

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
VAN S. KNUTSON, R.Ph.,	:	(Case No. LS 9712091 PHM)
RESPONDENT.	:	

The parties in this matter under sec. 227.44, Stats., and for purposes of review under sec 227.53, Stats., are:

Van S. Knutson, R.Ph.
N4895 Lake Drive
Iron Ridge, Wisconsin 53035

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

Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 53708

This matter was commenced by the filing of a Notice of Hearing and Complaint on December 9, 1997. The respondent, Van S. Knutson, did not file an Answer to the Complaint. A Motion for Default Order was filed by the Complainant on January 30, 1998. A hearing on the Complainant's motion was held on February 12, 1998. Atty. Arthur Thexton appeared at the hearing on behalf of the Department of Regulation and Licensing, Division of Enforcement. The respondent, Van S. Knutson, did not appear at the motion hearing. The administrative law judge filed her Proposed Decision on March 25, 1998. Complainant filed Objections to the decision on April 2, 1998.

Based upon the entire record herein, the Pharmacy Examining Board makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Van S. Knutson (d.o.b, 06/09/55), N4895 Lake Drive, Iron Ridge, WI., is licensed to practice as a pharmacist in the State of Wisconsin, license #9771, which was first granted on June 6, 1980.
2. On or about December 16, 1996, respondent gave a urine sample for purposes of a drug screening at the request of his pharmacy employer. Respondent's urine sample tested positive for metabolites of diazepam, including nordiazepam, oxazepam, and temazepam. Respondent did not have a valid prescription for diazepam.
3. Respondent's employing pharmacy, upon discovering the results of respondent's drug screen, performed an audit of its controlled substances and found that it was missing 219 tablets of 5mg diazepam, and a number of other benzodiazepenes and opiates. Respondent is responsible for taking these missing controlled substances without the permission of his pharmacy employer.
4. Respondent is a regular casual user of marijuana. His use of marijuana began no later than when he was on chemotherapy for cancer in 1994-95, and purportedly began because oral Marinol[®] was not as effective for controlling nausea for him as inhaled marijuana smoke. His use of marijuana continued although his chemotherapy and accompanying nausea ceased.
5. On August 13, 1997, respondent was interviewed by an agent of the Pharmacy Examining Board. During the interview respondent stated that on December 15, 1996, the day before his urine test, he injured himself when he slipped and fell getting out of his car. He stated that during the evening, he took some Halcion[®] and hydrocodone which had earlier been prescribed for him for other conditions. He stated that the substances found in his urine were metabolites of Halcion[®] (triazolam). The statements made by the respondent to the Board's agent were false.
6. Diazepam, nordiazepam, oxazepam, and temazepam are listed in s. 961.20 (2), Stats., as Schedule IV controlled substances.
7. Tetrahydrocannabinol, which is contained in marijuana, is listed in s. 961.14 (4) (t), Stats., as a Schedule I controlled substance.
8. Respondent did not file an Answer to the Complaint filed in this matter.

CONCLUSIONS OF LAW

1. The Pharmacy Examining Board has jurisdiction in this matter pursuant to s. 450.10 (1) and (2), Stats.

2. By having engaged in conduct, as described in Findings of Fact 2 - 4, herein, respondent violated ss. 450.10 (1) (a) 2., 943.20 (1), 961.38 (3) and 961.41 (3g), Stats.; 21 CFR 1306.21 (a) and ss. Phar 8.05 (2) and 10.03 (1) and (2), Code.

3. By having engaged in conduct, as described in Findings of Fact 5, herein, respondent violated s. Phar 10.03 (8), Code.

4. By failing to file an Answer to the Complaint filed in this matter, respondent is in default under s. RL 2.14 Wis. Adm. Code.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED: that effective on the date of this Order, the pharmacist license of respondent is **SUSPENDED** indefinitely.

1. STAY OF SUSPENSION. The suspension may be **STAYED** for a period of three months, conditioned upon compliance with the conditions and limitations outlined in paragraph 2., below.

a. Respondent may apply for an initial and then 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 for rehabilitation and practice during the prior three (3) month period. "Three months" means until the third regular Board meeting after the meeting at which any stay of suspension is granted.

b. The Board may without hearing deny 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 ch. RL 1, Wis. Adm. Code upon timely receipt of a request for hearing.

c. The applications for extension under 1.a. and all required reports under 2.a-c. shall be due on the first business day of each third month after the initial stay, for the period that this Order remains in effect.

e. Respondent shall forthwith surrender all indicia of licensure to the Department by mail or in person, and the Department shall then issue limited licensure credentials to respondent. Respondent shall also surrender all indicia of licensure to any agent of the Department who requests them.

