

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

WALGREENS #10925,
RESPONDENT.

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FINAL DECISION AND ORDER
ORDER 0006586

Division of Legal Services and Compliance Case No. 17 PHM 135

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

Walgreens #10925
546 N. Grand Ave.
Sun Prairie, WI 53590

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 #10925 is licensed in the state of Wisconsin to practice pharmacy, having license number 8752-42, first issued on July 2, 2007, and current through May 31, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 546 North Grand Avenue, Sun Prairie, Wisconsin 53590.

2. On September 18, 2017, the Respondent's managing pharmacist, Pharmacist A, submitted a "Report of Theft and Loss of Controlled Substances" to the Department, stating a purchase value of \$7,973.26 of controlled substances were lost through employee pilferage.

3. At the time of the incident(s), Respondent used a “fast rack” system, allowing the more common medications to be left out in the open and stored alphabetically for easily accessible prescription filling, including, at that time, one (1) bottle of hydrocodone. This system was only accessible to pharmacy personnel.

4. Respondent has an inventory system that screens/monitors inventory movement.

5. Pharmacist A is responsible for conducting a controlled substance inventory annually on June 9, to report what inventory Respondent has on hand.

6. The inventory monitoring system notified Pharmacist A of an issue near the end of July 2017. An investigation took place in August 2017, and was concluded on September 11, 2017.

7. The investigation found that a pharmacy technician diverted the missing controlled substances.

8. In resolution of this matter, Respondent 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)(a)(2), 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 #10925 engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 6.07(3) by failing to properly maintain the security of a certain controlled substance.

3. As a result of the above violations, Walgreens #10925 is subject to discipline pursuant to Wis. Stat. § 450.10(1)(b)1.

ORDER

1. The attached Stipulation is accepted.

2. Respondent Walgreens #10925 is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Walgreens #10925 shall pay COSTS of this matter in the amount of \$556.00.

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

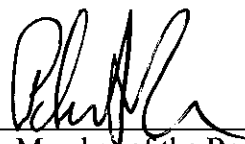
You may also submit this information online via the Department's Monitoring Case Management System at

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

5. In the event that Respondent violates any term of this Order, Respondent's license (no. 8752-42) to operate as a 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

12/17/2019
Date

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

WALGREENS #10925,
RESPONDENT.

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STIPULATION

ORDER 0006586

Division of Legal Services and Compliance Case No. 17 PHM 135

Respondent Walgreens #10925, and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

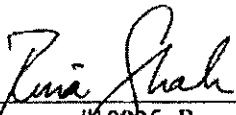
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives 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.

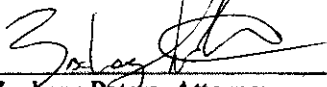
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Walgreens #10925, Respondent
546 N. Grand Ave.
Sun Prairie, WI 53590
License no. 8752-42

11/12/2019

Date



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

11/14/19

Date