

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
COLLEGE PHARMACY,	:	
RESPONDENT.	:	

0004259

Division of Legal Services and Compliance Case No. 15 PHM 102

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

College Pharmacy
3505 Austin Bluffs Parkway #101
Colorado Springs, CO 80918

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 College Pharmacy is licensed in the state of Wisconsin as an out of state pharmacy, having license number 327-43, first granted on May 20, 2008 and current through May 31, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3505 Austin Bluffs Parkway #101, Colorado Springs, Colorado 80918.

2. Respondent is a mail service pharmacy licensed by Colorado State Board of Pharmacy.

3. On July 22, 2013, the Colorado State Board of Pharmacy issued a letter of admonition to Respondent.

4. The letter of admonition pertains to an occurrence on or around December 14, 2012 in which a high risk prescription drug "TOZZI Solution" was compounded at Respondent pharmacy. Respondent's testing reflected that a seven month beyond-use date was assigned to the drug; the formula worksheet for this same batch details a change to a 365 day beyond-use date based on the manufactured product.

5. Respondent contended that the compound drug itself, as opposed to the drug's formula worksheet, was labeled and dispensed in accordance with the proper beyond-use date.

6. On December 19, 2014, the Nebraska Department of Health and Human Services refused to renew Respondent's Nebraska license. The department cited two specific reasons for its refusal. The first was the Colorado admonishment and the second was prior disciplinary action against Respondent's license in Nebraska in February 2011.

7. In February 2011, the Nebraska Department of Health and Human Services assessed a \$5,000 civil penalty against Respondent because it delivered and dispensed 85 new prescriptions and 20 refills of prescriptions into Nebraska between January 2008 and March 2009. Respondent did not hold a mail service pharmacy license during that time.

8. In May 2015, the Nebraska Department of Health and Human Services and Respondent entered into an Agreed Settlement.

9. Respondent's mail service pharmacy license #652 was renewed in compliance with the Agreed Settlement.

10. 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. By the conduct described in the Findings of Fact, College Pharmacy committed unprofessional conduct as defined by Wis. Admin. Code § 10.03(17), by having a pharmacy license revoked or suspended in another state or United States jurisdiction or having been subject to other disciplinary action by the licensing authority thereof.

3. As a result of the above violations, College Pharmacy is subject to discipline pursuant to Wis. Stat. § 450.10(a)(2).

ORDER

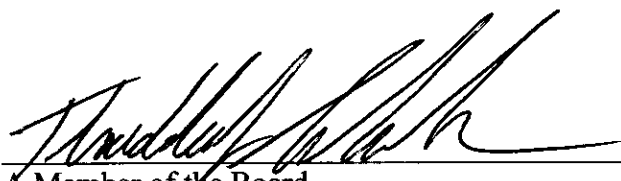
1. The attached Stipulation is accepted.
2. Respondent College Pharmacy is REPRIMANDED.
3. Within ninety (90) days from the date of this Order, College Pharmacy shall pay COSTS of this matter in the amount of \$100.00.
4. Payment of costs (made payable to the Wisconsin Department of Safety and Professional 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. 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 costs as ordered, Respondent's license (no. 327-43) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs.

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

WISCONSIN PHARMACY EXAMINING BOARD

by: 
A Member of the Board

9/23/15
Date

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

COLLEGE PHARMACY,
RESPONDENT.

:
:
:
:
:

STIPULATION

0004259

Division of Legal Services and Compliance Case No. 15 PHM 102

Respondent College Pharmacy 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). 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.

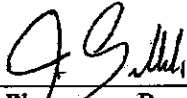
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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, 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.

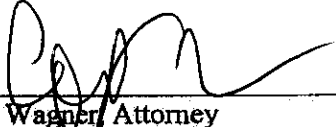
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



College Pharmacy, Respondent
3505 Austin Bluffs Parkway #101
Colorado Springs, CO 80918
License no. 327-43

8/13/15
Date



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

8/17/15
Date