2. CONDITIONS OF STAY AND LIMITATIONS. The initial stay of suspension and any subsequent stay shall be conditioned upon the following terms and limitations:

a. Non-Prescription Use of Drugs and Alcohol Prohibited. 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. Respondent shall in addition refrain from the consumption of over-the-counter medications or other substances which may mask consumption of controlled substances or of alcohol, or which may create false positive screening results, or which may interfere with respondent's treatment and rehabilitation.

b. Rehabilitation, Monitoring and Treatment Program. Respondent shall enroll in, and maintain participation in, a rehabilitation, monitoring and treatment program acceptable to the Board for the treatment of chemical abuse and dependency. Such program shall consist of the following elements and requirements:

(1) AODA Rehabilitation. Respondent shall participate in an AODA rehabilitation program under the care and supervision of a qualified physician or therapist (hereinafter, "supervising physician or therapist"), at an accredited drug and alcohol abuse/dependency treatment facility. Respondent shall obtain from the Pharmacy Examining Board prior approval of the drug and alcohol abuse/dependency treatment facility and the supervising physician or therapist. The supervising physician or therapist shall be responsible for the Respondent's total rehabilitation program. Respondent shall immediately provide a copy of this order to his supervising physician or therapist. Respondent shall participate in and comply with all recommendations for treatment, subject to the requirements of this order.

(2) Individual/Group Therapy. The rehabilitation program shall include and respondent shall participate in individual and/or group therapy sessions for the first year of the 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 petition for modification shall not be deemed a denial of the license under §§ 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.

(3) AA/NA Meetings. Respondent shall attend Narcotics Anonymous and/or Alcoholic Anonymous meetings or an equivalent program for recovering professionals, 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) Drug Screening. 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 the presence of the following substances and their metabolites: tetrahydrocannabinols, alcohol, amphetamines, cocaine, opiates, and benzodiazepines, and on a frequency of not less than:

(a) Eight times per month for the first year following the date respondent resumes practicing pharmacy, or once per week if not practicing pharmacy.

(b) Six times per month for the second year following respondent's resumption of practice.

(c) Four times per month for the third through fifth years following resumption of practice.

All urine screens shall include testing and reporting of the specific gravity of the urine specimen, and shall be conducted by a NIDA-certified facility.

The random drug and alcohol screening program shall include all hours of the day and evenings, and 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.

Respondent shall appear and provide a specimen not later than 5 hours following a request for a specimen.

If the physician or therapist supervising the Respondent's plan of care, Respondent's employer, the Pharmacy Examining Board or the Department of Regulation and Licensing, Division of Enforcement 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.

Respondent is 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 and supervising physician and therapist shall agree to provide random and gatherings of specimens for analysis for the specified substances and alcohol under NIDA collection guidelines. 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 and supervising physician and therapist 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 for collection of a specimen as requested; 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 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 dates specified in paragraph 1.d. above.

The monitoring facility shall further agree to keep a record of the 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 (not to exceed one year).

Respondent understands and agrees that the accuracy of the monitoring facility obtained is respondent's responsibility. For purposes of further board action under this order, it is rebuttably presumed that all confirmed positive reports are valid. Respondent has the burden of proof to establish by a preponderance of the evidence an error in testing or fault in the chain of custody regarding a positive monitoring report.

(5) Quarterly Reports. 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) Immediate Reports. Respondent shall arrange for agreement by his supervising physician or therapist, and his employer, 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 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, failure to appear for a urine or blood screening, 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) Full Compliance with Order Required. Respondent shall not practice as a pharmacist in any capacity unless he is in full compliance with the rehabilitation and treatment programs as specified and approved under this Order.

(2) No Managing Pharmacist. Respondent shall not be employed as or work in the capacity of a "managing pharmacist" as defined in § Phar 1.02(6), Wis. Adm. Code.

(3) No Pharmacist in Charge. Respondent shall not be employed as or work in the capacity of a "pharmacist in charge" as defined in § Phar 1.02(9), Wis. Adm. Code.

Terms for Modification of Prohibition on Practice as Pharmacist In Charge. Respondent may petition the Board for modification of this prohibition against

practice as a pharmacist in charge after 90 days or 550 hours of supervised practice and compliance by respondent with all terms and conditions of this Order. Any such petition shall be accompanied by written request of the supervising pharmacist, which shall include a complete work schedule of all pharmacists employed in the pharmacy indicating the proposed work schedule and supervision pattern for respondent. Such petition shall also include a written recommendation of the supervising physician or therapist specifically addressing the modification sought. The Board in its discretion may at any time modify any of the terms regarding practice by respondent as a pharmacist in charge, including removal of authorization under this Order of respondent to practice as a pharmacist in charge, as the Board deems appropriate in the circumstances. Grounds for modification or removal of the authorization to practice as a pharmacist in charge may include, but shall not be limited to, change in employer, managing pharmacist or residence address of the respondent. Modification of these terms and conditions, or removal of authorization under this Order of respondent to practice as a pharmacist in charge shall not be deemed a class 1 or class 2 proceeding under §§227.01(3) or 227.42, Wis. Stats., or Ch. RL 1 or 2, Wis. Adm. Code, and shall not be subject to any right to a further hearing or appeal.

(4) Provision of Copy of Order to Employers. 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.

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

(6) Monitoring of Access to Drugs. Respondent shall obtain agreement from his supervising pharmacist to monitor Respondent's access to and accountability for handling of controlled substances and other abusable prescription drugs in order to reasonably detect loss, diversion, tampering, or discrepancy relating to controlled substances and other abusable prescription drugs. Respondent's supervisor shall include in the quarterly reports a description of Respondent's access to controlled substances and other abusable drugs and the monitoring thereof. Any loss, diversion, tampering, or discrepancy shall be immediately reported to the Board.

