

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF THE	:	
LICENSE OF	:	
	:	FINAL DECISION AND ORDER
JOHN TODD FAULKS, R.Ph.	:	ADOPTING STIPULATION
RESPONDENT.	:	

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The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

John Todd Faulks, R.Ph.  
1611 S. Erickson Avenue  
Marshfield, WI 54449

Pharmacy Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached stipulation as the final decision of this matter, subject to the approval of the 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

1. That John Todd Faulks, R.Ph., date of birth December 1, 1954, of 1611 S. Erickson Avenue, Marshfield, Wisconsin, Respondent herein, was at all times relevant to this proceeding duly licensed under the provisions of Chapter 450, Wis. Stats., to practice as a registered pharmacist in the State of Wisconsin.

2. That John Todd Faulks, R.Ph. holds a license as a pharmacist, number 10057, granted December 2, 1981.

3. On October 21, 1988 Respondent was convicted in Green County Circuit Court, Branch 1, in Case #88-CR-205, upon a plea of guilty, of one count of the misdemeanor offense of possession of a controlled substance, in violation of Section 161.41(3), Wis. Stats. An Order deferring judgment and ordering probation under sec. 161.47, Wis. Stats., was entered on October 21,

1988, a copy of which is attached hereto as Exhibit A. On October 21, 1988, Respondent was sentenced to:

- a. Serve two years probation,
- b. Pay \$200 fine and \$100 costs and assessments, and
- c. Undergo alcohol and drug treatment and rehabilitation as deemed necessary by his Probation Officer.

Entry of judgment of conviction was deferred pursuant to sec. 161.47 Wis. Stats.

4. The criminal proceeding related to conduct of the Respondent from November, 1987 through February 6, 1988 in which Respondent on numerous occasions diverted for self administration, without authorization of a practitioner approximately 440 Xanax .25 mg. tablets and approximately 60 1.00 mg. Xanax tablets, Schedule IV controlled substances under Wis. Stats. sec. 161.20(2)(a) from a retail pharmacy where he was employed as a pharmacist. The Respondent also admits to taking approximately another 260 Xanax .25 mg. tablets and several Acetaminophen with Codeine tablets, Schedule III controlled substances under sec. 161.18(5) during the period of January, 1987 through February, 1987, from a retail pharmacy where he was employed as a pharmacist.

5. The Respondent admits that he has been alcohol dependent since 1983. The Respondent further admits that he began his abuse of Xanax in the early months of 1987 and continued abusing Xanax through early February, 1988 when he voluntarily stopped using both alcohol and Xanax and sought inpatient treatment for chemical abuse and dependency.

6. On February 8 and on February 9, 1988, while working as the only licensed pharmacist in a retail pharmacy, the Respondent became impaired and incapacitated as a result of alcohol and Xanax abuse. The Respondent represents that on February 8, 1988 he requested permission of his employer to leave the retail pharmacy because of his condition, but his employer did not permit him to close the pharmacy when he became impaired due to his condition. On February 8, 1989, the Respondent permitted the continued operation of the pharmacy while no unimpaired, Wisconsin licensed pharmacist was present and in charge of the pharmacy operations, and further allowed pharmacy technicians to fill and dispense prescriptions to patients.

7. Respondent at times from November, 1987 to February 9, 1988 supervised three pharmacy technicians in the filling of prescriptions without permission or approval of the Pharmacy Examining Board.

8. On February 9, 1988, Respondent voluntarily entered inpatient treatment for detoxification, drug abuse and drug dependency at Parkside Lodge of Wisconsin, Janesville, Wisconsin, a state certified treatment center for alcohol and other drug abuse, and which is also accredited by the Joint Commission on Accreditation of Health Organizations for alcohol and drug program standards. Respondent received inpatient treatment at Parkside Lodge

from February 9, 1988 to March 10, 1988 at which time he was discharged to a 16-week outpatient therapy program under the care of an alcohol and drug abuse therapist. Respondent's discharge diagnoses on March 10, 1988 were: Access I - Alcohol dependency, Xanax dependency; Access II - Anxiety hysteria with depression. Respondent further continued participation in Alcoholics Anonymous on a frequency of two times a week. Respondent was further prescribed Amitriptyline. On June 29, 1988, Respondent commenced after care therapy with the Alcohol and Other Drug Abuse Recovery Program at the St. Joseph's Hospital, Marshfield, Wisconsin. Respondent's therapy program included counseling sessions on a frequency of approximately three times a month, Alcoholic Anonymous meetings 2-3 times a week, two rehabilitation sponsors, and random urine drug screens. Respondent was discharged by his therapist at St. Joseph's Hospital outpatient AODA program on March 28, 1989.

Following discharge by his therapist, Respondent continued participation in AA on a basis of 2 meetings per week. Respondent continued contact as required with his probation officer who has monitored rehabilitation recovery. Pursuant to recommendation by the Division of Enforcement, Respondent has resumed random witnessed urine screens on October 2, 1989, and has resumed regular contact with a rehabilitation counselor. A copy of the discharge summary for Respondent summarizing Respondent's rehabilitation program and discharge status, and a current rehabilitation status report are attached hereto as Exhibit B.

9. Respondent has been employed at St. Joseph's Hospital Pharmacy, Marshfield, Wisconsin from June 27, 1988 to the present. A copy of a report from Respondent's current employment supervisor summarizing his current employment status and progress is attached hereto as Exhibit C.

10. Attached hereto as Exhibit D is a copy of a recent report of Respondent's probation officer as to Respondent's probation status.

#### CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction over this matter and authority to take disciplinary action against the Respondent pursuant to Wis. Stats. sec. 450.10(1), and Wis. Adm. Code Ch. Phar 10.

2. The Wisconsin Pharmacy Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stats. sec. 227.44(5).

3. That in having been found guilty of the misdemeanor offense of possession of a controlled substance in violation of sec. 161.41(3), Wis. Stats., Respondent has been found guilty of violating a law substantially related to the practice of pharmacy, and is subject to discipline for unprofessional conduct pursuant to sec. Phar 10.03(1), Wis. Adm. Code, and sec. 450.10(1)(b)3. Wis. Stats.

