

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
MEDICAL PARK PHARMACY, :
RESPONDENT. : **0004463**

Division of Legal Services and Compliance Case No. 14 PHM 109

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

Medical Park Pharmacy
7920 Elmbrook Drive, Suite 108
Dallas, TX 75247

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 Medical Park Pharmacy is licensed in the state of Wisconsin as an out of state pharmacy, having license number 478-43, first granted on July 20, 2009 and current through May 31, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 7920 Elmbrook Drive, Suite 108, Dallas, Texas 75247.

2. On March 18, 2014, the Department of Safety and Professional Services sent a letter from the Chairperson of the Wisconsin Pharmacy Examining Board to the managing pharmacist of Medical Park Pharmacy. The letter noted that the pharmacy appeared not to be

submitting dispensing data to the Prescription Drug Monitoring Program (PDMP) as required by law, and provided options for Respondent to come into compliance.

3. On August 21, 2015, Department staff contacted the Respondent asking for an explanation of Respondent's failure to comply with PDMP requirements. Respondent did not reply to that request.

4. On November 9, 2015, the Department sent another letter regarding not complying with the PDMP requirements and not responding to the Departments' requests.

5. On November 23, 2015, Respondent submitted a waiver requesting an exemption from reporting to the Wisconsin PDMP. Respondent is compliant with the Wisconsin PDMP.

6. 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. Respondent violated Wis. Admin. Code § CSB 4.05 by failing to electronically submit dispensing data through an account with the controlled substances board.

3. Respondent violated Wis. Admin. Code § PHAR 10.03 by failing to cooperate with an investigation.

4. As a result of the above violations, Medical Park Pharmacy has committed unprofessional conduct pursuant to Wis. Stat. § 450.10(1)(a)2 and is subject to discipline pursuant to Wis. Stat. § 450.10(1)(b)1.

ORDER

1. The attached Stipulation is accepted.

2. Respondent Medical Park Pharmacy is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Medical Park Pharmacy shall pay a FORFEITURE in the amount of \$1000.00.

4. Within ninety (90) days from the date of this Order, Medical Park Pharmacy shall pay COSTS of this matter in the amount of \$300.00.

5. Payment of forfeiture and 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:

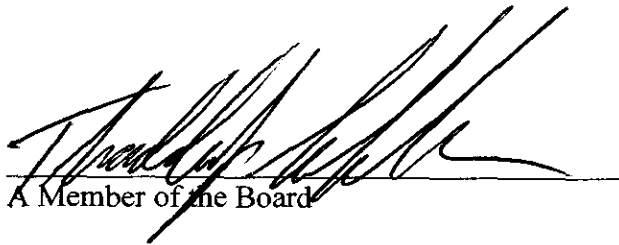
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. 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 and forfeiture as ordered above, Respondent's license (no. 478-43) 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 and forfeiture.

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

WISCONSIN PHARMACY EXAMINING BOARD

by:


A Member of the Board

1/12/16
Date

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MEDICAL PARK PHARMACY,
RESPONDENT.

:
:
:
:
:

STIPULATION

0004463

Division of Legal Services and Compliance Case No. 14 PHM 109

Respondent Medical Park 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.

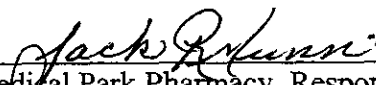
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

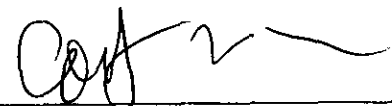
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Medical Park Pharmacy, Respondent
7920 Elmbrook Drive, Suite 108
Dallas, TX 75247
License no. 478-43

12-8-2015
Date



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

12/21/15
Date