

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

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STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
MAYO CLINIC HEALTH SYSTEMS SKEMP :  
PHARMACY, :  
RESPONDENT. :

0004633

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Division of Legal Services and Compliance Case No. 15 PHM 010

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

Mayo Clinic Health System Skemp Pharmacy  
800 West Ave. South, Ste. 101  
La Crosse, WI 54601

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 Mayo Clinic Health System Skemp Pharmacy is licensed in the state of Wisconsin as a pharmacy, having license number 7681-42, first granted on October 17, 1997, and current through May 31, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 800 West Avenue South, Suite 101, La Crosse, Wisconsin 54601.

2. At all times relevant to this proceeding, Respondent was a pharmacy, located in La Crosse, Wisconsin.

3. In June 2012, Respondent dispensed Copaxone® to Patient A.
4. The Copaxone® that arrived at Patient A's home was warm.
5. Copaxone® is a medication that is stored under refrigeration prior to dispensing. Copaxone® is required to be refrigerated, but can be stored at room temperature for up to thirty (30) days without any effect on the medication.
6. Patient A has had adverse reactions to Copaxone® and follows a strict storage/administration routine.
7. Patient A contacted the pharmacy director (Director) and the Director agreed to allow Patient A to return the Copaxone®. Patient A placed an identifying mark on the package to ensure it was not returned to her.
8. The package of Copaxone® sat on Patient A's porch for two (2) days in the summer heat before being picked up for return to Respondent.
9. In October 2012, Patient A received another shipment of Copaxone®.
10. Patient A, while removing Copaxone® from the package, noticed it was the same package of Copaxone® she had returned in June 2012.
11. On March 24, 2015, the Director, in a letter to the Department, admitted knowing that Patient A would be marking the box. The Director stated that the Copaxone® was to be disposed via their reverse distributor and while waiting for pick-up, the box was placed in the pharmacy refrigerator on a separate shelf from all other inventory.
12. The Director stated that a new technician, unfamiliar with the inventory storage in the pharmacy refrigerator, mistakenly chose the original package of Copaxone® that was returned in June 2012 and dispensed it to Patient A.
13. 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, Mayo Clinic Health System Skemp Pharmacy engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 10.03(2), by engaging in any pharmacy practice which constitutes a danger to the health, welfare, or safety of patient or public, including but not limited to, practicing in a manner which substantially departs from the standard of care ordinarily exercised by a pharmacist which harmed or could have harmed a patient.

3. As a result of the above violations, Mayo Clinic Health System Skemp Pharmacy is subject to discipline pursuant to Wis. Stat. § 450.10(1)(b)1.

ORDER

1. The attached Stipulation is accepted.
2. Respondent Mayo Clinic Health System Skemp Pharmacy is REPRIMANDED.
3. Within ninety (90) days from the date of this Order, Mayo Clinic Health System Skemp Pharmacy shall pay COSTS of this matter in the amount of \$460.00.
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:

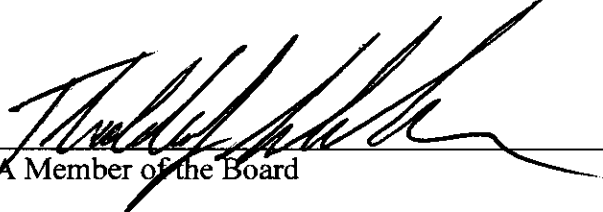
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

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. 7681-42) 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

4/7/16  
Date

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : STIPULATION  
MAYO CLINIC HEALTH SYSTEMS SKEMP :  
PHARMACY, :  
RESPONDENT. :

0004633

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Division of Legal Services and Compliance Case No. 15 PHM 010

Respondent Mayo Clinic Health System Skemp 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.

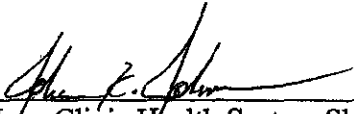
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Pharmacy Examining (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives 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.

  
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Mayo Clinic Health System Skemp Pharmacy, Respondent  
John Johnson, R.Ph., Director of Pharmacy  
800 West Ave. South, Ste. 101  
La Crosse, WI 54601  
License no. 7681-42

Feb 22, 2016  
Date

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

2/26/16  
Date