4. Respondent diverted for self administration and without authorization of a practitioner controlled substances in violation of secs. 161.38(3), which constitutes unprofessional conduct under

secs. Phar 10.03(1) and (3), Wis. Adm. Code, and sec. 450.10(1)(a)2., and therefore subjects Respondent to discipline under sec. 450.10(1)(b), Wis. Stats.

5. Respondent practiced or attempted to practice pharmacy while his ability to competently perform the duties of a pharmacist were impaired by drug or alcohol abuse in violation of Wis. Adm. Code sec. Phar 10.03(7) and Wis. Stats. sec. 450.10(1)(a)3. and is therefore subject to discipline under sec. 450.10(1)(b), Wis. Stats.

6. Respondent as managing pharmacist of a retail pharmacy permitted the continued operation of the pharmacy while no unimpaired, Wisconsin licensed pharmacist was present in the pharmacy and allowed pharmacy technicians to fill and dispense prescriptions to patients in violation of sec. 450.09(2), Wis. Stats. which constitutes unprofessional conduct under sec. 450.10(1)(a)2., and is therefore subject to discipline under sec. 450.10(1)(b), Wis. Stats.

7. Respondent supervised more than one pharmacy intern and one nonpharmacist technician in the compounding and dispensing of prescription medications without prior permission or approval of the Pharmacy Examining Board, in violation of sec. Phar 7.01(3) which constitutes unprofessional conduct under sec. 450.10(1)(a)2., Wis. Stats. and therefore subjects Respondent to discipline under sec. 450.10(1)(b), Wis. Stats.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

I. That the Stipulation of the parties, attached hereto, is accepted.

II. IT IS FURTHER ORDERED that effective upon the date of this Order, the pharmacist license of John Todd Faulks, R.Ph., Respondent, shall be **SUSPENDED** for a period of not less than five (5) years.

1. The suspension shall be stayed for a period of three months, conditioned upon compliance with the conditions and limitations outlined in paragraph 2., below.

a. The Respondent may apply for consecutive three (3) month extensions of the stay of suspension, which shall be granted upon acceptable demonstration of compliance with the conditions and limitations imposed on the Respondent's license during the prior three (3) month period.

b. The Board may deny without hearing an application for extension of the stay, or commence other appropriate action, upon receipt of information that Respondent has violated any of the terms or conditions of this Order. If the Board denies the petition by the Respondent for an extension, the Board shall

afford an opportunity for hearing in accordance with the procedures set forth in Wis. Adm. Code Ch. RL 1 upon timely receipt of a request for hearing.

c. In consideration of Respondent's regime of and progress in treatment commenced on February 9, 1988, the Board may grant a petition by Respondent for removal of the conditions for stay under this section II of this Order and/or termination of the suspension period under this section II of this Order, only upon a showing by Respondent of successful compliance for a period of 38 months with all terms and conditions of this Order.

d. The applications for extension under 1.a. and all required reports under 2.a-c. shall be due on the following dates:

April 1, 1990 and each and every July 1, October 1, January 1, and April 1 thereafter in which this order is in effect.

2. CONDITIONS OF STAY AND LIMITATIONS.

a. Respondent shall remain free of alcohol, prescription drugs and controlled substances not prescribed by a practitioner for legitimate medical purposes. Respondent shall have his physician report in writing to the supervising physician or therapist under paragraph 2.b.(1) all medications prescribed to the Respondent within 3 days of such prescribing.

b. Rehabilitation Program. Respondent shall continue in a rehabilitation program acceptable to the board for the treatment of chemical abuse and dependency. Such program shall consist of the following elements and requirements:

(1) Respondent shall continue in a rehabilitation program under the direction and supervision of a physician or therapist acceptable to the Pharmacy Examining Board. Respondent shall immediately provide a copy of this Order to his supervising physician or therapist. The supervising or physician or therapist shall be responsible for the Respondent's total rehabilitation program. The rehabilitation program shall include and Respondent shall participate in individual and/or group therapy sessions for the first year of stayed suspension upon a schedule as recommended by the supervising physician or therapist, but not less than once weekly. Such therapy shall be conducted by the supervising physician or therapist, or another qualified physician or therapist as designated by the supervising physician or therapist and acceptable to the Board. After the first year of stayed suspension, this requirement for therapy sessions may be modified only upon written petition, and a written recommendation by the

supervising physician or therapist expressly supporting the modifications sought. A denial of such a petition for modification shall not be deemed a denial of license under sec. 227.01(3) or 227.42, Wis. Stats., or Ch. RL 1, Wis. Adm. Code, and shall not be subject to any right to further hearing or appeal.

(2) Respondent shall participate in quarterly evaluation with his supervising physician or therapist to review his progress in rehabilitation. Respondent shall comply with all the recommendations for continuing or additional treatment or therapy as recommended in the professional judgment by the supervising physician or therapist.

(3) Respondent shall attend Narcotics Anonymous and/or Alcoholic Anonymous meetings upon a frequency as recommended by the supervising physician or therapist, but not less than one meeting per week. Attendance of Respondent at such meetings shall be verified and reported monthly to the supervising physician or therapist.

(4) Respondent's rehabilitation program shall include and Respondent shall participate in a program of random, witnessed collection of urine and/or blood specimens for monitoring for presence of controlled substances and alcohol in his blood and/or urine. All urine screens shall include testing and reporting of the specific gravity of the urine specimen. Random witnessed collections of specimens shall be obtained for analysis as herein required on a minimum frequency of not less than:

a. Six times per month for the first six months following the date of this Order.

b. Four times per month for the seventh through thirty-eighth month following the date of this Order.

The random drug and alcohol screening program shall include weekends and holidays for collection of specimens. Failure of the drug and alcohol screening program to be conducted on a random basis shall be deemed a violation of this Order and may result in denial of extension of Stay of Suspension, disapproval of the monitoring facility or program or other action as deemed appropriate by the Board.

The Respondent shall appear and provide a specimen not later than 5 hours following a request for a specimen, but in no event later than the same calendar date that the request is made.