(7) Controlled Substances Audits. In addition to the foregoing subparagraph (6), Respondent shall obtain from his supervising pharmacist agreement to conduct a full and exact (not estimated) count of the following controlled substances in inventory immediately, and accountability audits of the following controlled substances every six months for the duration of this Order: all benzodiazepenes. 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 all 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.

(8) Immediate Reports. 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 violation of this Order or a danger to the public.

d. Consents for Release of Information. Respondent shall provide and keep on file with his supervising physician/therapist and all treatment facilities and personnel current releases which comply with state and federal laws, authorizing release of all his medical and drug and alcohol counseling, treatment and monitoring records to the Pharmacy Examining Board and the Department of Regulation and Licensing, Division of Enforcement, and permitting his supervising physician/therapist and treating physicians and therapists to disclose and discuss the progress of his treatment and rehabilitation and all matters relating thereto with the Pharmacy Examining Board or its duly authorized representatives or agents. Copies of these releases shall be filed simultaneously with the Pharmacy Examining Board and the Division of Enforcement. Respondent shall also provide and keep on file with his current employer(s) current releases authorizing release of all employment records and reports regarding Respondent to the Pharmacy Examining Board and the Division of Enforcement, and authorizing his employer to discuss with the Board or its authorized agents and representatives Respondents employment history, progress and status and all matters relating thereto. Copies of these employment records releases shall be filed simultaneously with the Board and the Division of Enforcement.

e. Notification of Change of Address and Employment. 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. COSTS AND RESTITUTION. Respondent shall pay COSTS of this investigation under §440.22, Wis. Stats. in the amount to be determined in an order to be issued, to the Department of Regulation and Licensing, and shall make restitution for any losses caused by the conduct described in this order, within 60 days of that Order.

4. PHARMACY OWNERSHIP PROHIBITED. Respondent shall not own in whole or in part any interest in a pharmacy during the period of time this Order remains in effect.

5. TERMS FOR MODIFICATION OF ORDER. Following successful compliance with and fulfillment of the provisions of paragraph 2. of this Order for a period of two years, 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. Any such petition shall be accompanied by a written recommendation of respondent's supervising physician or therapist expressly supporting the specific modifications sought. A denial of such a petition for modification shall not be deemed a denial of license under §§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.

6. RESPONDENT RESPONSIBLE FOR COSTS AND EXPENSES OF COMPLIANCE. Respondent shall be responsible for all costs and expenses of complying with this Order and for arranging any alternative means for covering such costs and expenses.

7. BOARD/DEPARTMENT INSPECTIONS. The Board or the Department 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.

8. VIOLATIONS OF ORDER. 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 or the termination of the stay; the imposition of additional conditions and limitations; or the imposition of other additional discipline, including revocation of license.

FURTHERMORE, IT IS HEREBY ORDERED that pursuant to sec. 440.22, Stats., the cost of this proceeding shall be assessed against Respondent, and shall be payable to the Department of Regulation and Licensing.

EXPLANATION OF VARIANCE

The Pharmacy Examining Board has adopted the Findings of Fact and Conclusions of Law recommended by the ALJ in her Proposed Decision. However, the board has modified the recommended conditions under which the respondent may petition for a stay of the indefinite suspension, and the conditions which would be imposed upon respondent's license once a stay of suspension is granted.

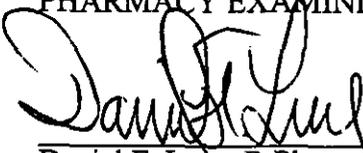
The board joins with the ALJ in believing there are sufficient mitigating circumstances in this case for not imposing an outright revocation of respondent's license, despite his failure to actively participate in this proceeding. The board also agrees with the general approach suggested by the ALJ for crafting an order consistent with promoting the rehabilitation of the respondent. However, it believes that a more specifically detailed program should be established.

Accordingly, the board has altered the ALJ's Order as recommended by the complainant in his objections, so as to bring the limitations upon respondent's license into conformity with the board's standard approach in similar cases involving drug diversion for personal use and drug abuse. This requires imposing additional or modified provisions to those recommended by the ALJ for obtaining a stay of the indefinite suspension, as well as the terms and conditions that must be met upon reinstatement to practice. Among other appropriate conditions, such terms include requiring respondent's participation in a 5 year recovery program, setting forth specific time frequencies for providing random, witnessed drug screens during the program, and restrictions upon respondent's ability to function as a managing pharmacist or as pharmacist in charge.

Simply stated, the board believes a more precise and specifically structured set of terms, conditions and limitations upon a respondent's license have historically proven effective in assisting impaired practitioners in recovery and rehabilitation from drug abuse, and should be employed in this case.

Dated this 21st day of April, 1998.

STATE OF WISCONSIN
PHARMACY EXAMINING BOARD



Daniel F. Luce, R.Ph.
Chairman

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE PHARMACY EXAMINING BOARD

In the Matter of Disciplinary Proceedings Against

Van S. Knutson, R.Ph.,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On April 27, 1998, I served the Final Decision and Order dated April 21, 1998, LS9712091PHM, upon the Respondent Van S. Knutson, R.Ph. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 159 456.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Van S. Knutson, R.Ph.
N4895 Lake Drive
Iron Ridge WI 53035



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 27th day of April, 1998.



