

## 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 :  
 :  
HUVEPHARMA, INC., : FINAL DECISION AND ORDER  
RESPONDENT. : **ORDER 0007015**

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Division of Legal Services and Compliance Case No. 19 PHM 161, 19 PHM 273, and 19 PHM 276

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

Huvepharma Inc.  
St. Joseph, MO 64505

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 Huvepharma, Incorporated is licensed in the state of Wisconsin as a wholesale distributor of prescription drugs, having license number 3043-45, first issued on August 20, 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 St. Joseph, Missouri.

2. On May 31, 2014, Laboratory A's Wisconsin wholesale pharmacy license expired and is no longer eligible for renewal.

3. On July 27, 2018, Respondent purchased Laboratory A.

4. On June 11, 2019, Respondent entered into a consent agreement with the Arkansas State Board of Pharmacy, as a result of discipline issued by the Georgia and Kansas Boards of Pharmacy, for failing to notify those boards of a change of ownership of Laboratory A in a timely manner. Respondent also entered into a consent agreement with the Alabama Board of Pharmacy.

5. On June 14, 2019, Respondent submitted an application for initial licensure as a wholesale pharmacy in Wisconsin.

6. On August 20, 2019, Respondent was issued license number 3043-45 and permitted to act as a wholesale distributor of prescription drugs in Wisconsin.

7. Respondent and prior entities did not have an active wholesale pharmacy license in Wisconsin between May 31, 2014 and August 20, 2019.

8. On April 30, 2020, Respondent indicated that to their best estimate, Respondent made 621 shipments into Wisconsin between May 31, 2014 and August 20, 2019. Of these, approximately 316 contained items which required a prescription.

9. 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 violated Wis. Stat. § 450.07(1) by engaging in the wholesale distribution of a prescription drug in Wisconsin without obtaining a license from the board for each facility from which the person distributes prescription drugs.

3. As a result of the above, Respondent is subject to forfeiture in lieu of discipline pursuant to Wis. Stat. § 450.10(2).

#### ORDER

1. The attached Stipulation is accepted.

2. In lieu of discipline, Respondent shall pay a FORFEITURE in this matter in the amount of \$10,000.00, within ninety (90) days from the date of this Order.

3. Payment (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 the Department's Monitoring Case Management System at

<https://dpsmonitoring.wi.gov>

4. In the event that Respondent violates any term of this Order, Respondent's license (number 3043-45) to practice as a wholesale distributor of prescription drugs 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.

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

WISCONSIN PHARMACY EXAMINING BOARD

by: Philip Trapstein c.p.  
A Member of the Board

9/24/2020  
Date

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

HUEVEPHARMA, INC.,  
RESPONDENT.

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STIPULATION

**ORDER 0007015**

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Division of Legal Services and Compliance Case No. 19 PHM 161, 19 PHM 273, and 19 PHM 276

Respondent Huevapharma, Inc., 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.

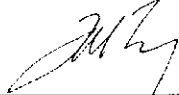
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes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

  
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Huevapharma, Inc., Respondent  
St. Joseph, MO 64505  
License no. 3043-45

\_\_\_\_\_  
July 24, 2020  
Date

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

\_\_\_\_\_  
7/24/2020  
Date