If the physician or therapist supervising the Respondent's plan of care, Respondent's employer, or the Pharmacy Examining Board or the Department of Regulation and Licensing deems that additional blood or urine screens are warranted, Respondent shall submit to such additional screens as requested or recommended. The supervising physician or therapist shall exceed the above stated minimum frequency for obtaining drug and alcohol screens to prevent ability of Respondent to predict that no further screens will be required for a given period because the minimum frequency for that period has been met.

The Respondent shall be responsible for obtaining a monitoring facility and reporting system acceptable to the Board. Respondent shall immediately provide a copy of this Order to the monitoring facility conducting the collection of specimen and/or chemical analyses upon specimens for the random witnessed drug and alcohol screening program.

To be an acceptable program, the monitoring facility shall agree to provide random and witnessed gatherings of specimens for analysis for all controlled substances and alcohol. Any specimen that yields a positive result for any controlled substance or alcohol shall be immediately subjected to a gas chromatography-mass spectrometry (hereinafter, "GC-MS") test to confirm the initial positive screen results. The monitoring facility shall agree to immediately file a written report directly with the Pharmacy Examining Board, the supervising physician or therapist, and the Respondent's supervising pharmacist upon any of the following occurrences: if the Respondent fails to appear upon request; or if a drug or alcohol screen and confirmatory GC-MS test prove positive; or if the specific gravity of a urine specimen is below 1.008; or if the Respondent refuses to give a specimen for analysis upon a request authorized under the terms of this Order. Respondent shall arrange for quarterly reports from the monitoring facility directly to the Board and to Respondent's supervising physician or therapist providing the dates and results of specimen analyses performed. Such reports shall be due on the dates specified in paragraph 1.d. above.

The monitoring facility shall further agree to keep a formal record of the chain of custody of all specimens collected and subjected to analysis. The facility shall further agree to preserve any specimens which yielded positive results for any controlled substance or alcohol, or specific gravity below 1.008 pending further written direction from the Board.

(5) Respondent shall arrange for quarterly reports from his supervising physician or therapist directly to the Board evaluating and reporting:

(a) A summary of Respondent's progress in his rehabilitation program to date, and all recommendations for continuing rehabilitation treatment,

(b) Respondent's attendance in NA/AA meetings,

(c) Respondent's participation in and results of his random witnessed urine and/or blood screening program.

Such quarterly reports shall be due on the dates specified under paragraph 1.d. of this Order.

(6) Respondent shall arrange for agreement by his supervising physician or therapist to report immediately to the Board any conduct or condition of Respondent that may constitute a danger to the public in his practice of pharmacy, and any occurrence that constitutes a failure on the part of the Respondent to comply with the requirements of this Order or treatment recommendations by the supervising physician or therapist, including any indications of consumption of alcohol or unauthorized use of any controlled substances, notice of any positive blood and/or urine screen for alcohol or controlled substances, and any urine specimen that is below a specific gravity of 1.008.

c. Practice of Pharmacy: Limitations and Conditions. Any practice of Pharmacy by Respondent during the pendency of this Order shall be subject to the following terms and conditions:

(1) Respondent shall not practice as a pharmacist in any capacity unless he is in full compliance with the rehabilitation program as specified and approved under this Order.

(2) Respondent shall not be employed as or work in the capacity of a "managing pharmacist" or "pharmacist in charge" as defined in secs. Phar 1.02(2) and (5), Wis. Adm. Code.

(3) Respondent shall not be employed in the practice of pharmacy nor perform any professional pharmacy services without the daily and continuous presence and supervision of another registered pharmacist, who is in good standing with and acceptable to the Board.

(4) Respondent shall not place nor be responsible for the placing of any orders for the purchase of any controlled substances, and Respondent shall not sign any orders or invoices for controlled substances.

(5) Respondent shall provide his employer and any prospective employers with a copy of this Stipulation and Final Decision and Order immediately upon issuance of this Order, and upon any change in employment.

(6) Respondent shall arrange for his supervising pharmacist to provide directly to the Board quarterly written reports due on the dates specified in paragraph 1.d. evaluating Respondent's work performance, which shall include reports or information required under subparagraph (7) and (8) hereunder.

(7) Respondent shall obtain agreement from his managing pharmacist to establish a system acceptable to the Board for monitoring pharmacy operations relating to all controlled substances, structured and implemented to reasonably detect any loss, diversion, tampering, discrepancy or other unauthorized activity relating to controlled substances. Respondent shall arrange for his managing pharmacist to formulate such a maintenance and monitoring system and provide to the Board a written description of such system within 30 days of the date of this Order or any change in employment. Any loss, diversion, tampering, discrepancy or other unauthorized activity discovered shall be immediately reported to the Board.

(8) In addition to the foregoing subparagraph (7), Respondent shall obtain from his managing pharmacist agreement to conduct accountability audits of all Schedule II controlled substances at three months following the date of this Order, six months following the date of this Order and, thereafter every six months for the duration of this Order. The audit shall be conducted by and certified by a licensed pharmacist other than Respondent, who shall be approved by the Board. A summary of the audits required under this subparagraph shall be included in the quarterly report following the audit, however, any discrepancy or missing drugs indicated by the audits shall be immediately reported in writing to the Board.

(9) Respondent may enter or be present in the professional service area of the pharmacy at which he is employed during times other than regular pharmacy business hours only with the immediate presence of his supervisor, and only for the purpose of rendering legitimate professional pharmacy services.

(10) Respondent shall arrange for agreement by his supervising pharmacist to immediately report to the Board and to the supervising physician or therapist any conduct or condition of Respondent that may constitute a danger to the public.

d. Upon request of the Board, the Respondent shall provide the Board with current releases complying with state and federal laws, authorizing release of counseling, treatment and monitoring records, and employment records.

e. The Respondent shall report to the Board any change of employment status, residence address or phone number within five (5) days of any such change.

3. Respondent shall not own in whole or in part any interest in a pharmacy except upon prior approval of the Pharmacy Examining Board.

