

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

HENRY FORD PHARMACY ADVANTAGE
SOUTHFIELD,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0007243

Division of Legal Services and Compliance Case No. 19 PHM 056

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

Henry Ford Pharmacy Advantage Southfield
1191 South Boulevard East
Rochester Hills, MI 48307

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 Henry Ford Pharmacy Advantage Southfield is licensed in the state of Wisconsin to practice pharmacy, having license number 2104-43, first issued on February 8, 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 1191 South Boulevard East, Rochester Hills, Michigan 48307.

2. On February 8, 2019, Respondent entered into a consent agreement with the Kansas Board of Pharmacy on February 8, 2019. Respondent acknowledged dispensing/shipping eleven

(11) prescriptions into Kansas between December 31, 2017 and August 31, 2019 with an expired Kansas non-resident permit. This consent agreement was self-reported to the Department.

3. On November 6, 2017, Respondent sent the Department a relocation application.
4. On December 1, 2017, Respondent relocated.
5. On December 14, 2017, the Department sent Respondent an email stating their application was incomplete for not providing a closing date on the old location.
6. Respondent provided a response to the request on January 22, 2018 and its license was issued on February 8, 2018.
7. Respondent admitted to shipping five (5) prescriptions into Wisconsin between December 1, 2017 and February 7, 2018 to four (4) separate patients.
8. On June 1, 2018, Respondent's license (no. 2104-43) expired.
9. On July 11, 2018, Respondent completed the online renewal and its license was renewed on July 12, 2018.
10. Between June 1, 2018 and July 11, 2018, Respondent admitted to shipping thirty-three (33) prescriptions into Wisconsin.
11. 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. Stat. § 450.065(1), as no pharmacy that is in another state may ship, mail, or otherwise deliver a prescribed drug or device to persons in this state unless the pharmacy is licensed under sub (2).
3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § 10.03(19), by practicing without a current license.
4. As a result of the above violations, the board may reprimand the licensee or deny, revoke, suspend, or limit the license of Respondent who has engaged in unprofessional conduct pursuant to Wis. Stat. § 450.10(1)(b)1.

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

ORDER

1. The attached Stipulation is accepted.
2. Within ninety (90) days from the date of this order Respondent shall pay a FORFEITURE in the amount of \$10,000.00.
3. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$720.00.
4. 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

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

5. In the event that Respondent violates any term of this Order, Respondent's license (no. 2104-43) 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.

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

WISCONSIN PHARMACY EXAMINING BOARD

by: 

A Member of the Board

4 March 2021

Date

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

HENRY FORD PHARMACY ADVANTAGE-
SOUTHFIELD,
RESPONDENT.

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STIPULATION

ORDER 0007243

Division of Legal Services and Compliance Case No. 19 PHM 056

Respondent Henry Ford Pharmacy Advantage-Southfield, 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.


Henry Ford Pharmacy Advantage-Southfield,
Representative for Respondent
1191 South Boulevard E
Rochester Hills, MI 48307
License no. 2104-43

2/8/2021
Date


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

February 8, 2021

Date