

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
MCGUFF COMPOUNDING PHARMACY	:	
SERVICES, INC.,	:	
RESPONDENT.	:	<b>ORDER 0008893</b>

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Division of Legal Services and Compliance Case No. 21 PHM 157

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

McGuff Compounding Pharmacy Services, Inc.  
Santa Ana, CA 92704

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 McGuff Compounding Pharmacy Services, Inc., is licensed in the state of Wisconsin as an out of state pharmacy, having license number 378-43, first issued on September 2, 2008, and current through May 31, 2024. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Santa Ana, California 92704.

2. At all times relevant to this proceeding, Respondent was a pharmacy engaged in sterile compounding located in Santa Ana, California.

3. On December 13, 2021, Respondent self-reported pending discipline by the California State Board of Pharmacy (CA Board) who alleged Respondent had committed safety violations related to compounding sterile injectable drugs with non-pharmaceutical grade components containing contaminants, including heavy metals, bacteria, and mold (CA Accusation).

4. On January 30, 2023, Respondent entered into a Stipulated Settlement and Disciplinary Order (CA Order) in which Respondent agreed to voluntarily surrender its California pharmacy license and cease sterile compounding preparations as of March 1, 2023.

5. The CA Order provided that, if Respondent applied as a 503B Outsourcing Facility in California, "...the Board will give it the same consideration it would any other application to be licensed as an outsourcing facility. This settlement does not preclude the Board from granting that license. Nor is the Board under any obligation from this settlement to grant that license. Any application will receive ordinary and fair consideration."

6. During the course of its investigation, the Department learned that Respondent dispensed prescriptions related to the sterile compounding violations in the CA Accusation to Wisconsin patients during the time frame at issue.

7. Respondent denies violating pharmacy regulations when it performed sterile compounding as alleged in the CA Accusation but agrees to resolve this matter by surrendering its Wisconsin pharmacy license.

8. 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 license to practice pharmacy in the state of Wisconsin (license no. 378-43), as well as its right to apply to renew such license, is accepted.

3. In the event Respondent petitions the Board for reinstatement of its license to practice 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 \$840.00, 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 license to practice 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.

4. 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>.

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

WISCONSIN PHARMACY EXAMINING BOARD

By:   
A Member of the Board

12/7/2023  
Date

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST  
  
MCGUFF COMPOUNDING PHARMACY  
SERVICES, INC.,  
RESPONDENT.

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STIPULATION

ORDER 0008893

Division of Legal Services and Compliance Case No. 21 PHM 157

Respondent McGuff Compounding Pharmacy Services, Inc., 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 (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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Si Phan, Pharm.D.

McGuff Compounding Pharmacy Services, Inc., Respondent  
Santa Ana, CA 92704  
License No. 378-43

Oct. 26, 2023

Date



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

10/26/2023

Date