P. Rice, R.Ph. to practice as a registered pharmacist in the State of Wisconsin (license number 9594-40) is SUSPENDED for 3 months, effective February 1, 2013.

4. The pharmacist license issued to Andrew P. Rice, R.Ph., (license number 9594-40) is LIMITED as follows:

- a. Within 6 months of the date of this Order, Respondent shall successfully complete a course in ethics of health care practice offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses. The following courses are preapproved, and any other course proposed by Respondent shall be the substantial equivalent of these:
 - The ProBE Program (Professional/Problem-Based Ethics), offered by the Center for Personalized Education for Physicians, Denver, Colorado.
 - Professional Renewal in Medicine [Through] Ethics (PRiME), offered by the Robert Wood Johnson Medical School, Newark, New Jersey.
- b. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
- c. This limitation shall be removed from Respondent's license and Respondent will be granted a full, unrestricted license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

5. Within 90 days from the date of this Order, Andrew P. Rice, R.Ph., shall pay COSTS of this matter in the amount of \$375.00.

6. Request of approval of a course not listed above, proof of successful course completion and payment of forfeiture and costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent 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

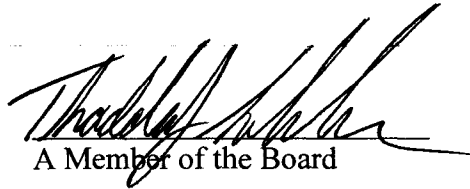
7. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose

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 or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 9594-40) 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 and completion of the education.

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

WISCONSIN PHARMACY EXAMINING BOARD

by:


A Member of the Board

Date

12/11/13

akt

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ANDREW P. RICE, R.PH.,
RESPONDENT.

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:
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:
:

STIPULATION

ORDER 0002831

Division of Legal Services and Compliance¹ Case No. 12 PHM 075

Respondent Andrew P. Rice, R.Ph., and the Division of Legal Services and Compliance,
Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the
Division of Legal Services and Compliance. Respondent consents to the resolution of this
investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily
and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has
the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by
subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral
arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution,
the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code,
and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has
been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by
the Wisconsin Pharmacy Examining Board (Board). The parties to the Stipulation consent to the
entry of the attached Final Decision and Order without further notice, pleading, appearance or
consent of the parties. Respondent waives all rights to any appeal of the Board's order, if
adopted in the form as attached.

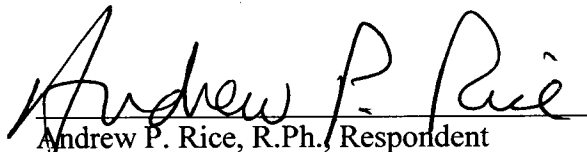
¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Andrew P. Rice, R.Ph., Respondent
574 Somerset Road
New Richmond, WI 54017
License no. 9594-40

11/05/2013
Date


Arthur Thexton, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 8935
Madison, WI 53708-8935

11/7/13
Date