

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
ROOD & RIDDLE VETERINARY PHARMACY, :
RESPONDENT. :

0004261

Division of Legal Services and Compliance Case No. 15 PHM 065

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

Rood and Riddle Veterinary Pharmacy
2150 Georgetown Road
Lexington, KY 40511

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 Rood and Riddle Veterinary Pharmacy is licensed in the state of Wisconsin as an out of state pharmacy, having license number 1022-43, first granted on October 8, 2013 and current through May 31, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2150 Georgetown Road, Lexington, Kentucky 40511.

2. On April 21, 2015, the Maine Board of Pharmacy and the Office of the Maine Attorney General entered into a Consent Agreement with the Respondent.

3. The Consent Agreement incorporates the following allegations:

- a. On September 23, 2013, the Board received Rood & Riddle initial application (change of location) for licensure as a Mail Order Pharmacy.
- b. On its pending application and on a Mail Order Pharmacy application dated December 2, 2011, Rood & Riddle and John Milam, Pharmacist in Charge, answered “No” when asked whether any jurisdiction had ever taken any disciplinary actions against a licensed issued to the PIC. However, Mr. Milam had been disciplined by the Kentucky Board of Pharmacy on September 15, 2000 for failing to complete continuing education requirements and on July 9, 2003 for practicing after the expiration of his license.
- c. Since submitting its pending Mail Order Pharmacy application, Rood & Riddle was disciplined by the Virginia Board of Pharmacy for shipping into Virginia after the expiration of Rood & Riddle’s license on October 21, 2013 and by the Colorado Board of Pharmacy for shipping into Colorado without patient specific prescription orders on October 25, 2013. Rood & Riddle did not disclose the disciplinary actions within ten days to the Board.
- d. Rood & Riddle moved to a new facility on September 9, 2013 and, between that date and December 31, 2013, shipped 15 prescriptions into Maine from the new facility that was not licensed at that time.
- e. At its meeting on January 8, 2015, the Board reviewed the above information and voted to deny Rood & Riddle’s application for licensure as Mail Order Pharmacy. In lieu of the denial, the Board also voted to offer Rood & Riddle this Consent Agreement.

4. Respondent agreed to the Maine Board of Pharmacy Consent Agreement terms and conditions as follows:

- a. Respondent is Reprimanded; and
- b. Respondent shall pay a Civil Penalty in the amount of two thousand dollars (\$2,000.00).

5. 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, Respondent violated Wis. Admin. Code § Phar 10.03(17), by having a pharmacist license subject to disciplinary action by the licensing authority.
3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § Phar 10.03(19), by practicing without a license.
4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 450.10(1)(a)2.

ORDER

1. The attached Stipulation is accepted.
2. Respondent Rood and Riddle Veterinary Pharmacy is REPRIMANDED.
3. Within ninety (90) days from the date of this Order, RESPONDENT shall pay a FORFEITURE of \$500.00 and 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

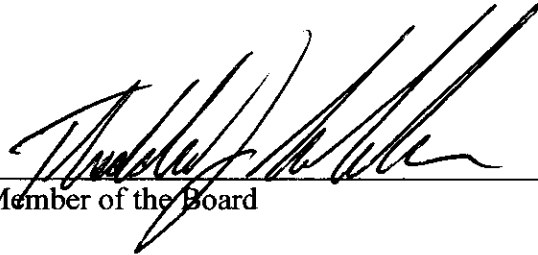
5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of costs as ordered or fails to

submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 1022-43) 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 :

ROOD & RIDDLE VETERINARY PHARMACY, :
RESPONDENT. :

STIPULATION

0004261

Division of Legal Services and Compliance Case No. 15 PHM 065

Respondent Rood & Riddle Veterinary 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.

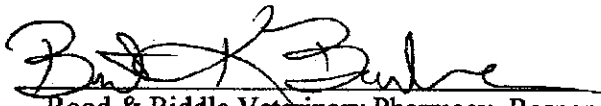
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.


Brent K. Burbe
Rood & Riddle Veterinary Pharmacy, Respondent
2150 Georgetown Road
Lexington, KY 40511
License no. 1022-43

8/3/15
Date


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

8/10/15
Date