

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

THOMAS F. SHAW, R.PH.,  
RESPONDENT.

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:  
: FINAL DECISION AND ORDER

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: **ORDER 0007109**  
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Division of Legal Services and Compliance Case No. 18 PHM 109

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

Thomas F. Shaw, R.Ph.  
Hudson, WI 54016

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 Thomas F. Shaw, R.Ph. (DOB: XX/XX/1961) is licensed in the state of Wisconsin to practice pharmacy, having license number 10841-40, first issued on June 10, 1986. This license expired on August 30, 2020 and has not been renewed. Pursuant to Wis. Stat. § 440.08(3), Respondent retains the right to renew upon payment of a fee until August 29, 2025. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Hudson, Wisconsin 54016.

2. At all times relevant to this proceeding, Respondent was employed as a pharmacist at a hospital (Hospital), located in Hudson, Wisconsin.

3. On August 22, 2018, the Department received a complaint from the Hospital reporting a significant loss of controlled substances.

4. Respondent was flagged for unusual manual adjustment activity for Adderall.

5. During investigation, it was found that Respondent was accurately filing prescriptions for quantities of 30 but marking on a paper perpetual log as quantity 60, then manually adjusting computer inventory minus 30.

6. Respondent admitted to diverting Adderall for personal use and was subsequently terminated from the Hospital on August 21, 2018.

7. On August 29, 2018, Respondent applied for and was accepted to an impairment program, separate from this order.

8. On January 7, 2019, Respondent sent an email to the Department stating he would like to surrender his license and withdraw from the program.

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).

#### ORDER

1. The attached Stipulation is accepted.

2. The voluntary SURRENDER of the license to practice pharmacy, and the appurtenant right to renew same, in the state of Wisconsin issued to Respondent (license no. 10841-40) are hereby accepted.

3. In the event Respondent petitions the Board for reinstatement of his license to practice pharmacy in the state of Wisconsin, the Board may enter an order denying such petition without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license shall be in the discretion of the Board.

4. In the event Respondent petitions the Board for reinstatement of his license to practice pharmacy in the state of Wisconsin or applies for another credential with this Department, Respondent shall pay the costs of this matter in the amount of \$783.00.

5. Respondent shall immediately return all indicia of Wisconsin licensure 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 DSPS' Monitoring Case Management System, here: <https://dpsmonitoring.wi.gov>

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

12/3/2020  
Date

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

THOMAS F. SHAW, R.PH.,  
RESPONDENT.

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STIPULATION

**ORDER 0007109**

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Division of Legal Services and Compliance Case No. 18 PHM 109

Respondent Thomas F. Shaw, 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.

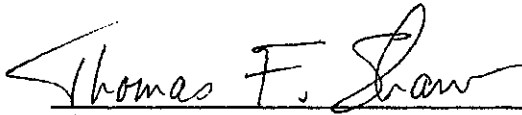
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.



Thomas F. Shaw, R.Ph., Respondent  
Hudson, WI 54016  
License no. 10841-40

10/20/2020  
Date



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

10/23/2020  
Date