4. Following successful compliance with and fulfillment of the provisions of paragraph 2. of this Order for a period of 2 years, and only upon the express written recommendation of the Respondent's supervising physician or therapist, the Respondent may petition the Board, in conjunction with an application for extension of the stay of suspension, for modification of the conditions or limitations for stay of suspension, except as to paragraphs 2.a., 2.c.(2), (4), (5), and paragraph 3, above. A denial of such a petition for modification shall not be deemed a denial of license under sec. 227.01(3), or 227.42, Wis. Stats., or Ch. RL 1, Wis. Adm. Code, and shall not be subject to any right to further hearing or appeal.

5. Respondent shall be responsible for all costs and expenses of complying with this Order and for arranging for alternative means for covering such costs and expenses.

6. The Board in its discretion may conduct unannounced inspections and/or audits, and make copies, of pharmacy records and inventory where Respondent is employed as a pharmacist.

III. IT IS FURTHER ORDERED that in consideration of the aggravating conduct described in paragraphs 6 and 7 of the Findings of the Fact and paragraphs 5, 6 and 7 of the Conclusions of Law, and in further consideration of the mitigating circumstance of successful chemical dependency rehabilitation to date, the Board hereby imposes an additional SUSPENSION of Respondent's license to practice pharmacy for a period of one year, to be imposed consecutively to the period of suspension imposed above. Respondent is further hereby assessed costs of this investigation and proceeding pursuant to sec. 440.22, Wis. Stats., in the amount of \$600.00 to be paid to the Department of Regulation and Licensing not later than 120 days following the date of this Order. The additional suspension shall be STAYED upon the following terms and conditions:

1. That Respondent has successfully complied with the terms of part II, paragraphs 1 through 3 above.

2. That Respondent shall have paid the costs of this investigation and proceeding in the amount of \$600.00 to the Department of Regulation and Licensing not later than 120 days after the date of this Order.

3. Respondent shall remain free of alcohol, prescription drugs and controlled substances not prescribed by a practitioner for legitimate medical purposes.

4. Respondent shall not be employed as or work in the capacity of a "managing pharmacist" or "pharmacist in charge" as defined in secs. Phar. 1.02(2) and (5), Wis. Adm. Code.

5. Respondent shall not place nor be responsible for the placing of any orders for the purchase of any controlled substances, and Respondent shall not sign any orders or invoices for controlled substances.

6. Respondent shall not own in whole or in part any interest in a pharmacy except upon prior approval of the Pharmacy Examining Board.

7. Any further violation of supervising more than one pharmacy intern and one nonpharmacist technician without prior permission or approval of the Pharmacy Examining Board or permitting a pharmacy to operate without a competent, Wisconsin licensed pharmacist present shall result, as a minimum, in the removal of the stay of this additional suspension and the imposition of this additional one year suspension, or other additional action or discipline as deemed appropriate by the Board.

8. Respondent shall provide his employer and any prospective employers with a copy of this Stipulation and Final Decision and Order immediately upon issuance of this Order and upon any change in employment.

9. Respondent shall have complied with all aspects of the October 21, 1988 order of the Circuit Court for Green County, Wisconsin, referred to in paragraph 3 of the Findings of Fact.

IV. IT IS FURTHER ORDERED that the Board, in its discretion, may restore Respondent's license to full, unlimited status only upon petition by Respondent after completion of the periods of suspension and a showing that Respondent has complied with all terms and conditions of this Order, that the Respondent is rehabilitated, and that the Respondent may practice pharmacy without limitation or condition.

V. IT IS FURTHER ORDERED that Respondent shall notify the Board in writing within five days of any change in residence address, employer, and employment status.

VI. IT IS FURTHER ORDERED that violation of any of the terms of this Order or of any law substantially relating to the practice of pharmacy may result in

a summary suspension of the Respondent's license; the denial of an extension of the stay of suspension; the imposition of additional conditions and limitations; or the imposition of other additional discipline.

VII. IT IS FURTHER ORDERED that this Order shall become effective immediately upon issuance by the Pharmacy Examining Board, except for provision II. 2.a., page 4, which is effective the date of signing by Respondent.

PHARMACY EXAMINING BOARD

By: W.R. Schuyler - RPh 12/12/89  
A Member of the Board Date

I, John Todd Faulks, have read and understood all parts of this Order and attached Stipulation, and pursuant to the attached Stipulation, hereby consent to the entry of the foregoing Final Decision and Order by the Wisconsin Pharmacy Examining Board.

Dated this 6<sup>th</sup> day of December, 1989.

John Todd Faulks R.Ph.  
John Todd Faulks, R.Ph., Respondent

Robert S. Duxstad  
Robert S. Duxstad  
Attorney for Respondent

RTG:ej  
DOEATTY-806

## NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,  
the times allowed for each and the identification  
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

### 1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with State of Wisconsin Pharmacy Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

### 2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon State of Wisconsin Pharmacy Examining Board.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: State of Wisconsin Pharmacy Examining Board.

The date of mailing of this decision is December 13, 1989.

WLD:dms  
886-490

**227.49 Petitions for rehearing in contested cases.** (1) A petition for rehearing shall not be a prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3) (e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

(3) Rehearing will be granted only on the basis of.

(a) Some material error of law.

(b) Some material error of fact.

(c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

(4) Copies of petitions for rehearing shall be served on all parties of record. Parties may file replies to the petition.

(5) The agency may order a rehearing or enter an order with reference to the petition without a hearing, and shall dispose of the petition within 30 days after it is filed. If the agency does not enter an order disposing of the petition within the 30-day period, the petition shall be deemed to have been denied as of the expiration of the 30-day period.

(6) Upon granting a rehearing, the agency shall set the matter for further proceedings as soon as practicable. Proceedings upon rehearing shall conform as nearly may be to the proceedings in an original hearing except as the agency may otherwise direct. If in the agency's judgment, after such rehearing it appears that the original decision, order or determination is in any respect unlawful or unreasonable, the agency may reverse, change, modify or suspend the same accordingly. Any decision, order or determination made after such rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination.