Notary Public, State of Wisconsin
My commission is permanent.

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
VAN S. KNUTSON, R.Ph., :
RESPONDENT. :

NOTICE OF FILING
PROPOSED DECISION
LS9712091PHM

TO: Van S. Knutson, R.Ph.
N4895 Lake Drive
Iron Ridge, WI 53035
Certified P 221 158 729

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

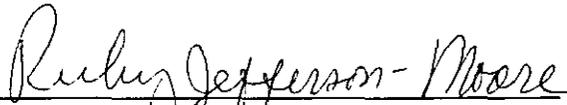
PLEASE TAKE NOTICE that a Proposed Decision in the above-captioned matter has been filed with the Pharmacy Examining Board by the Administrative Law Judge, Ruby Jefferson-Moore. A copy of the Proposed Decision is attached hereto.

If you have objections to the Proposed Decision, you may file your objections in writing, briefly stating the reasons, authorities, and supporting arguments for each objection. If your objections or argument relate to evidence in the record, please cite the specific exhibit and page number in the record. Your objections and argument must be received at the office of the Pharmacy Examining Board, Room 178, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, on or before April 6, 1998. You must also provide a copy of your objections and argument to all other parties by the same date.

You may also file a written response to any objections to the Proposed Decision. Your response must be received at the office of the Pharmacy Examining Board no later than seven (7) days after receipt of the objections. You must also provide a copy of your response to all other parties by the same date.

The attached Proposed Decision is the Administrative Law Judge's recommendation in this case and the Order included in the Proposed Decision is not binding upon you. After reviewing the Proposed Decision, the Pharmacy Examining Board will issue a binding Final Decision and Order.

Dated at Madison, Wisconsin this 25th day of March, 1998.


Ruby Jefferson-Moore
Administrative Law Judge

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

**IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST**

**PROPOSED DECISION
Case No. LS-9712091-PHM**

**VAN S. KNUTSON, R. Ph.,
RESPONDENT.**

PARTIES

The parties in this matter under § 227.44, Stats., and for purposes of review under § 227.53, Stats., are:

Van S. Knutson, R.Ph.
N4895 Lake Drive
Iron Ridge, Wisconsin 53035

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

Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 53708

This matter was commenced by the filing of a Notice of Hearing and Complaint on December 9, 1997. The respondent, Van S. Knutson, did not file an Answer to the Complaint. A Motion for Default Order was filed by the Complainant on January 30, 1998. A hearing on the Complainant's motion was held on February 12, 1998. Atty. Arthur Thexton appeared at the hearing on behalf of the Department of Regulation and Licensing, Division of Enforcement. The respondent, Van S. Knutson, did not appear at the motion hearing.

Based upon the record herein, the Administrative Law Judge recommends that the Pharmacy Examining Board adopt as its final decision in this matter, the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Van S. Knutson (d.o.b, 06/09/55), N4895 Lake Drive, Iron Ridge, WI., is licensed to practice as a pharmacist in the State of Wisconsin, license #9771, which was first granted on June 6, 1980.

2. On or about December 16, 1996, respondent gave a urine sample for purposes of a drug screening at the request of his pharmacy employer. Respondent's urine sample tested positive for metabolites of diazepam, including nordiazepam, oxazepam, and temazepam. Respondent did not have a valid prescription for diazepam.

3. Respondent's employing pharmacy, upon discovering the results of respondent's drug screen, performed an audit of its controlled substances and found that it was missing 219 tablets of 5mg diazepam, and a number of other benzodiazepenes and opiates. Respondent is responsible for taking these missing controlled substances without the permission of his pharmacy employer.

4. Respondent is a regular casual user of marijuana. His use of marijuana began no later than when he was on chemotherapy for cancer in 1994-95, and purportedly began because oral Marinol ® was not as effective for controlling nausea for him as inhaled marijuana smoke. His use of marijuana continued although his chemotherapy and accompanying nausea ceased.

5. On August 13, 1997, respondent was interviewed by an agent of the Pharmacy Examining Board. During the interview respondent stated that on December 15, 1996, the day before his urine test, he injured himself when he slipped and fell getting out of his car. He stated that during the evening, he took some Halcion ® and hydrocodone which had earlier been prescribed for him for other conditions. He stated that the substances found in his urine were metabolites of Halcion ® (triazolam). The statements made by the respondent to the Board's agent were false.

6. Diazepam, nordiazepam, oxazepam, and temazepam are listed in s. 961.20 (2), Stats., as Schedule IV controlled substances.

7. Tetrahydrocannabinol, which is contained in marijuana, is listed in s. 961.14 (4) (t), Stats., as a Schedule I controlled substance.

8. Respondent did not file an Answer to the Complaint filed in this matter.

CONCLUSIONS OF LAW

1. The Pharmacy Examining Board has jurisdiction in this matter pursuant to s. 450.10 (1) and (2), Stats.

2. By having engaged in conduct, as described in Findings of Fact 2 - 4, herein, respondent violated ss. 450.10 (1) (a) 2., 943.20 (1), 961.38 (3) and 961.41 (3g), Stats.; 21 CFR 1306.21 (a) and ss. Phar 8.05 (2) and 10.03 (1) and (2), Code.

