

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

PAUL F. CORCORAN, JR., R.Ph.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0007957

Division of Legal Services and Compliance Case Nos. 18 PHM 075, 19 PHM 058, 19 PHM 163,
and 21 PHM 049

The parties to these actions for the purpose of Wis. Stat. § 227.53 are:

Paul F. Corcoran, Jr., R.Ph.
Richland Center, WI 53581

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 these matters agree to the terms and conditions of the attached Stipulation as the final disposition of these matters, subject to the approval of the Pharmacy Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in these matters adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Paul F. Corcoran, Jr., R.Ph., (DOB: XX/XX/1958) is licensed in the state of Wisconsin to practice pharmacy, having license number 10703-40, first issued on June 26, 1985, 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 Richland Center, Wisconsin 53581.

18 PHM 075

2. On November 8, 2017, Patient A saw Physician B and requested a refill of his oxycodone prescription.

3. Physician B checked Patient A's prescription drug records via the Wisconsin Prescription Drug Monitoring Program database (PDMP). The PDMP records showed that Physician B had issued an oxycodone refill to Patient A on June 28, 2017, to be filled on August 18, 2017, but that the prescription had not been filled until October 30, 2017, by Respondent.

4. Physician B contacted Respondent for an explanation of the dates in Patient A's PDMP records and Respondent told Physician B that if a patient brings in a prescription within 60 days, it would be filled.

5. The oxycodone prescription Respondent filled on October 30, 2017, was written on June 28, 2017, meaning the 60-day period to fill it ended on August 27, 2017.

6. Physician B questioned Respondent about the date discrepancy and Respondent acknowledged that he is not very good at entering accurate data into the PDMP.

7. On July 2, 2018, the Department, on behalf of the Board, requested a response from Respondent to the allegations that he filled a prescription for a controlled substance listed in schedule II more than 60 days after the date of issue on the prescription order.

8. On February 4, 2019, the Department, on behalf of the Board, again requested a response from Respondent regarding the allegations.

9. On November 8, 2019, the Department, on behalf of the Board, sent a certified letter to Respondent again requesting a response to the allegations.

10. Respondent did not respond to the Department's requests for a response.

11. On December 3, 2019, the Department, on behalf of the Board, contacted Respondent by telephone. Respondent confirmed receipt of the Department's prior requests for a response to the allegations and stated he would provide a response, but again failed to do so.

19 PHM 058

12. The Richland Medical Center (RMC) filed a complaint alleging that between 2016-2018, Respondent:

- a. Dispensed prescriptions, including controlled substances, without licensed clinician authorization;
- b. Dispensed incorrect dosages, including for controlled substances; and
- c. Failed to enter information into the PDMP or entered incorrect and/or incomplete information.

13. RMC raised these issues with Respondent, who updated and/or corrected the PDMP data and, per RMC, reportedly showed "some improvement for the short term [before] going back to old habits and methods for dispensing medication."

19 PHM 163

14. Respondent was the owner of a pharmacy located in Reedsburg, Wisconsin (Pharmacy A).

15. In July-August 2019, the managing pharmacist of Pharmacy A was on medical leave for approximately two weeks.

16. While the managing pharmacist was on medical leave, Respondent did not arrange for another pharmacist to manage Pharmacy A. Respondent devised a system by which Pharmacy A staff accepted new prescription orders and refill requests from patients, processed the requests through insurance, and printed prescription labels. The labels were then faxed to Respondent at another pharmacy he owned, where Respondent filled the prescriptions and transported them back to Pharmacy A where non-pharmacist staff dispensed the prescriptions.

17. Under this system, Respondent assumed responsibility for dispensing and supervising staff at Pharmacy A, but he was not physically present at Pharmacy A to provide pharmacy services, provide counseling to patients, or supervise pharmacy staff when pharmaceutical services were being provided. Instead, Respondent consulted via Skype and/or telephone on prescriptions issued through Pharmacy A.

18. Pharmacy A closed permanently in August 2019.

21 PHM 049

19. The Department received a complaint alleging that Respondent continued to fill a prescription for zolpidem for Patient A, a female born in 1940, after the prescription had expired.

20. The Department obtained Patient A's medical records and PDMP data of prescriptions and fills. That information reflected that on October 19, 2017, Patient A's physician prescribed zolpidem "as needed" and included five refills. Patient A's medical records reflect periods of time when she had no sleep complaints and was not regularly taking the zolpidem. Therefore, the prescription expired with unused refills remaining, which Respondent continued to fill until April 2021.

21. In resolution of these matters, Respondent consents to the entry of the following Conclusions of Law, and Order.

CONCLUSIONS OF LAW¹

1. The Wisconsin Pharmacy Examining Board has jurisdiction to act in these matters 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 violated Wis. Stat. § 440.20(5)(a), for failing to respond to the satisfaction of the department, credentialing board, or

¹ Wisconsin Administrative Code citations are to the code version in effect at the time of the conduct at issue.

other board in the department, within 30 days to a request for information from the department, credentialing board, or other board in the department in connection with an investigation of alleged misconduct.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 8.05(4), by dispensing a prescription for a controlled substance listed in schedule II more than 60 days after the date of issue on the prescription order.

4. 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.

5. 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. The license to practice pharmacy issued to Respondent (license number 10703-40) is LIMITED as follows:
 - a. Within 90 days from the date of this Order, Respondent shall successfully complete 10 hours of education on the topic of Prescription Drug Monitoring Program (PDMP) and 10 hours of education on the topic of Pharmacy Practice Law offered by a provider(s) pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the course(s).
 - b. The Board's 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.
 - c. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
 - d. 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.

e. This limitation shall be removed from Respondent's license and Respondent will be granted a full, unrestricted license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Within 90 days from the date of this Order, Respondent shall pay COSTS of these matters in the amount of \$4,300.00.

5. Request for approval of courses, proof of successful course completion, and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) and any 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. If Respondent violates any term of this Order, Respondent's license (no. 10703-40) 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:


A Member of the Board

4/28/22
Date

**STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD**

**IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST**

**PAUL F. CORCORAN, JR. R.PH.,
RESPONDENT.**

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STIPULATION

ORDER 0007957

**Division of Legal Services and Compliance Case Nos. 18 PHM 075, 19 PHM 058, 19 PHM 163,
and 21 PHM 049**

**Respondent Paul F. Corcoran, Jr., 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 pending investigations by the Division of Legal Services and Compliance. Respondent consents to the resolution of these investigations 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 Adam M. Fitzpatrick.

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 matters shall then be returned to the

Division of Legal Services and Compliance for further proceedings. If 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 these investigations 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.




Paul F. Corcoran, Jr., R.Ph., Respondent
Richland Center, WI 53581
License no. 10703-40

3/31/2022
Date



Adam M. Fitzpatrick, Attorney for Respondent
Corneille Law Group, LLC
7618 Westward Way, Suite 100
Madison, WI 53717

3/31/2022
Date



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

April 7, 2022
Date