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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ROGER F. MICHEAUX,
RESPONDENT.

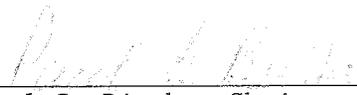
FINAL DECISION
AND ORDER

The State of Wisconsin Pharmacy Examining Board, having considered the above-entitled matter and having reviewed the record and the Stipulation and Proposed Decision attached hereto, makes the following order:

ORDER

NOW, THEREFORE, IT IS ORDERED, that the Proposed Decision attached hereto is made and ordered the Final Decision of the State of Wisconsin Pharmacy Examining Board, In The Matter of Disciplinary Proceedings Against Roger F. Michaeux, Respondent. Let a copy of this order be served on the Respondent by certified mail.

Dated this 14 day of April, 1982.



Paul G. Bjerke, Chairman

MB:kcb
267-145

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : PROPOSED DECISION
ROGER F. MICHEAUX, :
RESPONDENT. :

FINDINGS OF FACT

1. That Roger F. Micheaux, hereinafter called the respondent, was at all times material to this proceeding duly licensed under the provisions of chapter 450 of the Wisconsin Statutes, to practice as a registered pharmacist in the State of Wisconsin.

2. That the respondent's pharmacy license is number 7331 and that this license was granted on April 15, 1964.

3. That the respondent's address is 1633 Janice Street, Apartment 107, Green Bay, Wisconsin 54304.

4. That the respondent experienced emotional and mental difficulties when his wife began divorce proceedings in November of 1979.

5. That the respondent voluntarily hospitalized himself from January of 1980 through March of 1980 at St. Vincent's Hospital in Green Bay, Wisconsin, for these emotional and mental difficulties.

6. That the respondent was involuntarily committed for mental illness for a six month period pursuant to chapter 51 of the Wisconsin Statutes on April 24, 1980, in the Circuit Court for Brown County.

7. That during the six month commitment period, the respondent was hospitalized at St. Vincent's Hospital from April 24, 1980, through August 3, 1980, and at the Brown County Mental Health Center from August 4, 1980, through October 24, 1980.

8. That during the respondent's stay at St. Vincent's Hospital, from January of 1980 through August 3, 1980, the respondent was allowed release privileges to enable him to work as a relief pharmacist at the Pulaski Pharmacy in Pulaski, Wisconsin.

9. That while working at the Pulaski Pharmacy, the respondent refilled Schedule II controlled substance prescription orders on five occasions between March of 1980 and August 3, 1980 written for the respondent by Dr. John V. Gehring.

10. That by refilling Schedule II controlled substance prescription orders as described in paragraph 9, the respondent obtained 60 Dexedrine and 30 Sodium Amytal beyond that prescribed, and obtained 60 Tuinal by refilling a Sodium Amytal prescription.

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Division of Pharmacy

11. That on August 4, 1980, the respondent was transferred from St. Vincent's Hospital to the Brown County Mental Health Center due to a confrontation with a nurse at St. Vincent's Hospital.

12. That when the respondent was transferred on August 4, 1980, the respondent was found to have in his possession a bag containing various medications.

13. That said bag contained labeled vials of Cogentin, Stelazine, Lithium, Penicillin, and Dexedrine, unlabeled vials of Sodium Amytal and Tuinal, and a mixture of birth control samples from Syntex, Premarin, Afrin, and some antacids.

14. That the Cogentin, Stelazine, Lithium, Penicillin and Dexedrine were validly prescribed for the respondent.

15. That the Sodium Amytal was validly prescribed but the respondent removed this substance from the Pulaski Pharmacy in an amount in excess of that prescribed and also removed unprescribed Tuinal from this pharmacy, as described above in paragraphs 9 and 10, for purposes of self-administration.

16. That the remainder of the drugs listed in paragraph 13 were samples received by the Pulaski Pharmacy which the respondent had removed from this pharmacy prior to August 4, 1980 and for which the respondent had no valid prescription.

