

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

WALGREENS #07370,  
RESPONDENT.

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FINAL DECISION AND ORDER

0006077

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Division of Legal Services and Compliance Case No. 17 PHM 181

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

Walgreens #07370  
6442 N. 76th Street  
Milwaukee, WI 53223

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 Walgreens #07370 is licensed in the state of Wisconsin as a pharmacy, having license number 8364-42, first issued on January 12, 2004 and current through May 31, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 6442 N. 76th Street, Milwaukee, WI 53223.

2. At all times relevant to this proceeding, Respondent is a pharmacy, located in Milwaukee.

3. On November 28, 2017, Respondent Walgreens Pharmacy #07370 filed a DEA Report of Theft or Loss of Controlled Substances. They reported that on November 14, 2017, 2,457 tablets of oxycodone hydrochloride 30 mg, worth \$8,818.91, were discovered missing.

4. From February 17, 2018, to March 12, 2018, multiple requests were sent to Respondent requesting additional information about the controlled substances losses, but Respondent did not provide any additional information until April 5, 2018.

5. Respondent Pharmacy conducted an internal investigation that was not able to identify the individual that was responsible for the losses, but did determine that the losses were attributable to the keys to the controlled substances being easily accessible to staff and kept in a safe that was not always properly secured.

6. In resolution of this matter, Respondent, for purposes of settlement, does not contest 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, Walgreens #07370 engaged in unprofessional conduct as defined by Wis. Stat. § 450.10(1)(a)2, by violating this chapter or, subject to s. 961.38 (4r), ch. 961 or any federal or state statute or rule which substantially relates to the practice of the licensee.

3. By the conduct described in the Findings of Fact, Walgreens #07370 engaged in unprofessional conduct as defined by Wis. Stat. § 440.20(5)(a), by failing to respond within 30 days to a request for information from the department.

4. As a result of the above violations, Walgreens #07370 is subject to discipline pursuant to Wis. Stat. § 450.10(1)(b).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Walgreens #07370 is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Walgreens #07370 shall pay COSTS of this matter in the amount of \$119.00.

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

You may also submit this information online via DSPS' Monitoring Case Management System,  
here:

<https://app.wi.gov/DSPSMonitoring>

5. In the event that Respondent violates any term of this Order, Respondent's license (no. 8364-42) 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

2/27/2019  
Date

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

WALGREENS #07370,  
RESPONDENT.

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STIPULATION

0006077

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Division of Legal Services and Compliance Case No. 17 PHM 181

Respondent Walgreens #07370 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.

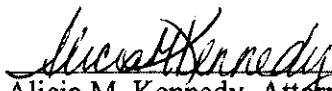
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.

  
Walgreens #07370, Respondent  
6442 N. 76th St.  
Milwaukee, WI 53223  
License no. 8364-42

2/11/2019  
Date

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

2/11/19  
Date