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STATE OF WISCONSIN

BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE

DISCIPLINARY PROCEEDINGS AGAINST

MARK G. ANDERSON, R.Ph.,

RESPONDENT.

INTERIM DECISION AND ORDER

LS0001101PHM

99 PHM 72

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

*Mark G. Anderson, R.Ph.
626 Thomas St.
Fond du Lac, WI 54935*

*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 interim 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 Mark G. Anderson (dob 7/5/53) is and was at all times relevant to the facts set forth herein a registered pharmacist licensed in the State of Wisconsin pursuant to license #9189, originally granted on 6/29/77. Respondent's address of record is 626 Thomas St., Fond du Lac, WI 54935.
2. During the calendar year 1999, respondent was employed by a chain pharmacy in Fond du Lac, Wisconsin. The pharmacy reported that, following inventory, it cannot account for approximately 600 Valium® 5mg, approximately 300 hydrocodone 5mg APAP, and approximately 80 oxycodone, all of which are missing in this calendar year. Respondent has admitted to pharmacy loss prevention staff and local police that he took 60 Valium and 50 hydrocodone tablets, and consumed them, without prescription, himself.
3. Respondent has also admitted taking some \$1400 worth of general store merchandise plus small quantities of a number of non-controlled prescription medications including antihistamines, antidepressants, NSAIDs, prescription vitamins, antibiotics, selegiline, and ranitidine, all while on duty as a pharmacist and without consent.
4. A formal complaint has been filed alleging that respondent has committed unprofessional conduct based on the above violations, and upon the grounds that he is chemically dependent and/or mentally ill. These allegations have not been proven.
5. The above, if proved, constitute unprofessional conduct.

CONCLUSIONS OF LAW

A. The Wisconsin Pharmacy Examining Board has jurisdiction over this matter and authority to take 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., and has authority to summarily suspend the license of respondent under ch. RL 6, Wis. Adm. Code.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, pending the outcome of disciplinary proceedings in this matter, that the STIPULATION of the parties, attached hereto, is ACCEPTED.

IT IS FURTHER ORDERED, that the license to practice pharmacy of Mark G. Anderson, R.Ph., is LIMITED only until the underlying disciplinary action is concluded, in the following respects:

(a) Respondent shall practice pharmacy or be employed in a pharmacy only under the direct and immediate supervision of another pharmacist acceptable to the Board (which approval shall not be unreasonably withheld) who has been provided with a copy of this Interim Order, and the Order of 3/15/95. Respondent shall also furnish the managing pharmacist of any pharmacy in which he is employed with a copy of this Interim Order and the Order of 3/15/95. The managing pharmacist and each such supervising pharmacist shall agree to report any suspected unprofessional conduct to the Department Monitor at 608-261-7938.

(b) Respondent shall present himself to Rogers Memorial Hospital for a five day inpatient evaluation, and fully cooperate with all clinically appropriate requests of the evaluators, no later than Sunday, January 23, 2000, and shall release all records of the evaluation to the Board's staff. Following the evaluation, he shall, with the concurrence of his AODA counselor Shelly Dutch and his psychiatrist Matthew Felgus, comply with the recommendations of treatment staff, including but not limited to any monitoring recommendations.

(c) Respondent shall report the hours and locations which he works as a pharmacist or in a pharmacy, specifying the names of the supervising pharmacist(s) for each shift worked, to the Board, weekly. The report shall be due each Monday at noon, by fax to 608-266-2264, addressed to the Department Monitor, and shall cover the week through midnight on Sunday.

(d) Respondent shall forthwith provide the Board's investigative staff with the names and addresses of all health care providers he has consulted for the past five years, and the names and addresses of all pharmacies which have filled any prescriptions for him for the past five years. Respondent shall also provide a list of pharmacies for whom he has provided professional services since 9/27/99. All of this information shall be delivered to staff no later than Tuesday, January 18, 2000.

IT IS FURTHER ORDERED, that respondent shall, in all respects, comply with chs. 450 and 961, Wis. Stats., and the rules of the Board, shall refrain from engaging in unprofessional conduct, shall appear before the Board or its officers or agents at such times and places as may be designated by the Board from time to time, shall disclose fully to the Board or its officers or agents the nature of his practice and conduct, shall comply fully with the limits placed on his practice and conduct by the Board, and shall cooperate with the Board. This does not require respondent to waive any rights or

IT IS FURTHER ORDERED, that 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, and respondent shall fully cooperate with any such inspections or audits. Respondent shall, upon request, forthwith furnish a witnessed sample of any body fluid, breath, or hair to any department investigator requesting it.

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, and that this Order constitutes a Board Order within the meaning of §450.10(1)(a)8., Wis. Stats.

IT IS FURTHER ORDERED, that this Order shall become effective immediately upon issuance by the Pharmacy Examining Board, and personal service upon respondent as a condition precedent to effectiveness has been waived.

Dated this January 12, 2000.

PHARMACY EXAMINING BOARD

By: Susan Sutter R.Ph.

A Member of the Board