**227.52 Judicial review; decisions reviewable.** Administrative decisions which adversely affect the substantial interests of any person, whether by action or inaction, whether affirmative or negative in form, are subject to review as provided in this chapter, except for the decisions of the department of revenue other than decisions relating to alcohol beverage permits issued under ch. 125, decisions of the department of employe trust funds, the commissioner of banking, the commissioner of credit unions, the commissioner of savings and loan, the board of state canvassers and those decisions of the department of industry, labor and human relations which are subject to review, prior to any judicial review, by the labor and industry review commission, and except as otherwise provided by law.

**227.53 Parties and proceedings for review.** (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. Unless a rehearing is requested under s. 227.49, petitions for review under this

paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally

disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59 (6) (b), 182.70 (6) and 182.71 (5) (g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. The petition may be amended, by leave of court, though the time for serving the same has expired. The petition shall be entitled in the name of the person serving it as petitioner and the name of the agency whose decision is sought to be reviewed as respondent, except that in petitions for review of decisions of the following agencies, the latter agency specified shall be the named respondent:

1. The tax appeals commission, the department of revenue.

2. The banking review board or the consumer credit review board, the commissioner of banking.

3. The credit union review board, the commissioner of credit unions.

4. The savings and loan review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings and loan review board shall be the named respondents.

(c) Copies of the petition shall be served, personally or by certified mail, or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon all parties who appeared before the agency in the proceeding in which the order sought to be reviewed was made.

(d) The agency (except in the case of the tax appeals commission and the banking review board, the consumer credit review board, the credit union review board, and the savings and loan review board) and all parties to the proceeding before it, shall have the right to participate in the proceedings for review. The court may permit other interested persons to intervene. Any person petitioning the court to intervene shall serve a copy of the petition on each party who appeared before the agency and any additional parties to the judicial review at least 5 days prior to the date set for hearing on the petition.

(2) Every person served with the petition for review as provided in this section and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance clearly stating the person's position with reference to each material allegation in the petition and to the affirmance, vacation or modification of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the attorney general, and shall be filed, together with proof of required service thereof, with the clerk of the reviewing court within 10 days after such service. Service of all subsequent papers or notices in such proceeding need be made only upon the petitioner and such other persons as have served and filed the notice as provided in this subsection or have been permitted to intervene in said proceeding, as parties thereto, by order of the reviewing court.

DEFERRED JUDGMENT PROBATION ORDERED  
GREEN COUNTY

STATE OF WISCONSIN, Plaintiff

STATE OF WISCONSIN, Circuit Court Branch \_\_\_\_\_

John T. Faulks Defendant

County Green

12/01/54 Defendant Date of Birth

Court Case No. 88-CR-205

The defendant entered his plea of  guilty

not guilty  no contest;

The  Court  Jury found the defendant guilty of:

Felony or Misdemeanor Class Crime

Wis. Statute(s) Violated Felony or Misdemeanor (F or M) Class (A-E) Date(s) Crime Committed

Possession of a Controlled Substance (Count #1) 161.41(3) 161.20(2)(a) 939.61 M on and between November 1987 and February 1987  
Unclassified

committed in this County; and

On October 21, 1988, the defendant having consented to disposition pursuant to Sec. 161.47, Wis. Stats., the Court entered the following determinations and orders:

IT IS DETERMINED that the defendant on 10/21/88 was eligible for probation pursuant to Sec. 161.47(1), Wis. Stats.;

IT IS ORDERED that entry of judgment of conviction is deferred and the defendant is placed on probation for period of two years in the custody and control of the Department of Health and Social Services subject to its rules and orders pursuant to Sec. 973.10, Wis. Stats.

IT IS DETERMINED AND ORDERED that the record requires court-imposed conditions as follows:

None  As ordered below:

That the defendant has the ability to pay within that period the amounts ordered herein. Should his financial condition change he shall forthwith petition this Court for reconsideration of such conditions.

Fines:  None  \$ 200.00; Court Costs:  None  \$ 20.00;  
Attorney Fees:  None  \$ \_\_\_\_\_; Restitution:  None  \$ \_\_\_\_\_;  
Other:  None  \$ 10.00 Jail Assessment 40.00 Penalty Assessment  
Mandatory  Felony \_\_\_\_\_ (# counts) @ \$30.00 Amount \$ \_\_\_\_\_  
Victim/Witness Surcharge  Misdemeanor 1 (# counts) @ \$30.00 Amount \$ 30.00;  
(Sec. 973.045 Wis. Stats.) Paid  Yes Amount \$ \_\_\_\_\_;  No

That the defendant shall be incarcerated in the County Jail for the following periods:

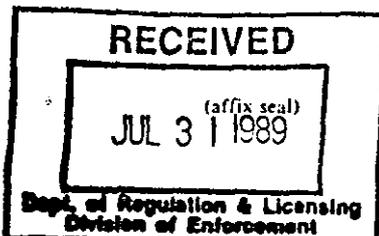
None  The period of \_\_\_\_\_; and The Defendant is to undergo alcohol and drug treatment and rehabilitation as deemed necessary by his Probation Officer.

IT IS FURTHER ORDERED that the defendant shall pay surcharges pursuant to Sec. 973.09(1)(b), Wis. Stats.;

IT IS ADJUDGED that 0 days sentence credit are due pursuant to Sec. 973.155, Wis. Stats., and will be credited if probation is revoked.

IT IS FURTHER ORDERED that the defendant shall surrender into the custody of the Department of Health and Social Services as its directs.

IT IS FURTHER ORDERED that upon fulfillment of the terms and conditions of this Order the deferred proceeding shall be dismissed and the defendant discharged.



BY ORDER OF THE COURT Signature of Judge, Deputy or Clerk of Court  
Shelley Hernandez, Deputy  
Name of Judge John K. Callahan Date Signed October 21, 1988  
Name of Defense Attorney Robert S. Duxstad Name of District Attorney Nicholas O. Funkhouser

IMPORTANT-CLERK OF COURT PLEASE NOTE: Send the following to the local Probation and Parole Office - two copies of this Judgment; two copies of the defendant's Probation Questionnaire (form DOC-38), and one copy of the Criminal Complaint.

