

## 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
RICHARD D. MOE, R.PH.,	:	
RESPONDENT.	:	ORDER UUU7053

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Division of Legal Services and Compliance Case No. 18 PHM 087

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

Richard D. Moe, R.Ph.  
Superior, WI 54880

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 Richard D. Moe, R.Ph., (DOB xx/xx/1959) is licensed in the state of Wisconsin to practice pharmacy, having license number 11924-40, first issued on March 11, 1993, and current through May 31, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Superior, Wisconsin.

2. On February 4, 2009, the Board issued Final Decision and Order LS0902047PHM in which Respondent was reprimanded and assessed a forfeiture for filling a controlled substance anorectic medication when he should have known the electronic prescriptions were not issued by the provider while acting in the usual course of professional practice and the prescriptions did not arise out of legitimate physician-patient relationships.

3. On October 28, 2019, the Board issued Final Decision and Order 0006520 in which Respondent was reprimanded and assessed a forfeiture for, on two separate occasions, filling the same prescription for a patient with the incorrect dosage of the medication.

4. At all times relevant to this proceeding, Respondent was employed as a pharmacist at a pharmacy located in Superior, Wisconsin.

5. On November 22, 2017, Respondent filled Patient A's prescription for Victoza as a 90-day supply instead of the prescribed 30-day supply.

6. Patient A's doctor denied approving the change to a 90-day supply in November 2017.

7. Respondent stated that the quantity for insulin pens is entered into the computer system in milliliters. A three-pen box equals nine milliliters. During the filling process, the number nine was mistaken as the number of pens to dispense.

8. 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 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.

3. 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. The license to practice pharmacy issued to Respondent (license number 11924-40) is LIMITED as follows:

- a. Within ninety (90) days from the date of this Order, Respondent shall successfully complete four (4) hours of education on the topic of medication dispensing offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

- b. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
- c. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
- d. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
- e. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$545.00.

5. Request for approval of courses, proof of successful course completion 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](mailto:DSPSMonitoring@wisconsin.gov)

You may also submit this information online via DSPS' Monitoring Case Management System, here:

<https://dpsmonitoring.wi.gov>

6. In the event that Respondent violates any term of this Order, Respondent's license (no. 11924-40) to practice pharmacy in the state of Wisconsin may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Section 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: Philip Trapkin c.p.  
A Member of the Board

10/23/2020  
Date

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

RICHARD D. MOE, R.PH.,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION

PHARM 0007053

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Division of Legal Services and Compliance Case No. 18 PHM 087

Respondent Richard D. Moe, 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.

  
Richard D. Moe, R.Ph., Respondent  
Superior, WI 54880  
License no. 11924-40

08/26/20  
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

September 24, 2020  
Date