

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
MICHAEL EANNELLI, R.PH., :  
RESPONDENT. :

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**ORDER 0006827**

Division of Legal Services and Compliance Case No. 18 PHM 121

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

Michael Eanneli, R.Ph.  
Fitchburg, WI 53711

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 Michael Eanneli, R.Ph., (DOB: XX/XX/1952) is licensed in the state of Wisconsin to practice pharmacy, having license number 9102-40, first issued on December 21, 1976, and current through May 31, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Fitchburg, Wisconsin 53711.

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

3. Patient A (a female born in 1925) was prescribed metoprolol by her primary care physician.

4. On May 19, 2018, Patient A's family picked up a refill of metoprolol at the Pharmacy.

5. On May 26, 2018, in the evening, Patient A's niece was filling Patient A's pill box as Patient A is blind. She noticed the pill she thought was metoprolol was a different color, but the Pharmacy was closed for the holiday weekend.

6. On May 29, 2018, Patient A's niece called the Pharmacy and was told to bring the medication in. She did so and the medication in the bottle was determined to be hydrochlorothiazide and not metoprolol.

7. Respondent was also taking furosemide and was compliant with her medication regimen. The combination of these medications can cause over-diuresis, leading to dehydration.

8. Patient A's niece contacted Patient A's primary care physician on May 29, 2018, with concerns about Patient A's blood pressure.

9. On June 5, 2018, Patient A was evaluated in the emergency room. She was diagnosed with hypotension and acute kidney failure and was hospitalized from June 5, 2018, through June 7, 2018. Patient A was re-hospitalized for these conditions on June 11, 2018, until she expired on June 13, 2018.

10. Nobody else in Patient A's household was prescribed hydrochlorothiazide.

11. Respondent was the pharmacist that filled, verified, and dispensed the prescription in question.

12. Respondent believes that the correct medication was filled and dispensed on May 19, 2018.

13. Respondent did not conduct inventory following the prescription error.

14. Respondent did not report to the Board that there was the possibility that a prescription drug or device dispensed by a pharmacist has caused or contributed to the substantial bodily injury or death of a customer or patient.

15. 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, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 7.01(1)(c), by failing to properly

select, compound, mix, combine, measure, count or otherwise prepare drugs needed to dispense a prescription.

3. By the conduct described in the Findings of Fact, Respondent 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 prescription.

4. By the conduct described in the Findings of Fact, Respondent 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 by 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.

5. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 10.03(7m), by failing to report to the board information that reasonably suggests there is a probability that a prescription drug or device dispensed by a pharmacist has caused or contributed to the substantial bodily injury or death of a customer or patient.

6. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 450.10(1)(b)1.

#### ORDER

1. The attached Stipulation is accepted.
2. Respondent is REPRIMANDED.
3. Within ninety (90) days from the date of this Order, Respondent shall pay a FORFEITURE in this matter in the amount of \$250.00.
4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$732.00.
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](mailto:DSPSMonitoring@wisconsin.gov)

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

<https://dspsmonitoring.wi.gov>

6. In the event that Respondent violates any term of this Order, Respondent's license (no. 9102-40) 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: Phillip Trappan, M.A.  
A Member of the Board

6/4/2020  
Date

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
MICHAEL EANNELLI, R.PH.,	:	
RESPONDENT.	:	<b>ORDER 0006827</b>

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Division of Legal Services and Compliance Case No. 18 PHM 121

Respondent Michael Eannelli, 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.

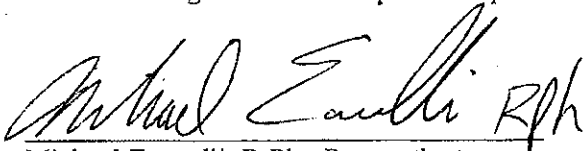
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

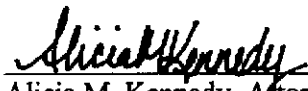
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Michael Eannelli, R.Ph., Respondent  
Fitchburg, WI 53711  
License no. 9102-40

3/28/2020  
Date



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

March 30, 2020  
Date