ST. JOSEPH'S HOSPITAL/MARSHFIELD CLINIC  
COMBINED MEDICAL RECORD  
MARSHFIELD, WISCONSIN 54449

A.O.D.A. OUT-PATIENT DISCHARGE SUMMARY

Patient Name: John Todd Faulks  
Address: 1603 South Locust, Apt. 104  
Marshfield, WI 54449  
Admission to A.O.D.A.: 6-29-88

Birthdate: 12-1-54  
Case Manager: Woods/Kramer  
Discharge Date: 3-28-89  
Medical Record #: 0765143

77063

ADMITTING DIAGNOSIS: Alcohol abuse/drug dependence.

SUMMARY OF PRESENTING PROBLEMS & CIRCUMSTANCES OF INITIAL CONTACT:

The patient was referred by Parkside Lodge of Wisconsin, Inc./Department of Health and Social Services, Bureau of Community Corrections. The patient was placed on two year probation for possession of a controlled substance and, as follow-up, was required to attend outpatient therapy to address his alcohol and drug dependency.

COURSE & PROGRESS OF TREATMENT:

The patient was seen individually and was working on the following problems areas:

PROBLEM #1: Chemical dependency.

Goal: To develop a support system and to develop a Relapse Prevention Plan.

Action Plan:

- A. Attend AA/NA meetings two or three times a week.
- B. Get two sponsors and contact regularly.
- C. Random drug urine screen.
- D. Individual counseling as scheduled.
- E. Complete assignments and share with counselor.
- F. Participate in recreational and family activities.
- G. Re-enter primary treatment for detox if relapse occurs and continues.

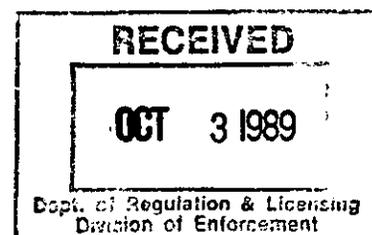
Outcome: This patient did attend AA/NA meetings regularly. He did acquire one sponsor while in treatment here. The patient also completed all assignments given to him and, at the time of his discharge, seemed to have a better understanding of his chemical dependency.

Prognosis: Fair.

FINAL CONDITION & PROGNOSIS:

This patient was able to be more open and honest about his chemical dependency. His attitude had improved while in outpatient therapy. Willingness and commitment seemed to be sincere.

EXHIBIT B



ST. JOSEPH'S HOSPITAL/MARSHFIELD CLINIC  
COMBINED MEDICAL RECORD  
MARSHFIELD, WISCONSIN 54449

John Todd Faulks - 0765143  
Page 2

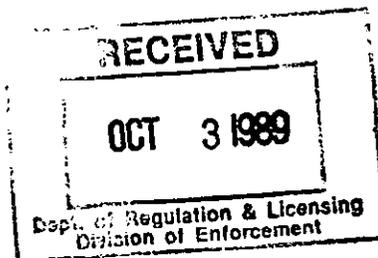
RECOMMENDATIONS FOR FURTHER TREATMENT:

This patient should enter an inpatient treatment center if relapse occurs and continues to address further his chemical dependency.

*Jim Kramer*

Jim Kramer, A.C./srp

DD: 6-29-89 DT: 6-29-89  
3336F



**MARSHFIELD MEDICAL CENTER LABORATORY**  
Marshfield Clinic/St. Joseph's Hospital

MHN: 770632

Location: AODAOP

Printed: 3/29/89

Patient: FAULK, JOHN TODD

At: 20:37

Sex: MALE DOB: 12/01/1954

HEMATOLOGY PANEL BLOOD		WBC 10 <sup>3</sup> /u1	RBC 10 <sup>6</sup> /u1	HGB g/dl	HCT %	MCV fl	MCH pg	MCHC g/dl	RDW %	PLT 10 <sup>3</sup> /u1
999H	8/01/88 15:00			14.9						
	Low:			12.9						
	High:			17.3						

CHEMISTRY PANEL BLOOD		T-Prot gm/dl	Albumin gm/dl	T-Bili mg/dl	C-Bili mg/dl	AST(GOT) U/l	ALT(GPT) U/l	ALKP U/l	GGT U/l	LDH U/l	Uric-A mg/dl	Chol mg/dl
999H	6/21/88 13:45	6.8	4.6	0.4	0.0	29	26	69	17			
	Low:	6.1	3.8	0.2	0.0	8	8	35	0			
	High:	7.7	5.1	1.5	0.3	36	38	110	68			

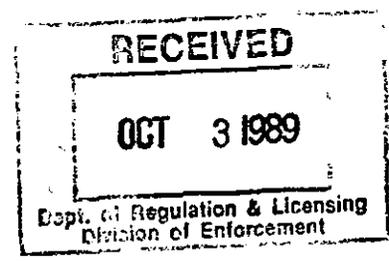
SEROLOGY BLOOD		VDRL	FTA-ABS	TOXOPLASMA	RUBELLA EIA	RUBELLA Status	HSV	CMV IgG
999H	6/01/88 15:00	NR			2.991	IMMUNE		
	Normal:	NR			>1.000			

SEROLOGY BLOOD		MEASLES IFA	MEASLES Status	MEASLES Diag	MUMPS IFA	MUMPS Status	MUMPS Diag	V-Z IFA	V-Z Status	V-Z Diag
999H	6/01/88 15:00							1.8	IMMUNE	
	Normal:							>1.8	IMMUNE	

