

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

ABRAMS ROYAL PHARMACY, INC.

RESPONDENT.

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FINAL DECISION AND ORDER

0003250

Division of Legal Services and Compliance Case No. 14 PHM 003

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

Abrams Royal Pharmacy, Inc.
8220 Abrams Road
Dallas, TX 75231

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. 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 Abrams Royal Pharmacy, Inc., is licensed in the state of Wisconsin as an out-of-state pharmacy, having license number 520-43 issued on January 5, 2010, and current through May 31, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 8220 Abrams Road Dallas, Texas 75231.

2. Respondent operates in Wisconsin under its corporation name, Abrams Royal Pharmacy, Inc., and does business under the name Abrams Royal Pharmacy, Inc., a facility licensed by the Texas State Board of Pharmacy (Texas Pharmacy License number 4651).

3. In a MedWatch report issued by the United States Food and Drugs Administration (FDA) on or about December 19, 2013, an adverse event associated with a medication produced by Respondent was identified. As a result of this incident, involving a patient in California, Respondent voluntarily recalled all unexpired lots of the sterile products in question which had been dispensed worldwide.

4. On February 24, 2014, Respondent informed the Department of its decision that it no longer wished to serve Wisconsin patients. 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.

5. Respondent concedes that this document is legally sufficient to support the following Order.

6. 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 Abrams Royal Pharmacy, Inc.'s license (number 520-43) to practice as an out-of-state pharmacy in Wisconsin and its right to renew that license is accepted.

3. In the event that Respondent applies for renewal of its license or 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.

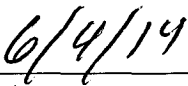
4. Respondent shall immediately return all indicia of Wisconsin licensure to the Department Monitor at the address below:

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

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

WISCONSIN PHARMACY EXAMINING BOARD

by: 
A Member of the Board


Date

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ABRAMS ROYAL PHARMACY, INC.,
RESPONDENT.

STIPULATION

0003250

Division of Legal Services and Compliance Case No. 14 PHM 003

Respondent Abrams Royal Pharmacy, Inc., 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. Respondent is represented by Deborah A. Pearce.

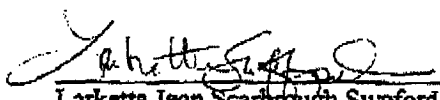
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Pharmacy Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent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

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.

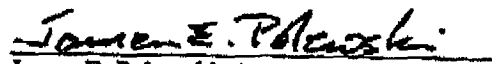
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Larketta Jean Scarborough Swoford, R.Ph.
Pharmacist in Charge
8220 Abrams Road
Dallas, TX 75231
License no. 520-43

3/21/14
Date


Deborah A. Pearce, Attorney for Respondent
Appellate Law Office of Deborah A. Pearce
141 Robert E. Lee Blvd.
New Orleans, LA 70124

3/21/14
Date


James E. Polewski, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

March 7, 2014
Date