

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 :
 :
WELLS PHARMACY NETWORK LLC, : FINAL DECISION AND ORDER
RESPONDENT. :
 : **0005454**

Division of Legal Services and Compliance Case No. 16 PHM 159

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

Wells Pharmacy Network LLC
1210 SW 33rd Avenue
Ocala, FL 34474

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 Wells Pharmacy Network LLC, is licensed in the state of Wisconsin as an out-of-state pharmacy, having license number 805-43, first issued on August 9, 2012, and current through May 31, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1210 SW 33rd Avenue, Ocala, Florida 34474.

2. Respondent is an out-of-state pharmacy located in Ocala, Florida.

3. On September 27, 2016, Respondent entered into a voluntary agreement (FL Agreement) with the State of Florida, Department of Health (FL Board) to restrict practice of sterile compounding, which states in part as follows:

- a. Respondent shall immediately cease compounding sterile products, and cease dispensing or shipping sterile products it has previously compounded;
- b. Respondent agreed with the United States Food and Drug Administration (FDA) to cease sterile compounding until necessary corrective actions can be implemented to address the FDA's alleged concerns;
- c. Respondent shall, under separate cover, submit to the Florida Board each of the corrective actions taken as well as any subsequent testing confirming the corrective actions to successfully resolve and address the FDA's alleged concerns and demonstrate compliance with the Florida Administrative Code; and
- d. Respondent shall give the FL Board 72-hour advance notice of its intent to resume sterile compounding.

4. The FL Agreement of Respondent with the FL Board was based on the allegation that Respondent may have compounded sterile products without being in compliance with the standards of practice for compounding sterile products per Florida Administrative Code.

5. On November 4, 2016, the restrictions on Respondent's Florida license were lifted.

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. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 10.03(17), by having been subject to other disciplinary action by the State of Florida Board of Pharmacy.

3. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 450.10(1)(b)1.

ORDER

1. The attached Stipulation is accepted.

2. Respondent Wells Pharmacy Network LLC, is REPRIMANDED.
3. Within ninety (90) days from the date of this Order, Respondent Wells Pharmacy Network LLC, shall pay COSTS of this matter in the amount of 468.00.
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:

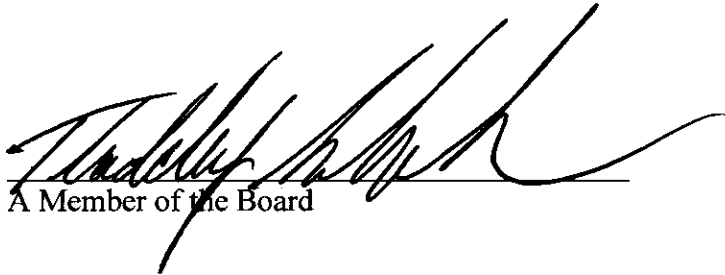
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. In the event that Respondent violates any term of this Order, Respondent's out-of-state pharmacy license (no. 805-43) 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

Date

9/21/17

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
WELLS PHARMACY NETWORK LLC, :
RESPONDENT. :

0005454

Division of Legal Services and Compliance Case No. 16 PHM 159

Respondent Wells Pharmacy Network LLC., 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 (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.

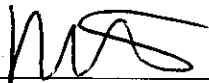
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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 or Respondent's attorney, 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.

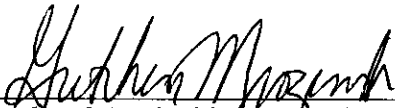
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Wells Pharmacy Network LLC, Respondent
Melissa Stefko
1210 SW 33rd Avenue
Ocala, FL 34474
License no. 805-43

14 Aug 17

Date



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

8-21-17

Date