

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF

TW WELLNESS PHARMACY,
RESPONDENT.

:
:
:
:
:

ADMINISTRATIVE INJUNCTION

0006024

Division of Legal Services and Compliance Case No. 18 UNL 055 (PHM)

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

TW WELLNESS PHARMACY
C/O TOM WHITE
8225 4TH St. NW
Albuquerque, NM 87114

Wisconsin Department of Safety and Professional Services
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Wisconsin 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 Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent TW Wellness Pharmacy is not and has never been licensed as an out-of-state pharmacy in the State of Wisconsin.
2. Respondent has shipped, mailed, or otherwise delivered prescribed drugs to persons in Wisconsin.

3. At the time Respondent shipped, mailed, or otherwise delivered prescribed drugs to persons in Wisconsin, Respondent was mistakenly under the impression that federal law allowed it to ship, mail or otherwise deliver prescriptions to persons in Wisconsin.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction in this matter pursuant to Wis. Admin. Code ch. SPS 3 and Wis. Stat. § 440.21, and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5).

2. The conduct described above constitutes the unlicensed practice of pharmacy, contrary to Wis. Stat. § 450.065(1).

ORDER

1. The attached stipulation is accepted.

2. Unless and until Respondent is properly licensed as an out-of-state pharmacy by the Wisconsin Pharmacy Examining Board, Respondent is enjoined and prohibited from the practice of pharmacy in the State of Wisconsin. Violation of this special order may result in a forfeiture of up to \$10,000 for each offense. See Wis. Stat. § 440.21(4)(a).

3. If the Department determines that there is probable cause to believe that Respondent has violated any terms of this Administrative Injunction, the Department may refer the violations covered by this decision and order to any appropriate prosecutorial unit for review for possible criminal charges.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Issued at Madison, Wisconsin, this 25th day of January, 2019

By:

Al Rohmeyer

Al Rohmeyer
Name

Attorney Supervisor
Title

On behalf of the Department

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

RECEIVED

IN THE MATTER OF

TW WELLNESS PHARMACY,
RESPONDENT.

JAN 14 2019

STIPULATION

DEPT OF SAFETY & PROFESSIONAL SERVICES
DIV OF LEGAL SERVICES & COMPLIANCE

0006024

Division of Legal Services and Compliance Case No. 18 UNL 055 (PHM)

Respondent TW Wellness 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 Administrative Injunction by the Department. The parties to the Stipulation consent to the entry of the attached Administrative Injunction without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's Administrative Injunction, if adopted in the form as attached.

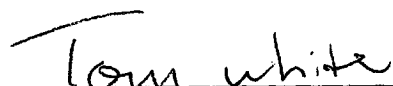
5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the

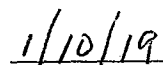
Stipulation is not accepted by the Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.


6. The parties to this Stipulation agree that the attorney for the Department of Safety and Professional Services may appear before the Department for the purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on this Stipulation.

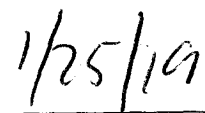
7. Respondent is informed that should the Department adopt this Stipulation; the Department's Administrative Injunction is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Department adopt this Stipulation and issue the attached Administrative Injunction.


Tom White, Authorized Representative
TW Wellness Pharmacy, Respondent
8225 4TH St. NW
Albuquerque, NM 87114


Date


Carley J. Reich Kiesling, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190


Date