

## 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  
JAY R. JOSHI, R.PH., :  
RESPONDENT. :

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**ORDER 0006828**

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Division of Legal Services and Compliance Case No. 18 PHM 124

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

Jay R. Joshi, R.Ph.  
Dayton, OH 45458

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 Jay R. Joshi, R.Ph., (DOB xx/xx/1982) is licensed in the state of Wisconsin to practice pharmacy, having license number 15773-40, first issued on October 6, 2009, 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 Dayton, Ohio.

2. On March 2, 2017, Respondent was convicted in Municipal Court in Kettering, Ohio, case number 16CRB1531, of one (1) count of disorderly conduct, a minor misdemeanor, in violation of Ohio Revised Code § 2917.11(E).

3. Respondent did not report the above-referenced conviction to the Board until he renewed his pharmacist license on May 24, 2018.

4. The conviction is not substantially related to the practice of pharmacy and Respondent's license was renewed. This matter was opened to investigate Respondent's failure to report the conviction within 48 hours of the entry of the judgment of conviction.

5. Respondent admits that he did not report the conviction within 48 hours.

6. During the course of the Department's investigation, Respondent was asked to provide proof of continuing education (CE) completed during the 2016-2018 biennium (June 1, 2016, through May 31, 2018).

7. Respondent provided proof that he completed 80.5 hours of CE during the 2014-2016 biennium, 53 of which were completed in February 2016.

8. Respondent did not complete any CE between June 1, 2016, and May 31, 2018.

9. Respondent states that he thought that CE completed in February of 2016 could be considered to satisfy the 2016-2018 CE requirement.

10. When Respondent renewed his pharmacy license online on May 24, 2018, he attested to the following:

*I have completed 30 hours of ACPE approved continuing education within the two year period (not earlier than June 1, 2016) immediately preceding this application for renewal. I have or will have evidence of this certification by the providing institution, which I will furnish to the Pharmacy Examining Board upon request.*

11. The attestation by Respondent at the time of his renewal on May 24, 2018, and cited above, states that CE completed before June 1, 2016, cannot be considered toward the CE requirement for the 2016-2018 biennium.

12. Respondent's attestation on May 24, 2018, regarding CE completed between June 1, 2016, and May 31, 2018, was false.

13. 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, Jay R. Joshi, R.Ph., engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 10.03(8), by providing false information to the Board or its agents.

3. By the conduct described in the Findings of Fact, Jay R. Joshi, R.Ph., engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 16.02(1), by failing to complete the continuing education requirements provided under Wis. Stat. § 450.085 at the time of making an application for renewal of his license.

4. By the conduct described in the Findings of Fact, Jay R. Joshi, R.Ph., engaged in unprofessional conduct as defined by Wis. Admin. Code § SPS 4.09(2), by being convicted of a crime and failing to notify the Department within 48 hours after the entry of the judgment of conviction.

5. As a result of the above violations, Jay R. Joshi, R.Ph., is subject to discipline pursuant to Wis. Stat. § 450.10(1)(a)1. and (1)(b)1.

ORDER

1. The attached Stipulation is accepted.

2. Respondent Jay R. Joshi, R.Ph., is REPRIMANDED.

3. The Board accepts thirty (30) of the 80.5 credits of continuing education completed by Respondent between 2014 and 2016 to satisfy any remedial education requirements that would have otherwise been required as part of this Order to satisfy the missing CE from the 2016-2018 biennium.

4. Within ninety (90) days from the date of this Order, Jay R. Joshi, R.Ph., shall pay COSTS of this matter in the amount of \$777.00.

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 DSPS' Monitoring Case Management System, here:

<https://dspsonitoring.wi.gov>

6. In the event that Respondent violates any term of this Order, Respondent's license (no. 15773-40) 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 Trappanese, 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

JAY R. JOSHI, R.Ph.,  
RESPONDENT.

STIPULATION

**ORDER 0006828**

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Division of Legal Services and Compliance Case No. 18 PHM 124

Respondent Jay R. Joshi, 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.

Jay Joshi  
Jay R. Joshi, R.Ph., Respondent  
Dayton, OH 45458  
License no. 15773-40

3/15/20  
Date

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

4/8/2020  
Date