

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 :
 : FINAL DECISION AND ORDER
MEDPOINT PHARMACY, INC., :
RESPONDENT. :

ORDER 0006825

Division of Legal Services and Compliance Case No. 17 PHM 106

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

Medpoint Pharmacy Inc.
Mequon, WI 53092

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 Medpoint Pharmacy Inc., is licensed in the state of Wisconsin as a pharmacy, having license number 8884-42, first issued on September 17, 2008, and expired on May 31, 2018. The Respondent's license entered inactive status on December 5, 2017. Respondent's most recent mailing address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Mequon, Wisconsin. The most recent physical address is located in Glendale, Wisconsin.

2. At all times relevant to this proceeding, Respondent operated as a pharmacy located in Glendale, Wisconsin.

3. On July 27, 2017, Drug Enforcement Agency (DEA) auditors from the Office of the Inspector General (OIG) conducted an on-site, unannounced record collection at Respondent.

4. Upon the auditors' arrival, they witnessed the pharmacy in operation without the presence of a licensed pharmacist. Respondent's owner stated that there also had not been a pharmacist present during operations on July 26, 2017.

5. Data collected by OIG showed that unlicensed pharmacy personnel processed claims indicating dispensed prescriptions on both July 26 and 27, 2017 when no pharmacist was present.

6. 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, Medpoint Pharmacy Inc., violated Wis. Stat. § 450.09(2), by failing to have a pharmacist present while pharmaceutical services were being provided.

3. By the conduct described in the Findings of Fact, Medpoint Pharmacy Inc., violated Wis. Stat. § 450.10(1)(a)2., by violating any federal or state statute or rule which substantially relates to the practice of the licensee.

4. By the conduct described in the Findings of Fact, Medpoint Pharmacy Inc., violated Wis. Stat. § 450.10(1)(a)6., by engaging in conduct in the practice of the licensee which evidences a lack of knowledge or ability to apply professional principles or skills.

5. By the conduct described in the Findings of Fact, Medpoint Pharmacy Inc., engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 10.03(1), by administering, dispensing, supplying or obtaining a drug other than in legitimate practice, or as prohibited by law.

6. By the conduct described in the Findings of Fact, Medpoint Pharmacy Inc., 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 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.

7. By the conduct described in the Findings of Fact, Medpoint Pharmacy Inc., engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 10.03(7), by failing to report to the pharmacy examining board any pharmacy practice which constitutes a danger to the health, safety or welfare of patient or public.

8. By the conduct described in the Findings of Fact, Medpoint Pharmacy Inc., engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 10.03(10), by aiding or abetting the unlicensed practice of pharmacy.

9. As a result of the above violations, Medpoint Pharmacy Inc., is subject to discipline pursuant to Wis. Stat. § 450.10(1)(b)1.

ORDER

1. The attached Stipulation is accepted.

2. The license of Medpoint Pharmacy, Inc., (license no. 8884-42) to operate as a pharmacy in the state of Wisconsin, and the right to renew its pharmacy license is REVOKED.

3. Within ninety (90) days from the date of this Order, Medpoint Pharmacy, Inc., shall pay COSTS of this matter in the amount of \$2,176.00.

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 payment online via DSPS' Monitoring Case Management System, here:

<https://dspsmonitoring.wi.gov>

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

WISCONSIN PHARMACY EXAMINING BOARD

by: Phillip Trapeznick
A Member of the Board

6/4/2020
Date

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MEDPOINT PHARMACY, INC.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0006825

Division of Legal Services and Compliance Case No. 17 PHM 106

Respondent Medpoint Pharmacy, Inc., license number 8884-42, 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. Respondent is represented by Attorney Pat Knight.

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 or Respondent's attorney, 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.

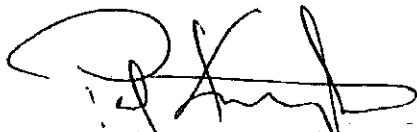
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.

Medpoint Pharmacy, inc by Alexander Shister
Alexander Shister
Medpoint Pharmacy, Inc., Respondent
Mequon, WI 53092
License no. 8884-42

4/21/2020

Date



Pat Knight, Attorney for Respondent
Two Plaza East, Suite 1170
330 East Kilbourn Ave
Milwaukee, WI 53202

4/21/20
Date



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

4/21/2020

Date