

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

MEHRDAD HARIRI,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: 0003129
:

Division of Legal Services and Compliance Case No. 13 PHM 018

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

Mehrdad Hariri, R.Ph.
77 Cypress Lane
Maitland, FL 32751

Wisconsin Pharmacy Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 (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 Mehrdad Hariri, R.Ph., (dob January 1, 1961), is licensed in the state of Wisconsin to practice pharmacy, having license number 16336-40, first issued on June 27, 2011, and current through May 31, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 77 Cypress Lane, Maitland, Florida 32751.

2. At all times relevant to this matter, Respondent was the Pharmacy Department Manager at MCS Enterprises, Inc., doing business as The Medicine Shoppe Pharmacy, located in Winter Park, Florida.

3. On or about October 31, 2012, an administrative complaint was filed with the State of Florida Board of Pharmacy, Case No. 2011-18154, charging Respondent with failure to ensure the security of the prescription department of his employment, resulting in the theft or loss of approximately 96,338 oxycodone HCL 30 mg tablets.

4. On or about January 8, 2013, Respondent voluntarily executed a Settlement Agreement with the State of Florida Department of Health for the purpose of avoiding further administrative action in Case No. 2011-18154.

5. On February 25, 2013, in Case No. 2011-18154, the Florida Board of Pharmacy issued a "Final Order Imposing Discipline" against Respondent based on the undisputed facts alleged in the Administrative Complaint referenced in paragraph 3. The discipline imposed was an administrative fine of \$5,000.00, court costs of \$877.95, twelve (12) credit hours of continuing education on the subject of laws and rules, and a five (5) year probation program.

6. In resolution of this matter, Respondent agrees that there are facts sufficient to justify the Conclusions of Law and Order below, and 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, Mehrdad Hariri, R.Ph. violated Wis. Admin. Code § Phar 10.03(17) by being subject to disciplinary action by the State of Florida Board of Pharmacy.

3. Pursuant to Wis. Stat. § 961.16(2)(a)11., oxycodone is a schedule II controlled substance for which, under the circumstances at issue, a prescription is required pursuant to Wis. Stat. § 961.38(2).

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

ORDER

1. The attached Stipulation is accepted.

2. Respondent Mehrdad Hariri, R.Ph. is REPRIMANDED.

3. The license to practice pharmacy in the State of Wisconsin of Respondent Mehrdad Hariri, R.Ph. is hereby LIMITED as follows:

- a. Respondent shall fully comply with, and satisfactorily compete, the probationary period and other requirements of the State of Florida Board of Pharmacy's order described in Finding of Facts, paragraph 3.

- b. Respondent shall provide the Wisconsin Pharmacy Examining Board with a copy of any document issued by the Florida Board of Pharmacy which alters the conditions of his continued practice of pharmacy in the State of Florida, including any document advising reinstatement of full licensure.
- c. This limitation shall be removed upon Respondent providing proof satisfactory to the Board or its designee that Respondent has satisfied the terms of the Florida order, and that Respondent has an unlimited license to practice pharmacy in the State of Florida.
- d. Respondent shall notify the Board or its designee if Respondent engages in the practice of pharmacy in Wisconsin. Such notification shall be made at least 30 days before Respondent commences practice in Wisconsin.

4. Within 90 days from the date of this Order, Mehrdad Hariri, R.Ph. shall pay COSTS of this matter in the amount of \$339.00.

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

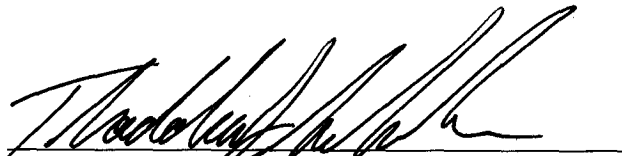
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. 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. 16336-40) 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 forfeiture and costs.

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

WISCONSIN PHARMACY EXAMINING BOARD

by:


A Member of the Board

3/26/14
Date

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MEHRDAD HARIRI,
RESPONDENT.

:
:
:
:
:

STIPULATION

0003129

Division of Legal Services and Compliance¹ Case No. 13 PHM 018

Respondent Mehrdad Hariri, 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.

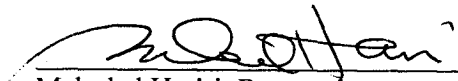
¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

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.

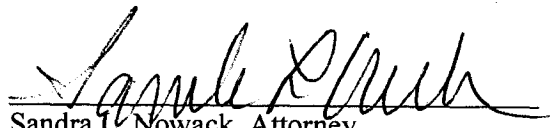
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.


Mehrdad Hariri, Respondent
77 Cypress Lane
Maitland, FL 32751
License no. 16336-40

2/5/14
Date


Sandra L. Nowack, Attorney
Division of Legal Services and Compliance
P.O. Box 8935
Madison, WI 53708-8935

2/11/14
Date