UR. TOXICOLOGY URINE		CANNABINOIDS	COCAINE	BENZODIAZEPINES	OPIATE	BARBITURATE	AMPHETAMINE
260H	7/05/88 12:30	NEG	NEG	NEG	NEG	NEG	NEG
260H	7/12/88 14:00	a. NEG	NEG	NEG	NEG	NEG	NEG
260H	7/19/88 16:00	b. NEG	NEG	NEG	NEG	NEG	NEG
260H	8/02/88 14:00	NEG	NEG	NEG	NEG	NEG	NEG
260H	8/12/88 11:00	NEG	NEG	NEG	NEG	NEG	NEG
260H	8/25/88 15:45	NEG	NEG	NEG	NEG	NEG	NEG
260H	9/06/88 14:15	c. NEG	NEG	NEG	NEG	NEG	NEG
260H	9/07/88 17:45	NEG	NEG	NEG	NEG	NEG	NEG
260H	9/14/88 12:30	NEG	NEG	NEG	NEG	NEG	NEG
260H	9/20/88 14:15	NEG	NEG	NEG	NEG	NEG	NEG
348H	9/29/88 17:45	NEG	NEG	NEG	NEG	NEG	NEG
348H	10/14/88 14:00	NEG	NEG	NEG	NEG	NEG	NEG
348H	10/27/88 14:00	NEG	NEG	NEG	NEG	NEG	NEG
348H	11/11/88 14:15	NEG	NEG	NEG	NEG	NEG	NEG
348H	12/09/88 13:45	NEG	NEG	NEG	NEG	NEG	NEG
348H	12/22/88 14:15	NEG	NEG	NEG	NEG	NEG	NEG
348H	1/05/89 11:00	NEG	NEG	NEG	NEG	NEG	NEG
348H	1/17/89 12:00	NEG	NEG	NEG	NEG	NEG	NEG
348H	2/03/89 13:30	NEG	NEG	NEG	NEG	NEG	NEG
348H	2/28/89 14:30	NEG	NEG	NEG	NEG	NEG	NEG
348H	3/28/89 14:00	NEG	NEG	NEG	NEG	NEG	NEG

a. DRUGS SCREENED: CANNABINOIDS COCAINE  
AMPHETAMINES BARBITURATES BENZODIAZEPINES OPIATES  
b. ATTENTION: RESULTS GO TO PAT WOODS.  
c: URINE SPECIFIC GRAVITY = 1.005.  
A urine specific gravity of 1.005 or less suggests possible  
DILUTION CREATED BY MASSIVE INGESTION OF WATER OR  
other fluid or water added to specimen following urination.  
This could result in possible false negative results

\* \* F I N A L P A G E \* \*





## SAINT JOSEPH'S HOSPITAL

A MEMBER OF MINISTRY CORPORATION  
SISTERS OF THE SORROWFUL MOTHER

November 2, 1989

Department of Regulation and Licensing  
Attn: Bob Ganch  
P.O. Box 8935  
Madison, Wi. 53708

Re: Todd Faulks

Dear Mr. Ganch:

This letter is to verify that Todd Faulks is presently enrolled in our Outpatient Alcohol and Drug Program at St. Joseph's Hospital, Marshfield, Wisconsin. Todd was reopened as an AODA series on 10/02/89 and has been seen once a week since this date. Todd has also resumed a Drug of Abuse Screen-6 since this date which is collected at random on a weekly basis.

Todd was discharged from outpatient services on 03/28/89 by Pat Woods who felt Todd had completed our outpatient program and maximum benefit had been obtained. Unfortunately during this process, Pat Woods resigned and Todd's case was left idle until I came on board on 5/15/89, at which time I completed Todd's discharge summary assuming this case was closed. I hope this will explain Todd's absence between 03/28/89 and 10/02/89 from on-going outpatient treatment. It is my personal belief after getting to know Todd, that he has continued to maintain sobriety and complete abstinence from all mood-altering chemicals and has also attended AA/NA faithfully since his discharge of 03/28/89.

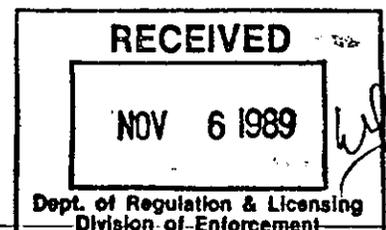
If you have any further questions, please do not hesitate to contact me. Thank you for your time and consideration in this matter.

Sincerely,

*Jim Kramer A.C.*

Jim Kramer, A.C.  
Counselor  
Oasis Recovery Program

llm

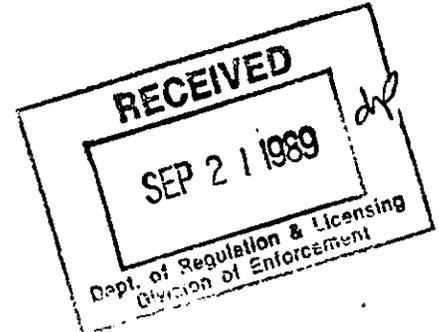




## SAINT JOSEPH'S HOSPITAL

A MEMBER OF MINISTRY CORPORATION  
SISTERS OF THE SORROWFUL MOTHER

September 20, 1989



Robert T. Ganch  
Department of Regulations & Licensing  
Division of Enforcement (88 PHM 018)  
P. O. Box 8935  
Madison, Wisconsin 53708-8935

Dear Mr. Ganch,

This written report is in reference to the investigation pending against JOHN TODD FAULKS, R.Ph. on behalf of the Pharmacy Examining Board. As Mr. Faulk's supervisor I have been asked to briefly summarize the below information about Mr. Faulk's employment here at Saint Joseph's Hospital.

1. Mr. Faulk's current position and duties at our pharmacy.

Mr. Faulk's currently works as a staff pharmacist in the Inpatient Section of our pharmacy department. His primary duties include:

- a) Interpretation and review of physicians inpatient medication orders for proper and safe dose, route, frequency of administration and physical/therapeutic compatibilities with other medications. This process often requires communication and consultation with physicians and nurses to clarify medication orders or to suggest alternate modes of therapy. These orders are then profiled into our computer system.
- b) Performs final check of drug selection, preparation, packaging and labeling that may be performed by technical personnel.
- c) Dispenses outpatient prescriptions to eligible patients.
- c) Performs as Department of Pharmacy member on the hospital "Dr. 6" Cardiopulmonary Resuscitation Team.

EXHIBIT C



2. Summary of work performance at present time.

I would have to rate Mr. Faulk's performance as excellent. He has met and in many instances surpassed our expectations as a staff pharmacist. He learned quickly during his orientation and has very successfully assimilated into the work environment. He has shown a high degree of interest in continuing education as evidenced by his continuing education log, and successful completion of ACLS (Advanced Cardiac Life Support) course to become a member of our hospital's "Dr. 6" Cardiopulmonary Resuscitation Team. Additionally, he has assisted immeasurably with the orientation and training of new employees in our department and in the upgrade of our Unit Dose System.

