

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

AMY M. RAHILLY, R.Ph.,
RESPONDENT.

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:
:
:

FINAL DECISION AND ORDER

1006200

Division of Legal Services and Compliance Case No. 17 PHM 076

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

Amy M. Rahilly, R.Ph.
2241 Stony Ridge Drive
Waukesha, WI 53189

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 Amy M. Rahilly, R.Ph., (DOB August 30, 1991) is licensed in the state of Wisconsin to practice pharmacy, having license number 18024-40, first issued on July 14, 2015, and current through May 31, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2241 Stony Ridge Drive, Waukesha, Wisconsin 53189.

2. At all times relevant to this proceeding, Respondent was employed as a pharmacist at a pharmacy (Pharmacy), located in Brookfield, Wisconsin.

3. On May 5, 2017, Respondent dispensed a new birth control medication prescription to Patient A, a breastfeeding mother. Respondent could not verify if she provided a consultation to Patient A regarding the new medication.

4. Patient A's doctor had prescribed her a progesterone-only birth control medication to not impact Patient A's breast milk production. The medication dispensed without consult by Respondent reduced Patient A's milk supply.

5. 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, Amy M. Rahilly, R.Ph., engaged in unprofessional conduct in violation of Wis. Admin. Code § Phar 7.01(d), by failing to make a final check on the accuracy and correctness of a prescription. The requirement applies to both original and renewal prescriptions.

3. By the conduct described in the Findings of Fact, Amy M. Rahilly, R.Ph., engaged in unprofessional conduct in violation of Wis. Admin. Code § Phar 7.01(e), by failing to give a patient appropriate consultation relative to a prescription. The consultation requirement applies to original and renewal prescription orders and is not satisfied by only offering to provide consultation.

4. By the conduct described in the Findings of Fact, Amy M. Rahilly, R.Ph., 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 the 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.

5. As a result of the above violations, Amy M. Rahilly, R.Ph., is subject to discipline pursuant to Wis. Stat. § 450.10(1)(b)1.

ORDER

1. The attached Stipulation is accepted.

2. Respondent Amy M. Rahilly, R.Ph., is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Respondent Amy M. Rahilly, R.Ph., shall pay COSTS of this matter in the amount of \$680.09.

4. Any payments, requests, petitions, reports and other information required by this Order may be mailed, faxed, or emailed to:

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. 18024-40) 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

5/22/2019
Date

APR 8 2019

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

AMY M. RAHILLY, R.PH.,
RESPONDENT.

STIPULATION

10036200

Division of Legal Services and Compliance Case No. 17 PHM 076

Respondent Amy M. Rahilly, R.Ph., 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.

Amy Rahilly
Amy M. Rahilly, R.Ph., Respondent
~~2241 Stony Ridge Drive~~
~~Waukesha, WI 53189~~
License no. 18024-40

3/21/19
Date

S87W17822 Edgewater Ct.
Muskego, WI 53150

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

4/4/19
Date