

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 :
GINA L. LUSIS, R.PH., : FINAL DECISION AND ORDER
RESPONDENT. :

ORDER 0006824

Division of Legal Services and Compliance Case No. 17 PHM 097

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

Gina L. Lusic, R.Ph.
10309 N Stanford Dr.
Mequon, WI 53097

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 Gina L. Lusic, R.Ph., (DOB xx/xx/1970) is licensed in the state of Wisconsin to practice pharmacy, having license number 12062-40, first issued on January 12, 1994, and current through May 31, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Mequon, Wisconsin 53097.

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

3. On June 22, 2017, Patient A picked up her prescriptions, which included a cough medication, Hydrocodone Polistirex and Chlorpheniramine Polistirex Pennkinetic®, from the Pharmacy.

4. The patient label on the cough medicine, prepared and placed in the box at the Pharmacy, indicated Patient A should take “TAKE FIVE TEASPOONSFUL BY MOUTH EVERY 12 HOURS AS NEEDED FOR COUGH,” instead of the prescribed “5mL PO (oral) q12hr PRN for cough.”

5. Respondent did not detect the error when verifying the prescription or counseling Patient A at the time of dispensing.

6. Patient A took the medication as directed on the label for the first two (2) doses before noticing the directions were incorrect.

7. Patient A brought the discrepancy to the Pharmacy’s attention, was refunded her copay, and given a free bottle of Delsym® cough syrup.

8. The prescribing doctor indicated on the written prescription that Patient A is allergic to erythromycin, morphine, oxycodone, hydrocodone, and Dilaudid®. This allergy information was not indicated in Patient A’s demographic information stored in the Pharmacy’s system.

9. Patient A was dispensed the prescribed Hydrocodone Polistirex and Chlorpheniramine Polistirex Pennkinetic®, which would be contraindicated in patients with the allergies indicated on the prescription form.

10. Per Respondent, prior Drug Utilization Reviews and consultation with the prescribing physician confirmed the absence of any relevant allergy and Patient A had been prescribed/dispensed the same medication in the past.

11. There was no documentation to indicate Respondent addressed the issue of Patient A’s allergies as indicated on the prescription form.

12. 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, Gina L. Lusic, R.Ph., violated Wis. Admin. Code § Phar 10.03(2), by engaging in any pharmacy practice which constitutes a danger to the health, welfare, or safety of 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.

3. As a result of the above violations, Gina L. Lusic, R.Ph., is subject to discipline pursuant to Wis. Stat. § 450.10(1)(b)1.

ORDER

1. The attached Stipulation is accepted.
2. Respondent Gina L. Lusic, R.Ph., is REPRIMANDED.
3. Within ninety (90) days from the date of this Order, Gina L. Lusic, R.Ph., shall pay COSTS of this matter in the amount of \$508.00.
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. 12062-40) 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: Phillip Trappone, A
A Member of the Board

6/4/2020
Date

RECEIVED

MAY 14 2020

DIV LEGAL SERVICES & COMPLIANCE
DEPT SAFETY & PROFESSIONAL SERVICES

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

GINA L. LUSIS, R.PH.,
RESPONDENT.

STIPULATION

ORDER 0006824

Division of Legal Services and Compliance Case No. 17 PHM 097

Respondent Gina L. Lusic, 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.



Gina L. Lusic, R.Ph., Respondent
10309 N, Stanford Drive
Mequon, WI 53097
License no. 12062-40

May 12, 2020
Date



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

5/15/2020

Date