

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>

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STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MEDS IN MOTION,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER 0007580**

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Division of Legal Services and Compliance Case No. 20 PHM 109

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

Meds In Motion  
Salt Lake City, UT 84117

Meds In Motion  
Draper, UT 84020

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 Meds In Motion is licensed in the state of Wisconsin as an out-of-state pharmacy with two locations on file with the Wisconsin Department of Safety and Professional Services (Department), one in Salt Lake City, Utah, having license number 2112-43, first issued on March 16, 2018 and current through May 31, 2022; and one in Draper, Utah, having license number 2631-43, first issued on December 30, 2020 and current through May 31, 2022.

2. On June 18, 2020, the Utah Department of Professional Licensing completed an inspection of Respondent's Central Fill Pharmacy in Draper, Utah, and subsequently submitted a

letter to the Department regarding the inspection findings. The Department opened Division of Legal Services and Compliance Case No. 20 PHM 109 to investigate the findings.

3. Respondent has represented to the Department that it will be closing its two Utah pharmacy locations, effective June 30, 2021, and wishes to voluntarily surrender its two Wisconsin out-of-state pharmacy licenses.

4. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The 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 by Respondent of its licenses to operate as an out-of-state pharmacy in the state of Wisconsin (license nos. 2112-43 and 2631-43), as well as its right to renew such licenses, is accepted.

3. In the event Respondent petitions the Board for reinstatement of its licenses to practice as an out-of-state pharmacy in the state of Wisconsin or applies for another credential in the state of Wisconsin under Wis. Stat. chs. 440 through 480, Respondent shall pay the costs of this matter in the amount of \$455.00 before any petition or application for a credential will be considered by the applicable board or Department.

4. In the event Respondent petitions the Board for reinstatement of its licenses to practice as an out-of-state pharmacy in the state of Wisconsin, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license granted shall be in the sole discretion of the Board and such decision is not reviewable.

5. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 266-2112; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

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

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

WISCONSIN PHARMACY EXAMINING BOARD

By:   
A Member of the Board

Date 9/2/2021

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MEDS IN MOTION,  
RESPONDENT.

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STIPULATION

**ORDER 0007580**

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Division of Legal Services and Compliance Case No. 20 PHM 109

Respondent Meds In Motion 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. Respondent is represented by Attorney Kristy Kimball.

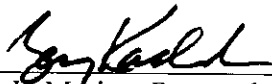
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Pharmacy Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent 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 or Respondent's attorney, 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.

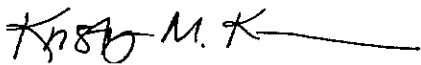
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.

  
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Meds In Motion, Respondent  
Salt Lake City, UT and Draper, UT  
License Nos. 2112-43 and 2631-43

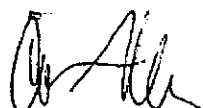
7/9/21

\_\_\_\_\_  
Date

  
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Kristy Kimball, Attorney for Respondent  
Holland & Hart  
222 South Main Street, Suite 2200  
Salt Lake City, UT 84101-2194

7/19/2021

\_\_\_\_\_  
Date

  
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Colleen L. Meloy, Prosecuting Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

7/20/2021

\_\_\_\_\_  
Date