

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE APPLICATION
FOR LICENSURE OF

JAY H. SILVER, R.PH.,
APPLICANT.

:
:
:
:
:
:

ORDER GRANTING LICENSE
WITH LIMITATIONS

ORDER NO. **0003173**

TO: Jay H. Silver, R.Ph.
2465 Waterbury Lane
Buffalo Grove, IL 60089

Department Monitor
Division of Legal Services and Compliance
1400 E. Washington Avenue
PO Box 7190
Madison, WI 53707-7190

Pharmacy Examining Board
Department of Safety and Professional Services
PO Box 8366
1400 E. Washington Avenue
Madison, WI 53708-8366

BACKGROUND

Jay Silver applied for licensure as a Pharmacist in Wisconsin with a completed application date of February 24, 2014. Mr. Silver is currently licensed in Illinois as a Pharmacist. In 1988, the Illinois State Board of Pharmacy, via the Illinois Department of Professional Regulation issued an Order suspending Mr. Silver's Pharmacist license for 30 days, followed by probation with terms and conditions for two (2) years. The discipline in Illinois was the result of negligent, faulty record-keeping by Mr. Silver resulting in shortages of a variety of controlled substances. Mr. Silver admitted to the allegations contained in the Order. Mr. Silver's conduct qualifies as unprofessional conduct pursuant to Wis. Stat. § 450.10(1), Wis. Admin. Code § Phar 8.02, and Wis. Admin. Code § Phar 10.03(2).

JURISDICTION

Wisconsin Stat. § 450.05 allows the Wisconsin Pharmacy Examining Board (Board) to deny a license as a pharmacist to any person whose license to practice pharmacy in another state has been suspended. Wisconsin Stat. § 450.10(1)(b) allows the Board to limit the license of any person licensed as a pharmacist in Wisconsin if that person has engaged in unprofessional conduct.

ORDER

IT IS ORDERED that Mr. Silver's application for license to practice Pharmacy is GRANTED subject to the following conditions. First, Mr. Silver must complete (if not already completed) the proper application materials as required by the Department as well as submit payment of any outstanding fee necessary to complete the processing of his application. Second, Mr. Silver shall successfully complete and pass the MPJE exam which exam shall be taken by Mr. Silver no earlier than the date of this ORDER. Once such conditions are met, Mr. Silver shall be granted a license to practice Pharmacy which license is subject to the following limitations:

Practice Limitations – PHARMACIST

- A.1. Jay Silver (Licensee) shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to supervisory personnel (including the managing pharmacist) at all pharmacies where Licensee is engaged in the practice of pharmacy as defined at Wis. Stat. § 450.01(16).
- A.2. It is Licensee's responsibility to arrange for written reports from supervisors to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Licensee's work performance, and shall include the number of hours of active pharmacist practice worked during that quarter. If a report indicates poor performance, the Board may institute appropriate corrective limitations.
- A.3. Licensee shall obtain agreement from his managing pharmacist to monitor Licensee's access to and accountability for handling of controlled substances and other abusable prescription drugs in order to reasonably detect loss, diversion, tampering, or discrepancy relating to controlled substances and other abusable prescription drugs. Licensee's supervisor shall include in the quarterly reports a description of Licensee's access to controlled substances and other abusable drugs and the monitoring thereof. Any loss, diversion, tampering, or discrepancy shall be immediately reported to the Board.
- A.4. In addition to the foregoing subparagraph, Licensee shall obtain from his supervising pharmacist an agreement to conduct a full and exact (not estimated) count of all controlled substances in inventory immediately, and accountability audits of all controlled substances every six months for the duration of this Order. The audit shall be conducted by and certified by a licensed pharmacist other than Licensee, who shall be approved by the Board. A summary of all audits required under this subparagraph shall be included in the quarterly report following the audit; however, any discrepancy or missing drugs indicated by the audits shall be immediately reported in writing to the Board.
- A.5. Licensee shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

Department Monitor

- B.1. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

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

Required Reporting by Licensee

- B.2. Licensee is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Licensee shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this Order by Licensee.
- B3. Every three (3) months the Licensee shall notify the Department Monitor of the Licensee's compliance with the terms and conditions of the Order, and shall provide the Department Monitor with a current address and home telephone number.

Petitions for Modification of Limitations or Termination of Order

- B.4. Licensee may petition the Board for termination of this Order anytime after two (2) years from the date of the Order. However, no petition for termination shall be considered without a showing of continuous, successful compliance with the terms of the Order, for at least two (2) years.

Costs of Compliance

- B.5. Licensee shall be responsible for all costs and expenses incurred in conjunction with the compliance with the terms of this Order.

Additional Discipline

- B.6. In addition to any other action authorized by this Order or law, violation of any term of this Order may be the basis for a separate disciplinary action pursuant to Wis. Stat. § 450.10.

This Order is effective the date of its signing.

WISCONSIN PHARMACY EXAMINING BOARD

By: Thaddeus J. Schumacher
Thaddeus J. Schumacher, R.Ph.
Chairperson

4/24/14
Date