

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

DENNIS R. ANDERSON, D.D.S., RPh,
RESPONDENT

FILE COPY

FINAL DECISION AND ORDER
93 PHM 019

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

Dennis R. Anderson
10701 West Lincoln Avenue
West Allis, WI 53227

Wisconsin 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 the stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached stipulation and makes the following:

FINDINGS OF FACT

1. Dennis R. Anderson (D.O.B. 06/20/46) is duly licensed in the state of Wisconsin as a pharmacist (license # 0400007965) This license was first granted on April 3, 1970. Respondent is also licensed in the state of Wisconsin as a dentist (license # 5001336). The license of the respondent to practice dentistry in the state of Wisconsin is the subject of an Order entered by the Wisconsin Dentistry Examining Board on July 7, 1993, in Case 93 DEN 041. Respondent's latest address on file with the Department of Regulation and Licensing is 20835 Saxon Court, Brookfield, WI 53005.

2. Respondent is not actively engaged in the practice of pharmacy and has agreed to voluntarily surrender his license to practice as a pharmacist in the state of Wisconsin under the terms of this Order.

Respondent does not admit, but for purposes of this disciplinary proceeding only, does not contest the following Findings of Fact:

3. On numerous occasions between December 31, 1992 and March 11, 1993 Respondent ingested meprobamate, a controlled substance not prescribed for a valid medical purpose.

4. Between December 31, 1992 and March 11, 1993 Respondent self-prescribed the controlled substance, meprobamate.

5. During the period of time set forth in paragraph 4, Respondent issued prescription orders in the name of a patient for controlled substances which were not issued in professional practice, and which were intended for personal use.

6. During the period of time set forth in paragraph 4, Respondent issued prescription orders in the name of a fictitious patient for controlled substances which were not issued in professional practice and which were intended for Respondent's personal use.

CONCLUSIONS OF LAW

By the conduct described above, Respondent is subject to disciplinary action against his license to practice as a pharmacist in the state of Wisconsin, pursuant to Wis. Stats. sec. 450.10(1)(a)(2), and sec. 161.38(5), 161.41(3) and 161.43(1), and Wis. Adm. Code sec. PHAR 8.02, 8.04 and 10.03(1), (2) and (5).

The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter pursuant to Wis. Stats. sec 450.10(1).

The Board is authorized to enter into the attached stipulation pursuant to Wis. Stats. sec. 224.44(5).

ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that the VOLUNTARY SURRENDER by Dennis R. Anderson of his license to practice as a pharmacist in the state of Wisconsin is hereby accepted.

IT IS FURTHER ORDERED that if the Respondent shall ever re-apply for a license to practice as a pharmacist in the state of Wisconsin:

a. The Pharmacy Examining Board may consider the Findings of Fact contained herein in determining whether to grant a license;

b. The Pharmacy Examining Board may require the Respondent to complete all requirements and to take and pass all examinations then required for original licensure;

c. As a reasonable accommodation to Respondent's condition, the Pharmacy Examining Board may require proof to its satisfaction that the Respondent does not have a chemical dependence;

d. In the event that the Board considers re-licensure of the Respondent, the Board may impose such limitations and conditions upon the license to practice pharmacy as the Board deems appropriate at the time.

IT IS FURTHER ORDERED that costs have been assessed by the Dentistry Examining Board in a companion case, and no additional costs shall be imposed hereunder.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information."

This Order shall become effective upon the date of its signing.

WISCONSIN PHARMACY EXAMINING BOARD

By: _____

Chair

Date

3/30/94

jwh/2/22/94

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
DENNIS R. ANDERSON, D.D.S., RPh..	:	93 PHM 019
RESPONDENT	:	

It is hereby stipulated between Dennis R. Anderson, personally on his own behalf and his attorney, William E. Callahan, Jr., and James W. Harris, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondent understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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. Respondent is aware of his right to seek legal representation and has obtained legal advice prior to signing this stipulation.
4. Respondent is not currently engaged in the practice of pharmacy. Respondent hereby agrees to voluntarily surrender his license to practice as a pharmacist in the state of Wisconsin under the terms of the Final Decision and Order to be entered in this case.
5. Respondent agrees to the adoption of the attached Final Decision and Order by the 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.

6. 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 be returned to the Division of Enforcement for further proceedings. In the event that this 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.

7. Attached to this Stipulation is the current licensure card of Respondent. If the Board does not accept this Stipulation, the license of Respondent shall be returned to Respondent with a notice of the Board's decision not to accept the Stipulation.

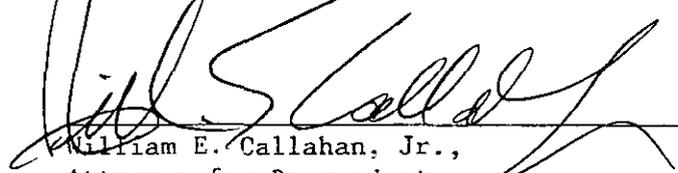
8. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Pharmacy Examining Board for the purpose of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

9. The Division of Enforcement joins Respondent in recommending the Pharmacy Examining Board adopt this Stipulation and issue the attached Final Decision and Order.



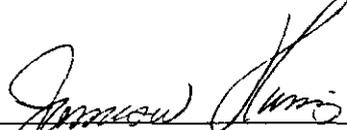
Dennis R. Anderson

2/12/94
Date



William E. Callahan, Jr.,
Attorney for Respondent

2/18/94
Date



James W. Harris, Attorney
Division of Enforcement

2/24/94
Date

jwh

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.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN PHARMACY EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

MARCH 31, 1994.

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)