3. By having engaged in conduct, as described in Findings of Fact 5, herein, respondent violated s. Phar 10.03 (8), Code.

4. By failing to file an Answer to the Complaint filed in this matter, respondent is in default under s. RL 2.14 Wis. Adm. Code.

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of Van S. Knutson to practice as a pharmacist be, and hereby is, **SUSPENDED** for an **INDEFINITE PERIOD** of time.

IT IS FURTHER ORDERED that:

(1) **Petition for Stay**. Mr. Knutson may petition the Board at any time for a stay of the suspension of his license. In conjunction with such petition, Mr. Knutson shall submit documentation, in the form of an assessment performed by a health care provider acceptable to the Board, of his abstinence from the use of controlled substances and of the status of his rehabilitative efforts. The assessor shall submit a written report of his or her findings directly to the Board, including: 1) a determination regarding diagnosis; 2) recommended treatment (if any); 3) an evaluation of Mr. Knutson's level of cooperation in the assessment process; 4) recommendations regarding work and practice restrictions, if any, and 4) the prognosis. The report shall include a certification stating that Mr. Knutson is fit to safely and competently return to the active practice of pharmacy. The assessment shall occur within thirty (30) days prior to the date of its submission and reflect that the person (s) performing the assessment received a copy of this Order.

(2) **Board Action**. Upon its determination that Mr. Knutson can safely and competently return to the active practice of pharmacy, the Board may stay the suspension for a period of three (3) months, conditioned upon respondent's compliance with the conditions and limitations set forth in paragraph (3), below.

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

(b) Upon a showing by respondent of complete, successful and continuous compliance for a period of three (3) years with the terms of paragraph (3), below, the Board may grant a petition by respondent for return of full licensure if it determines that respondent may safely and competently engage in the practice of pharmacy.

(3) **Conditions of Stay**

(a) Respondent shall abstain from all personal use of controlled substances, except when necessitated by an appropriately diagnosed medical condition and then only under the supervision of respondent's personal physician.

(b) If the assessment report referred to in paragraph (1) above recommends continued treatment for controlled substance abuse, respondent shall maintain successful participation in a program of treatment at a health care facility acceptable to the Board. As part of treatment, respondent must attend treatment sessions on a schedule as recommended by his treatment provider (s); the Board may, however, in its discretion establish a minimum number of treatment sessions per month. If drug screenings are recommended, respondent shall supply urine and other specimen as directed.

(c) If continued treatment is required under the stay Order, respondent shall arrange for submission of quarterly reports to the Board from his treatment provider (s) evaluating his attendance and progress in treatment. If the assessment recommends work and/or practice restrictions, respondent shall comply with all restrictions recommended.

(d) Respondent shall provide the Board with current releases complying with state and federal laws, authorizing release and access to the records of the health care provider (s) performing his assessment and providing treatment.

(e) Respondent shall be responsible for all costs associated with the assessment referred to in paragraph (1) above, and for all treatment and reporting required under the terms of the stay Order.

(f) Respondent shall provide all current and prospective employers with a copy of this Final Decision and Order and any subsequent stay Orders; arrange for submission of quarterly reports to the Pharmacy Examining Board from his pharmacy employer (s) reporting the terms and conditions of his employment and evaluating his work performance, and report to the Board any change in his employment status within five (5) days of such change.

(4) Petition for Modification of Terms

Respondent may petition the Board in conjunction with any application for an additional stay to revise or eliminate any of the above conditions. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. s. 227.01 (3) and 227.42.

IT IS FURTHER ORDERED that pursuant to s. 440.22, Wis. Stats., the cost of this proceeding shall be assessed against respondent, and shall be payable to the Department of Regulation and Licensing.

This order is effective on the date on which it is signed by a designee of the Pharmacy Examining Board.

OPINION

I. Applicable Law

s. 450.10 (1) (a) 2, Stats. - (a) In this subsection, "unprofessional conduct" includes, but is not limited to:
2. Violating this chapter or, subject to s. 961.38 (4r), ch. 961 or any federal or state statute which substantially relates to the practice of the licensee.

s. 450.10 (1) (b) 1, Stats. - the Board may reprimand the licensee or deny, revoke, suspend or limit the license or any combination thereof of any person licensed under this chapter who has: 1. Engaged in unprofessional conduct.

s. 943.20 (1)(a), Stats. - Theft. (a) Intentionally takes and carries away, uses, transfers, conceals, or retains possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of such property.

s. 961.38 (3), Stats. - Prescriptions. (3) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in schedule III or IV, which is a prescription drug, shall not be dispensed without a written or oral prescription of a practitioner. ...

s. 961.41 (3g), Stats. - Prohibited acts A - penalties. (3g) POSSESSION. No person may possess or attempt to possess a controlled substance or a controlled substance analog unless the person obtains the substance or the analog directly from, or pursuant to a valid prescription or order of, a practitioner who is acting in the course of his or her professional practice, or unless the person is otherwise authorized by this chapter to possess the substance or the analog.