17. That all prescription and controlled drugs removed by the respondent from the Pulaski Pharmacy were removed for the respondent's personal use.

18. That upon being admitted to the Brown County Mental Health Center on August 4, 1980, all prescription and controlled drug medications for the respondent were discontinued and the respondent has taken no such medication since that date.

19. That the respondent was released from the Brown County Mental Health Center on October 14, 1980.

20. That since release on October 14, 1980, the respondent has worked as a relief pharmacist in the Green Bay area on the average of 30 hours per week. No complaints concerning the respondent's work performance have been received by the Pharmacy Examining Board since October 14, 1980.

21. That on February 28, 1982 the respondent submitted to a physical examination by a medical doctor to determine if the respondent is free of drugs and capable of practicing safely and competently as a pharmacist. The results of the examination are attached as Exhibit A.

CONCLUSIONS OF LAW

1. That an involuntary commitment for six months for mental illness pursuant to chapter 51 of the Wisconsin Statutes constitutes unfitness to practice pharmacy under section 450.02(7)(a), Wisconsin Statutes.

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2. That by refilling Schedule II prescriptions as described in Findings of Fact 9 and 10, the respondent has violated Wisconsin Administrative Code sections Phar 6.06(1) and Phar 5.03(3) and section 161.38, Wisconsin Statutes.

3. That by removing and possessing unlabeled vials of Sodium Amytal and Tuinal for which the respondent had no valid prescription as described in Findings of Fact 13 and 15, the respondent has violated Wisconsin Administrative Code section Phar 5.03(3) and sections 450.07(7), 161.38, and 161.41, Wisconsin Statutes.

4. That by possessing prescription drugs as described in Findings of Fact 13 and 16, the respondent has violated Wisconsin Administrative Code section Phar 5.03(3) and section 450.07(7), Wisconsin Statutes.

5. That Conclusions of Law 1-4 constitute bases for the Board to take disciplinary action against the respondent pursuant to section 450.02 (7)(a) of the Wisconsin Statutes.

ORDER

NOW, THEREFORE, IT IS ORDERED that the license to practice pharmacy in Wisconsin of the respondent, Roger F. Micheaux, shall be and hereby is LIMITED for a period of two years from the effective date of this Order under the following terms and conditions:

1. From time to time during the two year period, the respondent must, upon notice from the Board or its agent, provide reasonable medical evidence to the Board, based in part on a blood and urine analysis, that he is not physically or psychologically drug dependent or under the influence of any prescription drug or controlled substance not validly prescribed. The respondent shall bear the cost of all tests.

2. The respondent shall refrain from the use of any prescription or controlled drug unless validly prescribed.

3. By the fifth day of each month, the respondent shall provide to the Pharmacy Examining Board a complete listing of the pharmacies at which he worked during the preceding month and the date or dates on which he worked at these pharmacies. The respondent shall also indicate to the best of his knowledge the pharmacies and the dates on which he expects to work in the thirty days following the date of each letter.

4. The Board may at any time conduct inspections, investigations or observations of the respondent while he practices as a pharmacist.

5. At the conclusion of the two-year period, the respondent shall submit to the Board an updated medical report stating that he has no health problems, including drug dependency, which would prevent him from practicing safely and competently as a pharmacist.

6. If during the period of twenty-four months following the effective date of this Order, it is alleged that the respondent has knowingly violated any term of this Order or is physically or psychologically drug dependent,

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or has been found to have used or been under the influence of any prescription drug or controlled substance not dispensed and consumed pursuant to the valid prescription of a practitioner, then the Board, may after hearing and finding that such allegations are founded in fact, rescind this Order and issue a new Order based upon its Findings of Fact and Conclusions of Law in the present matter and upon its Findings of Fact and Conclusions of Law in the matter arising from the alleged violation of this Order.

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