

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

IMPRIMISRX,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: **ORDER 0006913**

Division of Legal Services and Compliance Case No. 20 PHM 043

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

ImprimisRx
Ledgewood, NJ 07852

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 ImprimisRx is licensed in the state of Wisconsin as an out-of-state pharmacy, having license number 2317-43, first issued on March 18, 2019 and current through May 31, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Ledgewood, NJ 07852.

2. On April 29, 2016, Respondent was issued an out-of-state pharmacy license (#1713-43) for its 1705 Route 46, Suite 6A, Ledgewood, New Jersey location.

3. On February 11, 2019, Respondent relocated its out-of-state pharmacy to 1705 Route 46, Suite 4, Ledgewood, New Jersey.

4. On March 8, 2019, 26 days after relocation, Respondent submitted a "Change of Location Pharmacy Application" (Form number 2737) to the Board.

5. On March 18, 2019, Respondent was granted new license number 2317-43, permitting it to operate in Wisconsin as an out-of-state pharmacy at its new location.

6. Between February 11, 2019 and March 18, 2019, Respondent shipped 214 prescription medications to customers in Wisconsin from its new location before its new out-of-state pharmacy license had been granted.

7. 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 6.01, by operating before a pharmacy license was granted.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Stat. § 450.065(1), by shipping, mailing, or otherwise delivering a prescribed drug or device to persons in this state without being licensed as a pharmacy.

4. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 6.02(1), by operating as a pharmacy at a location not designated on its license.

5. Pursuant to Wis. Stat. § 450.10(2), the Board may, for violations of Wis. Stat. § 450.10(1), assess a forfeiture of not more than \$1,000.00 for each separate offense, with each day of violation constituting a separate offense.

ORDER

1. The attached Stipulation is accepted.

2. Within one-hundred and twenty (120) days from the date of this Order, Respondent, license no. 2317-143, shall pay a FORFEITURE in the amount of thirteen thousand dollars (\$13,000.00).

3. Within one-hundred and twenty (120) days from the date of this Order, Respondent, license no. 2317-143, shall pay costs in the amount of \$415.00.

4. Payment of forfeiture and 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://dpsmonitoring.wi.gov/>

5. In the event that Respondent violates any term of this Order, Respondent's license (no. 2317-143) 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: Philip Trapkin c.p.
A Member of the Board

23 July 2020
Date

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

IMPRIMISRX,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 00069 13

Division of Legal Services and Compliance Case No. 20 PHM 043

Respondent ImprimisRx 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.

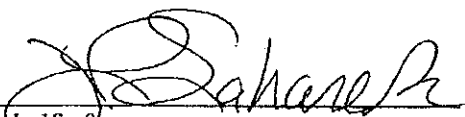
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

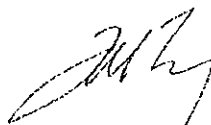
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.


On behalf of
ImprimisRx, Respondent
Ledgewood, NJ 07852
License no. 2317-43

7/7/2020
Date


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

7/13/2020
Date