21 CFR 1306.21 (a) - Requirement of prescription. (a) A pharmacist may dispense directly a controlled substance listed in Schedule III, IV, or V which is a prescription drug as determined under the Federal Food, Drug, and Cosmetic Act, only pursuant to either a written prescription signed by a practitioner or a facsimile of a written, signed prescription transmitted by the practitioner or the practitioner's agent to the pharmacy ...

s. Phar 8.05 (2), Code - Dispensing. (2) A pharmacist may dispense a controlled substance listed in schedule II, III or IV only pursuant to a prescription order issued by an individual practitioner. The order shall be initialed and dated by the dispensing pharmacist as of the date the prescription is dispensed. ...

s. Phar 10.03, Code - Unprofessional conduct. The following ... are violations of standards of professional conduct and constitute unprofessional conduct ... :

(1) Administering, dispensing, supplying or obtaining a drug other than in legitimate practice, or as prohibited by law.

(2) 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.

(8) Providing false information to the pharmacy examining board or its agent.

II. Background

This matter was commenced by the filing of a Notice of Hearing and Complaint on December 9, 1997. The Complaint was served upon Mr. Knutson on December 9, 1997, by regular and certified mail. The respondent did not file an Answer to the Complaint within 20 days of service of the Complaint. A telephone prehearing conference was held on January 7, 1998. Atty. Leonard Adent represented Mr. Knutson during the telephone conference. Pursuant to the Memorandum of Prehearing Conference and Scheduling Order issued in this matter, respondent was granted an extension of time, until January 20, 1998, to file an Answer to the Complaint. To date, Mr. Knutson has not filed an Answer to the Complaint.

On January 30, 1998, the Complainant filed a Motion for Default Order along with an affidavit signed by Arthur Thexton. Mr. Thexton, the prosecuting attorney in this case, stated in his affidavit that Atty. Adent informed him that he no longer represented Mr. Knutson in this matter. A hearing on the motion was held on February 12, 1998. Atty. Thexton appeared at the hearing on behalf of the Department of Regulation and Licensing, Division of Enforcement. The respondent, Van S. Knutson, did not appear at the motion hearing. Atty. Adent filed a letter, dated February 19, 1998, stating that he no longer represented Mr. Knutson.

III. Motion for Default

In a class 2 proceeding, an answer to a complaint is required be filed within 20 days from the date of service of the complaint. Allegations in a complaint are admitted when not denied in the answer. If the respondent fails to answer as required by s. RL 2.09, the respondent is in default and the disciplinary authority may make findings and enter an order on the basis of the complaint and other evidence. *ss. RL 2.09 (3) and (4), and RL 2.14, Code.*

In this case, since Mr. Knutson did not file an Answer to the Complaint, the allegations contained in the Complaint are deemed admitted. The Complainant did not offer any evidence at the motion hearing held in this matter; therefore, the findings of fact, conclusions of law and order recommended herein are based solely upon respondent's admissions.

IV. Violations

The Complainant alleges in its Complaint that Mr. Knutson, by engaging in the conduct alleged in paragraphs 2-5 of the Complaint, violated s. 450.10 (1) (a) 2., 943.20 (1) (a), 961.38 (3), and 961.41 (3g), Wis. Stats.; 21 CFR 1306.21 (a), and Phar 8.05 (2) and 10.03 (1), (2) and (8), Wis. Adm. Code. Respondent, by failing to file an Answer to the Complaint admitted that he engaged in the conduct alleged in the Complaint.

In December 1996, at the request of his pharmacy employer, Mr. Knutson gave a urine sample for purposes of a drug screening. The sample was positive for metabolites of diazepam, including nordiazepam, oxazepam, and temazepam. He did not have a valid prescription for diazepam. Upon discovering the results of the drug test, Mr. Knutson's employing pharmacy, performed an audit of its controlled substances and found that it was missing 219 tablets of 5mg diazepam, and a number of other benzodiazepenes and opiates. Respondent is responsible for taking these missing controlled substances, and had neither the permission of his employer, the owner, nor medical authority to take them.

In addition, based upon Mr. Knutson's admissions, he is a regular casual user of marijuana. His use of marijuana began no later than when he was on chemotherapy for cancer in 1994-95, purportedly because oral Marinol ® was not as effective for controlling nausea as inhaled marijuana smoke. His use of marijuana has continued although his chemotherapy and accompanying nausea has ceased.

On August 13, 1997, Mr. Knutson was interviewed by Mr. Thexton, the prosecuting attorney who represents the Division of Enforcement in this matter. He told Mr. Thexton that on or about December 15, 1996, the day before his urine test, he injured himself when he slipped and fell getting out of his car. He stated that during the evening, he took some Halcion ® and hydrocodone which had earlier been prescribed for him for other conditions. He further stated in reference to the urine sample which he provided at the request of his employer for purposes of drug screening, that the substances found in his urine were metabolites of Halcion ® (triazolam). In fact, the statements respondent made to the Board's agent were false. ¹

V. Discipline

Having found that Mr. Knutson violated laws governing the practice of pharmacy, a determination must be made regarding whether discipline should be imposed, and if so, what discipline is appropriate.

