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IN THE MATTER OF THE
DISCIPLINARY PROCEEDINGS AGAINST

LS9812082PHM

FINAL DECISION AND ORDER

JEFFREY S. ANDERSON, R.Ph.,
RESPONDENT.

98 PHM 3

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

Mr. Jeffrey S. Anderson, R.Ph.
6283 Paris Avenue N
Oak Park Heights, MN 55082

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. Respondent Jeffrey S. Anderson, R.Ph. (dob 5-16-62) 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, under license number 11376.
2. Over a three year period, respondent diverted drugs from Erickson's Family Pharmacy located in Hudson, WI while at work for his own personal use.
- 3 Respondent used 10-20 Vicodin® (hydrocodone, Lortab®) tablets a week, then increased to 30 a week, and in the last six months he used 30-50 Vicodin® tablets a day. Occasionally, he substituted Percocet® for the Vicodin® . His last use was on 9-6-97.
- 4 Respondent used 5 - 10mgs of Xanax® (alprazolam) tablets a day. Occasionally, he substituted Valium® for Xanax® . His last use was on 9-5-97.
- 5 Respondent used 30 to 50mgs of Dexedrine® tablets every other day for about one year. His last use was on 9-6-97. All of his controlled substance use was without prescription or other authority.
6. Erickson's Pharmacy filed a DEA Report of Theft or Loss of Controlled Substances that showed the following drugs were missing from July 1996 through August 1997: 505 Dexedrine® 5mg Spansules, 749 Dexedrine® 10mg Spansules, 100 Dexedrine® 15mg Spansules, 536 Dexedrine® 5mg tabs, 1,688 hydrocodone/APAP 10/650 tablets, 3,677 hydrocodone/APAP 75/750 tablets, 3,941 hydrocodone/APAP 5/500 tablets, 501 Vicodin ES® 7.5 tablets, 22,185 mls of Prometh/cod, 3,262 Endocet® tablets, 160 oxycodone/APAP tablets, 515 Lortab® 10mg tablets, 480 APAP/Codeine # 3 tablets, 4,605 alprazolam 0.5mg tablets, 745 alprazolam 1mg tablets.
7. On 9-6-97, respondent entered treatment at Fairview Riverside Treatment Center located in Minneapolis, MN.
8. Respondent is currently enrolled in the Minnesota Health Professionals Services Program (HPSP) and is undergoing treatment at the Minnesota Institute of Psychiatry located in St. Paul, MN. This program does not meet the supervision and therapy standards usually required by the Board of its licensees in similar circumstances.

CONCLUSIONS OF LAW

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

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

C. The facts set forth in paragraphs 2, 3, 4, and 5, above, constitute unprofessional conduct pursuant to §§ 450.10(1)(a)2. and 3., 450.11(7)(h), and 940.20(1)(a), Wis. Stats, and § § Phar 8.05(2) and 10.03(1) and (2), Wis. Adm. Code.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED: that the STIPULATION of the parties, attached hereto, is ACCEPTED.

IT IS FURTHER ORDERED that effective on the date of this Order, the pharmacist license of Jeffrey S. Anderson, R.Ph., is SUSPENDED indefinitely. Respondent shall not be physically present in the professional area of any Wisconsin pharmacy, or in any area of any Wisconsin licensed distributor or manufacturer where controlled substances are stored or accessible, so long as his license is suspended.

IT IS FURTHER ORDERED that respondent may apply for a stay of suspension at any time. At such time, the matter shall be referred to the Division of Enforcement for investigation of respondent's then-current treatment and employment history and of any conduct which may be a danger to the health, safety or welfare of patient or public, or be unprofessional conduct within the meaning of the statutes and Code. The Board may, following receipt of the Division's findings and recommendations, and respondent's materials, and following any other process the Board may deem to be due and appropriate including a personal appearance by respondent (which may be attended by the Division, with the opportunity for the Division to respond to any statement of respondent), stay the suspension under such reasonable terms and conditions as appear appropriate, in the Board's sole discretion, at that time.

IT IS FURTHER ORDERED that respondent, upon application for a stay or other modification of this order, shall pay COSTS of this investigation under §440.22, Wis. Stats. in the amount \$400, to the Department of Regulation and Licensing, and shall demonstrate that full restitution has been made to his former employer.

IT IS FURTHER ORDERED that respondent shall not own in whole or in part any interest in any Wisconsin pharmacy, distributor, or manufacturer during the period of time this Order remains in effect.

Dated this December 8, 1998.

PHARMACY EXAMINING BOARD

s/Daniel F. Luce R. PH.

A Member of the Board

