

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



### Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

#### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DSPS website:** An individual who believes that information on the website is inaccurate may contact [DSPS@wisconsin.gov](mailto:DSPS@wisconsin.gov)

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

---

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

RICHARD D. MOE, R.PH.,  
RESPONDENT.

:  
:  
:  
:  
:

FINAL DECISION AND ORDER

**ORDER 0006520**

---

Division of Legal Services and Compliance Case No. 17 PHM 158

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

Richard D. Moe, R.Ph.  
1205 E. 6<sup>th</sup> St.  
Superior, WI 54880-6222

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 Richard D. Moe, R.Ph., (DOB August 6, 1959) is licensed in the state of Wisconsin to practice pharmacy, having license number 11924-40, first issued on March 11, 1993, and current through May 31, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1205 East 6<sup>th</sup> Street, Superior, Wisconsin 54880-6222.

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

3. On April 3, 2017, Respondent refilled Patient A's methylphenidate prescription at the Pharmacy.

4. When Patient A went to take his methylphenidate, he noticed the pill looked different than his past prescription.

5. Patient A's mother examined the pill and determined it was a 54 #mg tablet and not the prescribed 36 #mg tablets.

6. On October 20, 2017, Respondent filled Patient A's methylphenidate prescription at the Pharmacy.

7. Patient A's mother examined the pills and noted Patient A had received 36 #mg tablets instead of the prescribed 27 #mg tablets.

8. Respondent indicated he selected the wrong bottle while filling Patient A's prescription on April 3, 2017.

9. Respondent indicated, after reviewing the October 20, 2017 incident, that another prescription for the same medication was filled moments before and the stock bottle was sitting on the counter. The incorrect bottle was then used to refill Patient A's prescription.

10. Respondent underwent retraining on the processes in place for filling and dispensing Schedule II medications and now utilizes these tools and processes to ensure medications are accurately and properly dispensed.

11. 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, Richard D. Moe, R.Ph., engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 10.03(2), by 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.

3. By the conduct described in the Findings of Fact, Richard D. Moe, R.Ph., engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 7.01(1)(d), by failing to make a final check on the accuracy and correctness of the prescription.

4. As a result of the above violations, Richard D. Moe, R.Ph., is subject to discipline pursuant to Wis. Stat. §§ 450.10(1)(b)1., (2).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Richard D. Moe, R.Ph., is REPRIMANDED.
3. Within ninety (90) days from the date of this Order, Richard D. Moe, R.Ph., shall pay COSTS of this matter in the amount of \$1,258.00.
4. Within ninety (90) days from the date of this Order, Richard D. Moe, R.Ph., shall pay a FORFEITURE in the amount of \$250.00
5. 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>

6. In the event that Respondent violates any term of this Order, Respondent's license (no. 11924-40) 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.
7. This Order is effective on the date of its signing.

WISCONSIN PHARMACY EXAMINING BOARD

by: Philip Traplin   
A Member of the Board

10/28/19  
Date

OCT 7 - 2019

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

RICHARD D. MOE, R.Ph.,  
RESPONDENT.

STIPULATION

**ORDER 0006520**

Division of Legal Services and Compliance Case No. 17 PHM 158

Respondent Richard D. Moe, 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 (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.

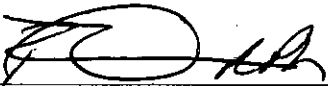
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.



Richard D. Moe, R.Ph., Respondent  
1205 E. 6<sup>th</sup> St.  
Superior, WI 54880  
License no. 11924-40

10/04/19  
Date



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

10/7/19  
Date