

## 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/wscga>

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STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JAMES P. HANEY, R.Ph.,  
RESPONDENT.

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:  
: FINAL DECISION AND ORDER  
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**ORDER 0007784**

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Division of Legal Services and Compliance Case No. 21 PHM 022

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

James P. Haney, R.Ph.  
Big Bend, WI 53103

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. James P. Haney, R.Ph. (Respondent), (Year of Birth 1972) is licensed in the state of Wisconsin as a pharmacist, having license number 13310-40, first issued on August 30, 2000, and current through May 31, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Big Bend, Wisconsin 53103.

2. On July 25, 2012, Respondent was disciplined by the Board (Order no. 0001948), for diversion of controlled substances in DLSC Case Number 10 PHM 061.

3. At all times relevant to this proceeding, Respondent was employed as a pharmacist at a pharmacy (Pharmacy), located in Milwaukee, Wisconsin.

4. On October 5, 2021, Respondent pled no contest and was convicted in Waukesha County Circuit Court Case No. 2020CF000727 of one (1) count of Disorderly Conduct with Domestic Abuse Modifier, a Class B misdemeanor, in violation of Wis. Stats. §§ 947.01(1) and 968.075(1)(a) and four (4) counts of Battery with Domestic Abuse modifier, a Class A misdemeanor, in violation of Wis. Stats. §§ 940.19(1) and 968.075(1)(a). Respondent was sentenced to three (3) years' probation with conditions including but not limited to; Alcohol and Other Drug Abuse assessment and to follow-through on any recommended treatment, absolute sobriety, random drug screenings, no use or possession of alcohol or controlled substances without valid prescription, and any valid prescription drugs only to be taken in manner prescribed.

5. 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).

2. By the conduct described in the Findings of Fact, Respondent committed unprofessional conduct by violating a state statute or rule which substantially relates to the practice of pharmacy within the meaning of Wis. Stat. § 450.10(1)(a)2.

3. By the conduct described in the Findings of Fact, Respondent has been found guilty of an offense the circumstances of which substantially relate to the practice of pharmacy within the meaning of Wis. Stat. § 450.10(1)(b)3.

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

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. The license issued to Respondent (license no. 13310-40) to practice pharmacy, is LIMITED as follows:

- a. Within sixty (60) days from the date of this Order, Respondent shall, at his own expense, undergo an AODA assessment with an evaluator pre-approved by the Board or its designee who has experience conducting these assessments.
- b. Prior to the assessment, Respondent shall provide a copy of this Order to the evaluator. Respondent shall provide the Department Monitor with written acknowledgment from the evaluator that a copy of this Order has been received by the evaluator. Such acknowledgment shall be provided to the Department Monitor prior to the assessment.

- c. Respondent shall provide and keep on file with the evaluator current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department to obtain a copy of the assessment. Copies of these releases shall immediately be filed with the Department Monitor.
  - d. Respondent shall identify and provide the evaluator with authorizations to communicate with all physicians, mental health professionals, and facilities at which Respondent has been treated or evaluated.
  - e. The Board, or its designee, may impose additional limitations upon Respondent's license based on the results of the assessment and/or the evaluator's recommendations.
  - f. Respondent shall comply with the evaluator's recommendations.
4. The license issued to Respondent (license no.13310-40) to practice pharmacy, is further LIMITED as follows:
- a. Within one hundred and twenty (120) days of the date of this Order, Respondent shall at their own expense, successfully complete three (3) hours of education on the topic of ethics and three (3) hours of education on the topic of patient care offered by a provider pre-approved by the Board monitoring liaison, including taking and passing any exam offered for the courses.
  - b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
  - c. The Board monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
  - d. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all the ordered education.
5. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$914.00.
6. 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>

7. In the event Respondent violates any term of this Order, Respondent's license (no. 13310-40), or Respondent's right to renew his license, 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.

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

WISCONSIN PHARMACY EXAMINING BOARD

By:  Date 1/27/2022  
A Member of the Board

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

JAMES P. HANEY, R.PH.,  
RESPONDENT.

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STIPULATION

**ORDER 0007784**

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Division of Legal Services and Compliance Case No. 21 PHM 022

James P. Haney, R.Ph. (Respondent), 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 Jacob A. Manian.

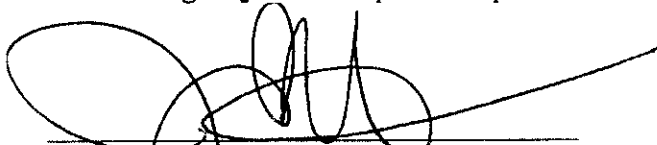
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Pharmacy Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent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

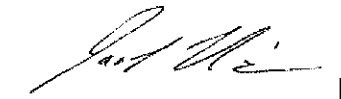
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's 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.

  
James P. Haney, R.Ph., Respondent  
Big Bend, WI 533  
License No. 110-40

1/6/22  
Date

  
Jacob A. Manian, Attorney for Respondent  
Fox, O'Neill, and Shannon, S.C.  
622 North Water Street, #500  
Milwaukee, WI 53202

1/6/22  
Date

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

1/11/22  
Date