

## 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

KYLE J. MCGILLIGAN, R.PH.,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:

**ORDER 0007874**

Division of Legal Services and Compliance Case No. 19 PHM 307

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

Kyle J. McGilligan, R.Ph.  
Waukesha, WI 53186

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 Kyle J. McGilligan, R.Ph., (Year of Birth 1987) is licensed in the state of Wisconsin to practice pharmacy, having license number 17681-40, first issued on August 26, 2014, 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 Waukesha, Wisconsin.

2. On June 4, 2015, Respondent pled guilty in Waukesha County Circuit Court Case number 2014CF230 of three counts possession of child pornography, a class D felony, in violation of Wis. Stat. § 948.12(1m).

3. On July 25, 2017, Respondent was sentenced to five years in state prison with extended supervision. Respondent began serving his sentence the same day.

4. On July 26, 2017, Respondent timely reported the conviction to the Department.

5. On May 31, 2018, Respondent allowed his pharmacy license to expire.

6. In June 2019, Respondent sought renewal of his pharmacy license.

7. On Respondent's renewal application, Respondent was asked: "Since your last renewal...do you have any pending charges, and/or have you violated any federal or state laws, or any local ordinances?" Respondent answered: "No, I do not have pending charges and/or convictions." Respondent was obligated to report the 2017 conviction when seeking renewal in 2019 as his last renewal occurred in 2016.

8. On July 13, 2020, Respondent was released from state prison to extended supervision.

9. On June 18, 2021, Respondent underwent a fitness to practice evaluation performed by a licensed clinical social worker with experience in performing sex offender assessments and psychosexual evaluations. The results of the evaluation were provided to the Department and demonstrate that Respondent's likelihood of re-offense is very low.

10. 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. Admin. Code § Phar 10.03(8), by providing false information to the pharmacy examining board or its agent.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Stat. § 450.10(1)(a)1., by making any materially false statement or giving any materially false information in connection with an application for a license or for renewal or reinstatement of a license.

4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 450.10(1)(b)1. and 450.10(1)(b)3.

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.
3. The license of Respondent to practice as a pharmacist in the State of Wisconsin is LIMITED as follows:
  - a) While employed as a pharmacist, Respondent shall not be in the presence of a minor patient in any area where Respondent is not observable by others, unless another employee is also present.
  - b) It is Respondent's responsibility to arrange for written reports from Respondent's supervisor and/or managing pharmacist to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor for a period of two years. These reports shall assess Respondent's work performance and shall include a report of Respondent's compliance with limitation set forth in subparagraph a.
  - c) Respondent shall, within 14 days of the date of this Order, provide his managing pharmacists, at any current place of employment as a pharmacist, with a copy of this Final Decision and Order. Respondent shall provide his managing pharmacist, at any future place of employment as a pharmacist, with a copy of this Final Decision and Order, prior to commencing that employment.
4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,228.00.
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://dspsmonitoring.wi.gov>.

6. In the event that Respondent violates any term of this Order, Respondent's license (no. 17681-40) 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:  \_\_\_\_\_ 3/3/2022  
A Member of the Board Date

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

KYLE J. MCGILLIGAN, R.PH.,  
RESPONDENT.

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STIPULATION

**ORDER 0007874**

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Division of Legal Services and Compliance Case No. 19 PHM 307

Respondent Kyle J. McGilligan, R.Ph., 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 Patrick Knight.


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.

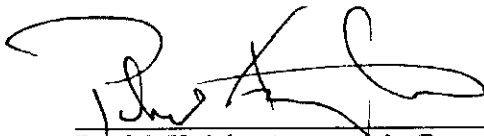
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.

  
\_\_\_\_\_  
Kyle J. McGilligan, R.D. Respondent  
Waukesha, WI 53186  
License no. 17681-40

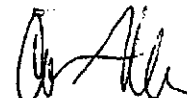
02/01/2022

Date

  
\_\_\_\_\_  
Patrick Knight, Attorney for Respondent  
Gimbel Reilly Guerin & Brown, LLP  
Two Plaza E., Ste 1170  
330 E. Kilbourn Ave.  
Milwaukee, WI 53202

2/1/2022

Date

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

2/1/22

Date