

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
HAYAT PHARMACY 7, :
RESPONDENT. :

0005186

Division of Legal Services and Compliance Case No. 16 PHM 104

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

Hayat Pharmacy 7
5312 West Villard Avenue
Milwaukee, WI 53218

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 Hayat Pharmacy 7 is licensed in the state of Wisconsin as a pharmacy, having license number 9353-42, first issued on September 11, 2015 and current through May 31, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 5312 West Villard Avenue, Milwaukee, Wisconsin 53218.

2. In February 2016, Patient A presented at Respondent pharmacy with a prescription for Toujeo SoloStar®.

3. Patient A was insured by Medicare and his co-pay was \$250.00, which Patient A said he could not afford.

4. The managing pharmacist found an on-line coupon that would have reduced Patient A's co-pay to \$15.00. However, in reviewing the terms of the coupon, the managing pharmacist learned that Patient A did not qualify for the coupon because he had Medicare coverage.

5. The restriction on the on-line coupon stated:

This offer is not valid for prescriptions covered by or submitted for reimbursement under Medicaid, Medicare, VA, DOD, TRICARE, or similar federal or state programs including any state medical pharmaceutical assistance program. By redeeming this coupon, you are certifying that (1) you are not a beneficiary of any government funded programs as noted above; 2) should you begin receiving prescription benefits from any government funded program, you will withdraw from this savings program.

6. Because he could not use the coupon, Patient A did not fill his prescription.

7. Two days later, when the managing pharmacist returned to work, she learned that another pharmacist had applied the coupon to Patient A's prescription. The managing pharmacist left instructions that the coupon was inapplicable to prescriptions covered by Medicare benefits, whether or not Medicare was billed for the prescription.

8. On May 10, 2016, Respondent's CEO, a pharmacist, called the managing pharmacist and directed that the coupon was to be used for Patient A's prescription.

9. The managing pharmacist resigned and another of Respondent's pharmacists improperly applied the coupon to Patient A's prescription.

10. Respondent denied all wrong-doing. 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, Hayat Pharmacy 7, engaged in unprofessional conduct as defined by Wis. Stat. § 450.10(1)(a)5, by causing its staff to make a misrepresentation that is relied upon by another person.

3. As a result of the above violations, Hayat Pharmacy 7, is subject to discipline pursuant to Wis. Stat. § 450.10(1)(a)5.

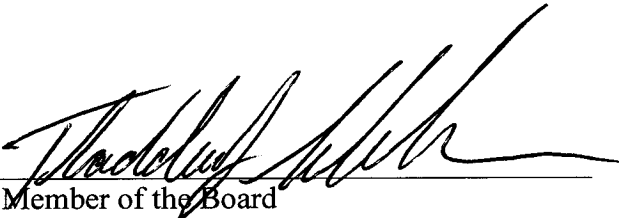
ORDER

1. The attached Stipulation is accepted.
2. Respondent Hayat Pharmacy 7 is REPRIMANDED.
3. Within ninety (90) days from the date of this Order, Hayat Pharmacy 7 shall pay COSTS of this matter in the amount of \$330.00.
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. In the event that Respondent violates any term of this Order, Respondent's license (no. 9353-42) to practice pharmacy in the state of Wisconsin may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.
6. This Order is effective on the date of its signing.

WISCONSIN PHARMACY EXAMINING BOARD

by: 
A Member of the Board

2/23/17
Date

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
HAYAT PHARMACY 7, :
RESPONDENT. : **0005186**

Division of Legal Services and Compliance Case No. 16 PHM 104

Respondent Hayat Pharmacy 7, 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.

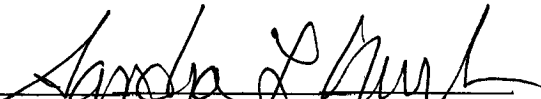
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Hayat Pharmacy, Respondent
5312 West Villard Avenue
Milwaukee, WI 53218
License no. 9353-42

1/16/2017

Date



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

1/18/17
SN

Date