

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

WELLS PHARMACY NETWORK, LLC,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0007195

Division of Legal Services and Compliance Case No. 17 PHM 152

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

Wells Pharmacy Network, LLC
1210 SW 33rd Avenue
Ocala, FL 34474

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 Wells Pharmacy Network, LLC, is licensed in the state of Wisconsin as an out-of-state pharmacy, having license number 805-43, first issued on August 9, 2012, 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 Ocala, Florida.

2. At all times relevant to this proceeding, Respondent engaged in the mailing of prescriptions to Wisconsin residents.

3. On October 12, 2017, Respondent self-reported discipline from the Idaho Board of Pharmacy related to prescriptions issued by out-of-state doctors. The Wisconsin Board of Pharmacy opened the case to investigate any similar issues occurring in Wisconsin.

4. On March 19, 2019, the Department received a spreadsheet from Respondent showing all the prescriptions mailed to Wisconsin in 2018, from January 1, 2018 through December 31, 2018.

5. The spreadsheet showed that, in 2018, 58 prescribers who wrote prescriptions for Wisconsin residents did not have Wisconsin licenses. The prescribers were otherwise licensed.

6. Department interviewed a random sample of patients of the 58 prescribers.

7. Interviews conducted by a Department investigator uncovered that five (5) out of seven (7) patients interviewed reported that they received their prescriptions from Respondent after using telehealth services. The total amount of prescriptions dispensed by Respondent for these five (5) patients totaled 108 prescriptions.

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. Pursuant to Wis. Stat. § 450.01(17), "practitioner" is defined as a person licensed in this state to prescribe and administer drugs or licensed in another state and recognized by this state as a person authorized to prescribe and administer drugs.

3. Pursuant to Wis. Stat. § 450.11(1), no person may dispense any prescribed drug except upon the prescription order of a practitioner.

4. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 10.03(1), by administering, dispensing, supplying or obtaining a drug other than in legitimate practice, or as prohibited by law.

5. 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.

6. 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 Wis. Stat. § 450.10(1), the board may, for the violations enumerated under Wis. Stat. § 450.10(1), assess a forfeiture of not more than \$1,000 for each separate offense. Each day of violation constitutes a separate offense.

7. 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. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$3,278.00.
4. Within ninety (90) days from the date of this Order, Respondent shall pay a FORFEITURE in the amount of \$30,000.00.
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

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. 805-43) 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

WELLS PHARMACY NETWORK, LLC,
RESPONDENT.

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:
:

STIPULATION

ORDER 0007195

Division of Legal Services and Compliance Case No. 17 PHM 152

Respondent Wells Pharmacy Network, LLC 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.

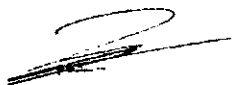
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

DocuSigned by:
Kris Fishman
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9/25/2020

Wells Pharmacy Network, LLC, Respondent
1210 SW 33rd Avenue
Ocala, FL 34474
License no. 805-43

Date


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

10/7/2020

Date