3. Identify any problems encountered and the resultant action or resolution.

As previously mentioned above, Mr. Faulk's has had a solid, credible work performance with us, no problems have been encountered since his employment.

4. Current work schedule.

Mr. Faulk's currently works in an 8/80 capacity within our department. This means that he works 10 - 8 hour shifts in a two week Pay Period. The shifts he works are variable, 0700-1530, 1230-2100 or 1430-2300 hours on weekdays and every other weekend. Mr. Faulk's schedule ensures that he works in close conjunction with other pharmacists and technicians on a daily basis.

5. Describe degree of observation and supervision on day-to-day functioning.

While we have no on-line supervisors in our department, I work up to 25% of my time on an on-line basis, i.e., working in a staff position. It is through these occasions that I have been able to observe Mr. Faulk's performance.

6. Access to controlled substances in job duties and any system in place for monitoring inventory of controlled substance.

Mr. Faulk's has complete access to all Schedule II-V controlled substances in his job duties. Our department's Schedule II and III controlled substances are secured in locked cabinets, and are accounted for on a dose by dose basis. Our Schedule IV and V controlled substances are dispersed amongst our bulk drug supply and are not accounted for on a dose by dose basis. Mr. Faulk's has not received any additional observation or monitoring with regard to controlled substances above and beyond that exercised to the rest of our staff.



Page 3

In summary, Mr. Faulk's has been very open with me about his past and was hired knowing that this investigation was pending. I firmly believe that Mr. Faulk's has made a commitment to turn his life around and I have the utmost confidence in him and his professional credentials.

If I can be of any further assistance, please feel free to contact me at 715-387-7687.

Sincerely,

Tom Urbanek, R.Ph.  
Assistant Director/Inpatient Services

TU/nr  
2 enclosure



State of Wisconsin \ DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF CORRECTIONS  
BUREAU OF COMMUNITY CORRECTIONS  
AREA OFFICE

Bureau of Community Corrections  
604 E. 4th Street, P.O. Box 834  
Marshfield, WI 54449-0834  
Phone: (715)384-8832

August 23, 1989

Mr. Robert Ganch  
Dept. of Regulations and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

RE: John Todd Faulks  
DOC #193137-A

Dear Mr. Ganch:

Please see the enclosed information you requested.

The probation has been uneventful. Mr. Faulks has proven to be a very responsible probation client. As of 06/05/89 John T. Faulks has been seen on the minimum level. Face to face contacts will be every three months.

I have the distinct impression that John is very much aware that controlling his AODA dependency/abuse problem is one of the most important factors in his life. He seems to base his decision-making in this area on what is the most responsible action to take as it related to himself and his family. As his probation agent I have had to do absolutely nothing to modify his behavior or exert influence on him.

It is my belief that John T. Faulks in the near future will probably be an appropriate candidate for an early discharge of the probation supervision term.

I hope I have been of some help.

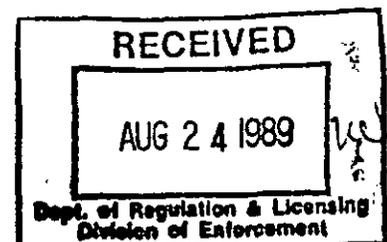
Sincerely,

Pat Orlowski  
Probation and Parole Agent

Bureau of Community Corrections  
DIVISION OF CORRECTIONS

PO/rmd

EXHIBIT D



STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF THE	:	
LICENSE OF	:	
	:	STIPULATION
JOHN TODD FAULKS, R.Ph.	:	
RESPONDENT.	:	

---

The parties in this matter agree and stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation of John Todd Faulks' licensure by the Division of Enforcement (case file 88 PHM 18). John Todd Faulks and his attorney, Robert S. Duxstad, consent to the resolution of this investigation by stipulation and without the issuance of a formal disciplinary complaint and hearing.
2. The Respondent understands by signing this Stipulation that he voluntarily and knowingly waives his rights in this matter, including the right to a hearing on the allegations against him, at which time the State has the burden of proving the allegations by preponderance of the evidence, the right to confront and cross-examine the witnesses against him, the right to call witnesses on his own behalf and to compel their attendance by subpoena, the right to testify in his 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
3. The Respondent admits the allegations and statements found in the attached Final Decision and Order.
4. The Respondent and the Division of Enforcement recommend the Pharmacy Examining Board to adopt this Stipulation and the attached Final Decision and Order in this matter.
5. If the terms of this Stipulation and attached Final Decision and Order are not acceptable to the Board, then none of the parties shall be bound by any of the terms.
6. The attached Findings of Fact, Conclusions of Law, Final Decision and Order may be made and entered in this matter by the Wisconsin Pharmacy Examining Board, without prior notice to any party.
7. All parties agree that Counsel for the Department of Regulation and Licensing, Division of Enforcement and the Board Advisor appointed in this matter may appear before the Wisconsin Pharmacy Examining Board to argue in

favor of acceptance of this Stipulation and the entry of the attached Findings of Fact, Conclusions of Law, Final Decision and Order. The parties further agree that Complainant's attorney and the Board Advisor may further respond to any questions of the Board during its deliberation on this matter in closed session.

8. That this agreement in no way prejudices the Pharmacy Examining Board from any further action against Respondent based on any acts not stated in the present Findings of Fact which might be violative of the Wisconsin Pharmacy Examining Board Statutes and Rules.

9. That if this Stipulation is adopted by the Wisconsin Pharmacy Examining Board, the attached Order shall become effective as stated in the Order.

December 12, 1989  
Date

Robert T. Ganch  
Robert T. Ganch, Attorney  
Division of Enforcement

Dec. 7, 1989  
Date

John Todd Faulks R.Ph.  
John Todd Faulks, R.Ph. Respondent

December 6, 1989  
Date

Robert S. Duxstad  
Robert S. Duxstad  
Attorney for Respondent

PHARMACY EXAMINING BOARD

12/12/89  
Date

by BT R. [Signature]  
A Member of the Board

RTG:eaj  
DOEATTY-861