

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF	:	
	:	FINAL DECISION AND ORDER
PICK 'N SAVE PHARMACY #6879,	:	FOR REMEDIAL EDUCATION
LICENSEE.	:	

ORDER 0006456

Division of Legal Services and Compliance Case No. 17 PHM 112

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

Pick 'N Save Pharmacy #6879
Roundy's Pharmacy
2355 North 35th Street
Milwaukee, WI 53210

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. Pick 'N Save Pharmacy #6879 (Licensee Pharmacy) is licensed in the state of Wisconsin as a pharmacy, having license number 8714-42, first issued on January 29, 2007, and current through May 31, 2020. Licensee Pharmacy's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2355 North 35th Street, Milwaukee, Wisconsin 53210.

2. On July 12, 2017, at approximately 12:40 p.m., Patient A's son dropped off Patient A's prescription for hydrocodone with Pharmacist B at Licensee Pharmacy.

3. At approximately 2:15 p.m., Pharmacy Technician C assisted a customer at the drive-thru window. The customer gave Patient A's name and date of birth. Pharmacy Technician C gave the hydrocodone prescription for Patient A to the customer without a consult. He utilized Pharmacist B's barcode to complete the transaction without permission.

4. Patient A's son returned later that day and was told that the prescription was already picked up. Patient A confirmed that she did not receive this prescription, nor did she know the individual that picked up the prescription.

5. At the time of the events in paragraphs two (2) through four (4) of Findings of Fact, Licensee Pharmacy operated under a multi-state corporate policy, which included a procedure for drive thru pick up practices. This procedure stated, "Ask the customer if they would like to speak to the pharmacist about their medication."

6. As of July 16, 2019, Licensee Pharmacy revised its corporate policy for drive thru pick up practices to state, "Complete patient counseling or offer to counsel according to state law."

7. In resolution of this matter, Licensee 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).

ORDER

1. The attached Stipulation is accepted.

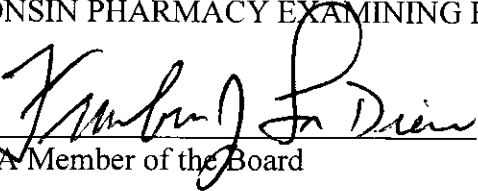
2. Within ninety (90) days of the date of this Order, Licensee Pharmacy will educate all Pick 'N Save corporate pharmacies in Wisconsin on the applicability of Wis. Admin. Code. § Phar 7.01(1)(e). Licensee Pharmacy shall submit written confirmation of compliance within ninety (90) days of this Order 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

3. This Order is effective on the date of its signing.

WISCONSIN PHARMACY EXAMINING BOARD

by:


A Member of the Board


Date

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF

PICK 'N SAVE PHARMACY #6879,
LICENSEE.

:
:
:
:

STIPULATION

ORDER 0006456

Division of Legal Services and Compliance Case No. 17 PHM 112

Licensee Pick 'N Save Pharmacy #6879 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. Licensee consents to the resolution of this investigation by Stipulation.

2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Licensee, 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 Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
- the right to testify on Licensee'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 Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Licensee 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. Licensee 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 Licensee, 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. Licensee 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 Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Ataf A Deep, Ph.D. VP of Pharmacy
Representative on behalf of:

Pick 'N Save Pharmacy #6879, Licensee
Roundy's Pharmacy
2355 North 35th Street
Milwaukee, WI 53210
License no. 8714-42

9/20/19
Date

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

9/20/19
Date