

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :

JOHN A. HOGDEN, R.PH.,  
RESPONDENT. :

FINAL DECISION AND ORDER

:  
LS0406246PHM

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Division of Enforcement  
03 PHM 001 and 03 PHM 002

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

John A. Hogden, R.Ph.  
610 W. Adams St.  
Black River Falls, WI 54615

Wisconsin Pharmacy Examining Board  
1400 E. Washington Ave.  
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, John A. Hogden, R.Ph., Respondent, and Pamela M. Stach, attorney for the Department of Regulation and Licensing, agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Pharmacy Examining 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. John A. Hogden, R.Ph., Respondent herein, of 610 W. Adams Street, Black River Falls, Wisconsin 54615, whose date of birth is April 4, 1945, is licensed and currently registered as a pharmacist in the State of Wisconsin under license # 7980 which was granted on April 3, 1970.

2. Two formal investigations, entitled 03 PHM 001 and 03 PHM 002, are pending before the Wisconsin Pharmacy Examining Board.

3. Respondent owns and operates three pharmacies in Wisconsin.

03 PHM 002

4. On November 7, 2002, Patient X presented a prescription order for Lamictal 200mg. The prescription bottle was correctly labeled, but Respondent mistakenly dispensed Labetalol 200mg (used to treat high blood pressure) instead of the correct medication of Lamictal 200mg (used to treat epilepsy). Respondent failed to verify the NDC number on the label with the NDC number on the stock bottle used to fill the prescription order.

5. Patient X had taken almost all the medication that had been dispensed when Patient X realized that the medication looked different than what he had taken in the past. Patient X contacted Respondent to ask him about the medication. The Respondent then discovered that he had made a dispensing error and provided the correct medication to Patient X.

03 PHM 001

6. On December 11, 2002, Patient Y requested a refill of a prescription of Carbamazepine 200mg. The prescription bottle was correctly labeled, but Respondent mistakenly dispensed Carbidopa/levodopa 25mg/100mg (an antiparkinson agent) instead of the correct medication of Carbamazepine 200mg (an anticonvulsant). Respondent failed to verify the NDC number on the label with the NDC number on the stock bottle used to fill the prescription order.

7. Patient Y immediately began taking the medication that had been dispensed and suffered seizures.

8. A physician evaluated Patient Y and found that Patient Y's Carbamazepine levels were extremely low. The physician asked Patient Y's spouse to check Patient Y's medication. Patient Y's spouse discovered that Patient Y's medication was a different color and reported this fact to Respondent. The Respondent then discovered that he had made a dispensing error, immediately contacted Patient Y's physician, and provided the correct medication to Patient Y.

### CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction in this proceeding pursuant to Wis. Stats. Sec. 450.10.
2. The Wisconsin Pharmacy Examining Board has the authority to resolve this proceeding by Stipulation without an evidentiary hearing pursuant to Wis. Stats. Sec. 227.44(5).
3. Respondent's conduct of dispensing the incorrect medication to two different patients on two separate occasions constituted a violation of Wis. Adm. Code Sec. Phar 10.03(2).

### ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED that John A. Hogden, R.Ph. is REPRIMANDED.

IT IS FURTHER ORDERED that, within three months from the date of this Board Order, Respondent shall install a Bar Code authentication system in all the pharmacies that Respondent owns, operates, and practices in. The Bar Code authentication system will be incorporated into the work flow of all pharmacies that Respondent owns, operates, and practices in.

IT IS FURTHER ORDERED that, within six months from the date of this Board Order, all the pharmacies that Respondent owns, operates, and practices in will be inspected by the Board or its designee to ensure that a Bar Code authentication system has in fact been installed and incorporated into the work flow of all pharmacies that Respondent owns, operates, and practices in.

IT IS FURTHER ORDERED that Mr. Hogden will appear before the Wisconsin Pharmacy Examining Board, if an appearance is requested by the Board, to establish that he has complied with all of the terms of this Final Decision and Order.

IT IS FURTHER ORDERED that Respondent shall pay COSTS in the amount of ONE THOUSAND dollars (\$1,000.00). Payment shall be submitted within sixty (60) days from the date of this order. Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to: Department Monitor, Division of Enforcement, Dept. of Regulation & Licensing, P. O. Box 8935, Madison, WI 53708-8935.

The rights of a party aggrieved by this Final Decision and Order to petition the Wisconsin Pharmacy Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin, this 24<sup>th</sup> day of June, 2004.

WISCONSIN PHARMACY EXAMINING BOARD

Michael Bettiga  
A Member of the Board