

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
OK COMPOUNDING, LLC, :
RESPONDENT. : 0004042

Division of Legal Services and Compliance Case No. 14 PHM 073

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

OK Compounding, LLC
102 N Broadway
Skiatook, OK 74070

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 OK Compounding, LLC, is licensed by the State of Wisconsin as an out-of-state pharmacy, having license number 957-43, first issued on July 1, 2013 and current through May 31, 2016. Respondent has indicated it is no longer in business and the license is currently inactive. Respondent may reactivate the license any time before May 31, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 102 North Broadway, Skiatook, Oklahoma 74070.

2. On June 12, 2014, in Case No. 1268, the Oklahoma State Board of Pharmacy ordered Respondent's pharmacy to close for five days between June 12 and July 14, 2015, placed

Respondent on probation for three years (until April 16, 2017), and fined Respondent a total of \$523,200.00. Respondent admitted one violation of failing to certify all prescriptions, and neither admitted nor denied 40 other counts. Respondent was alleged, inter alia, to have practiced below the standard of minimal competence in compounding.

3. 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).

ORDER

1. The attached Stipulation is accepted.

2. The Wisconsin Pharmacy Examining Board accepts the permanent SURRENDER of the license issued to Respondent OK Compounding, LLC, license number 957-43, to practice as an out-of-state pharmacy in the state of Wisconsin.

3. Respondent OK Compounding is on notice that it may not function as an out-of-state pharmacy in the state of Wisconsin, nor may it hold itself out as one so licensed or otherwise authorized to practice pharmacy in this state.

4. This SURRENDER constitutes Respondent's permanent relinquishment of its right to renew its license to practice as an out-of-state pharmacy in the state of Wisconsin.

5. Respondent represents and warrants that it is no longer engaged in the practice of pharmacy and will not hold itself out as licensed in Wisconsin or display any indicia of Wisconsin licensure.

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

WISCONSIN PHARMACY EXAMINING BOARD

by: 
A Member of the Board 

6/3/15
Date

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

OK COMPOUNDING, LLC
RESPONDENT.

:
:
:
:
:

STIPULATION

0004042

Division of Legal Services and Compliance Case No. 14 PHM 073

Respondent OK Compounding, LLC and the Division of Legal Services and Compliance,
Department of Safety and Professional Services stipulate as follows:

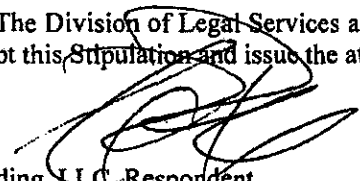
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives 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 the law firm of McAfee & Taft.
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.


OK Compounding, LLC, Respondent
102 N Broadway
Skiatook, OK 74070
License no. 957-43

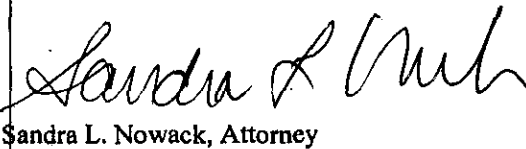
Date

5/4/15


Susan Walker, Attorney for Respondent
McAfee & Taft
1717 S. Boulder, Ste. 900
Tulsa, OK 74149

Date

5/4/15


Sandra L. Nowack, Attorney
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sandra.nowack@wisconsin.gov

Date

5/6/15