Section 450.10 (1) (b) 1., Stats., states, in part, that the Board may reprimand a licensee or deny, revoke, suspend or limit the license or any combination thereof of any person licensed under this chapter who has engaged in unprofessional conduct. Under s. 450.10 (2), Stats., the Board may assess a forfeiture of not more than \$1,000 for each separate offense for violations enumerated under s. 450.10 (1), Stats.

The purposes of discipline by occupational licensing boards are to protect the public, deter other licensees from engaging in similar misconduct and to promote the rehabilitation of the licensee. *State v. Aldrich*, 71 Wis. 2d 206 (1976). Punishment of the licensee is not a proper consideration. *State v. McIntyre*, 41 Wis. 2d 481 (1969).

1. In paragraph 4 of the Affidavit of Arthur Thexton filed by the Complainant in support of its motion for default, Mr. Thexton states that he is the "agent of the Board" referred to in paragraph 5 of the Complaint and that he has personal direct knowledge of the statement made by Mr. Knutson.

The Complainant recommends that Mr. Knutson's license to practice as a pharmacist be revoked. The Administrative Law Judge recommends that Mr. Knutson's license be suspended for an indefinite period of time and that he be permitted to petition the Board for a stay of the suspension subject to his compliance with the conditions set forth in the proposed Order. This measure is designed primarily to assure protection of the public, deter other licensees from engaging in similar misconduct and to promote the rehabilitation of the licensee.

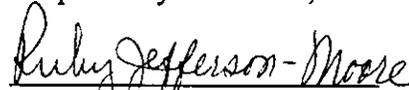
Mr. Knutson was first granted a license to practice as a pharmacist in June 1980. Except for the misconduct found in this case, there is no evidence in the record that Mr. Knutson engaged in any other misconduct. His misconduct in this case stems primarily from his use and diversion of controlled substances. There is no evidence in the record regarding the extent of his substance abuse or whether he has ever participated in a treatment program. In December 1996, in conjunction with a drug test performed at the request of his pharmacy employer, he tested positive for metabolites of diazepam, including nordiazepam, oxazepam, and temazepam. His use of marijuana began sometime between 1994 and 1995, purportedly for purposes of controlling nausea which he experienced as a result of chemotherapy treatment for cancer.

In reference to protection of the public, in conjunction with the initial petition for stay of the suspension, Mr. Knutson will be required to submit documentation, in the form of an assessment performed by a health care provider acceptable to the Board, of his abstinence from the use of controlled substances and of the status of his rehabilitative efforts. In addition, prior to being permitted to resume practice, the assessor must certify that Mr. Knutson is fit to safely and competently return to the active practice of pharmacy. This approach will provide protection to the public and at the same time promote Mr. Knutson's rehabilitative efforts.

Based upon the record herein, the Administrative Law Judge recommends that the Pharmacy Examining Board adopt as its final decision in this matter, the proposed Findings of Fact, Conclusions of Law and Order as set forth herein.

Dated at Madison, Wisconsin this 25th day of March, 1998.

Respectfully submitted,



Ruby Jefferson-Moore
Administrative Law Judge

NOTICE OF RIGHTS OF APPEAL

TO: VAN S KNUTSON RPH

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 4/27/98. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. 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 section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

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

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order 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. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN PHARMACY EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935

FILE COPY

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	ORDER FIXING COSTS
	:	Case # LS9712091PHM
VAN S. KNUTSON, R.Ph.,	:	
RESPONDENT.	:	

On April 21, 1998, the Pharmacy Examining Board filed its Final Decision and Order in the above-captioned matter by which the board ordered that pursuant to sec. 440.22, Wis. Stats., 100% of the costs of this proceeding be assessed against respondent. Pursuant to sec. RL 2.18 (4), Wis. Adm. Code, on or about May 28, 1998, the Pharmacy Examining Board received the *Affidavit of Costs* in the amount of \$770.00, filed by Attorney Arthur K. Thexton. On or about April 29, 1998, the Pharmacy Examining Board received the *Affidavit of Costs of the Office of Legal Services* in the amount of \$120.00, filed by Administrative Law Judge Ruby Jefferson-Moore. The Pharmacy Examining Board considered the affidavits on July 14, 1998, and orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that pursuant to sec. 440.22, Wis. Stats., the costs of this proceeding in the amount of \$890.00, which is 100% of the costs set forth in the affidavits of costs of Attorney Arthur K. Thexton and Administrative Law Judge Ruby Jefferson-Moore, which are attached hereto and made a part hereof, are hereby assessed against respondent, and shall be payable by him to the Department of Regulation and Licensing. **Failure of respondent to make payment on or before August 13, 1998, shall constitute a violation of the Order unless respondent petitions for and the board grants a different deadline.** Under sec. 440.22 (3), Wis. Stats., the Pharmacy Examining Board may not restore, renew or otherwise issue any credential to the respondent until respondent has made payment to the department in the full amount assessed.

To ensure that payments for assessed costs are correctly received, the attached "*Guidelines for Payment of Costs and/or Forfeitures*" should be enclosed with the payment.

Dated this 14th day of July, 1998.

