

## 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

GUARDIAN PHARMACY OF WISCONSIN,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER 0007193**

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Division of Legal Services and Compliance Case No. 19 PHM 017

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

Guardian Pharmacy of Wisconsin  
10233 West Greenfield Ave.  
West Allis, WI 53214

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 Guardian Pharmacy of Wisconsin is licensed in the state of Wisconsin as a pharmacy, having license number 9523-42, first issued on September 17, 2018, 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 at 10233 West Greenfield Avenue, West Allis, Wisconsin 53214.

2. At all times relevant to this proceeding, Respondent operated as a pharmacy at the address listed in paragraph 1.

3. Respondent serviced Patient A, a Wisconsin Medicaid and Medicare Part D recipient, from January 2014 through February 16, 2019.

4. Respondent refilled Patient A's prescriptions and had them delivered to Patient A's home. A monthly invoice was also sent to Patient A's home which included copays, over-the-counter product charges, and delivery charges accrued in the previous month.

5. Patient A did not pay the invoices monthly, but instead sent payments to Respondent approximately 2-3 times annually throughout the service period from 2014 through February 2019.

6. In January 2019, Respondent was preparing to send out Patient A's monthly refill and realized that Patient A's account was delinquent. Respondent did not send the medications to Patient A due to the lack of payment.

7. In a response to the Department, Respondent stated it is not required to deliver medications when there is an outstanding balance, much less a history of non-payment.

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 violated Wis. Stat. § 49.45(18)(ac), by denying care or services because the [Medicaid] recipient is unable to share costs.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Stat. § 450.10(1)(a)2., by violating any federal or state statute or rule which substantially relates to the practice of the licensee.

4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 450.10(1)(b)1.

5. Pursuant to Wis. Stat. § 450.10(2), in addition to or in lieu of a reprimand or denial, limitation, suspension, or revocation of a license under sub. (1), the Board may, for the violations enumerated under sub. (1), assess a forfeiture of not more than \$1,000 for each separate offense. Each day of violation constitutes a separate offense.

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Respondent shall pay a FORFEITURE in the amount of \$1,000.00.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$440.00.

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)

Respondent may also submit this information at: <https://dpsmonitoring.wi.gov>.

6. In the event that Respondent violates any term of this Order, Respondent's license (no. 9523-42) 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:

  
A Member of the Board

28 January 2021  
Date

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST  
  
GUARDIAN PHARMACY OF WISCONSIN,  
RESPONDENT.

STIPULATION

ORDER 0007193

Division of Legal Services and Compliance Case No. 19 PHM 017

Respondent Guardian Pharmacy of Wisconsin and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

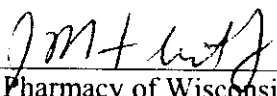
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives 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.

  
Guardian Pharmacy of Wisconsin, Respondent  
West Allis, WI 53214  
License No. 9523-42

1/15/2021  
Date

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

1/15/21  
Date