PHARMACY EXAMINING BOARD

By: 
A Member of the Board

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

AFFIDAVIT OF COSTS

VAN S KNUTSON,

LS9712091PHM

RESPONDENT

97PHM017

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Being duly sworn Arthur K. Thexton, the undersigned employee of the Department of Regulation and Licensing, upon information and belief, deposes and states as follows.

That set out below are the costs of the proceeding accrued to the Division of Enforcement in this matter, based upon Division of Enforcement records compiled in the regular course of agency business in the above-captioned matter.

PROSECUTING ATTORNEY EXPENSE — ARTHUR K. THEXTON

DATE	ACTIVITY	HOURS	MINUTES
06/03/1997	Review file. Note to Inv. Rohland	0	25
07/11/1997	Draft stipulation	1	0
07/18/1997	Received message from Atty Adent. Left message	0	15
07/21/1997	Teleconference with Atty Adent. Letter coming	0	20
07/31/1997	Received and reviewed correspondence from Atty Adent. Teleconference with Marty Smith Crime Lab. Left message for Atty Adent.	0	30
08/13/1997	Interview Respondent, memo. Left message for Crime Lab	2	0
08/14/1997	Teleconference with Crime Lab Casey Collins. Left message for Atty Adent.	0	25
08/15/1997	Received and reviewed correspondence from Atty Adent.	0	20
08/18/1997	Teleconference with Atty Adent.	0	20
09/16/1997	Teleconference with Atty Adent.	0	20
10/09/1997	Left message for Atty Adent	0	10
10/15/1997	Left message for Atty Adent. Teleconference with paralegal.	0	15
10/16/1997	Teleconference with Atty Adent. Prepare stipulation alternatives and send	1	0
10/31/1997	Left message for Atty Adent.	0	10
11/21/1997	Left message for Atty Adent via FAX	0	10
12/03/1997	Left message for Atty Adent. Draft Complaint.	0	30
12/04/1997	Received ok from Case Advisor Hofmann ALJ assignment. Issue Complaint. Letter faxed to Atty Adent.	0	40
12/18/1997	Pretrial	0	15
01/07/1998	Pretrial	0	20
01/28/1998	Teleconference with Atty Adent. Letter coming	0	20
01/30/1998	Review file. Prepare Default Motion and Affidavit. File and mail.	1	0
02/05/1998	Receive and Review Order for Default hearing	0	15
02/12/1998	Conduct Default Hearing	0	20
03/25/1998	Receive and Review ALJ Recommended Decision and Order	0	20
04/02/1998	Prepare objections, file.	3	0
04/28/1998	Receive and Review PEB Final Decision and Order.	0	20

TOTAL PROSECUTING ATTORNEY EXPENSE — 15 HOURS AND 0 MINUTES
(Based on their average salary and benefits at the Division of Enforcement) TOTALS 15 0
AT \$41.00 PER HOUR = \$615.00

INVESTIGATOR EXPENSE — STEVEN A. ROHLAND

DATE	ACTIVITY	HOURS	MINUTES
03/18/1997	Letter to Respondent	0	20
05/05/1997	Attempted phone call	0	10
05/06/1997	Phone calls	0	10

INVESTIGATOR EXPENSE -- STEVEN A. ROHLAND

DATE	ACTIVITY	HOURS	MINUTES
05/09/1997	Spoke with Respondent; memo. Left message with Gollash VP Pearson for copy of drug test.	0	30
05/12/1997	Spoke with Case Advisor; memo, letter	0	35
05/16/1997	Received voice mail from R. Ph Golash Wants signed release Sent letter dated 6-16-97	0	30
05/19/1997	Letters for medical records.	0	30
06/03/1997	Reviewed materials received.	1	0
06/06/1997	Checked SQUAD; phone call, memo, letters.	1	0
09/15/1997	Phone call, library research, review lab results, memo (work performed by Investigator Theresa Cuccia)	3	0

TOTAL INVESTIGATOR EXPENSE -- 7 HOURS AND 45 MINUTES
 (Based on their average salary and benefits at the Division of Enforcement) TOTALS 7 45
 AT \$20.00 PER HOUR = \$155.00

EXPENSE SUMMARY

PROSECUTING ATTORNEY EXPENSE --	ARTHUR K. THEXTON	\$615.00
INVESTIGATOR EXPENSE --	STEVEN A. ROHLAND	\$155.00
TOTAL ASSESSABLE COST >>>>		\$770.00



Arthur K. Thexton, Attorney

Subscribed and sworn to before me this
28th of May, 1998

Claudia Berry Muren
 Notary Public
 My commission *is permanent*

Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935
(608)

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529, impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On April 21, 1998, the Pharmacy Examining Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: \$890.00 Case #: LS9712091PHM

The amount of the forfeiture is: _____ Case # _____

Please submit a check or a money order in the amount of \$890.00

The costs and/or forfeitures are due: August 13, 1998

NAME: Van S. Knutson, R.Ph. LICENSE NUMBER: 9771

STREET ADDRESS: N4895 Lake Drive

CITY: Iron Ridge STATE: WI ZIP CODE: 53035

Check whether the payment is for costs or for a forfeiture or both:

COSTS FORFEITURE

Check whether the payment is for an individual license or an establishment license:

INDIVIDUAL ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

For Receiving Use Only

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

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Committed to Equal Opportunity in Employment and Licensing+