

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
DEENA LEAVENS, R.Ph., : LS0712053PHM
RESPONDENT. :

[Division of Enforcement Case # 06 PHM 050]

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Deena Leavens, R.Ph.
3007 Cumberland Drive
Janesville, WI 53546

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Pharmacy Examining Board
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 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. Deena Leavens, R.Ph., Respondent, date of birth September 2, 1964, is licensed by the Wisconsin Pharmacy Examining Board as a pharmacist in the state of Wisconsin pursuant to license number 11243, which was first granted March 23, 1989.

2. Respondent's address of record with the Department of Regulation and Licensing is 3007 Cumberland Drive, Janesville, WI 53546.

3. On all dates relevant to the facts set forth here, Respondent was employed as the managing pharmacist at Shopko Pharmacy #2051, 1425 Janesville Avenue, Fort Atkinson, WI 53538.

4. During late June and July 2006, Respondent fraudulently obtained approximately \$900.00 from an insurance company by submitting claims for prescriptions which were neither filled nor dispensed. Respondent submitted additional fraudulent claims which she did not have the opportunity to process. Respondent estimated the total value of fraudulent claims to be approximately \$3,000.00.

5. Respondent obtained the fraudulent payments by submitting claims to the insurance company for prescriptions purportedly filled at her employing pharmacy on behalf of her husband and child. Respondent then reversed the records

within her employer's computer system. Instead of purchasing medications for her husband and child, Respondent relied on free samples obtained from pharmaceutical sales representatives.

6. During the same time period, Respondent obtained prescription medication valued at \$286.00 through her employing pharmacy. Respondent then altered the pharmacy records to avoid paying for the medication.

7. Respondent explained that she committed the fraudulent acts because her family was experiencing financial difficulties.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 450.10 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

COUNT I

2. The conduct described in paragraphs 4 and 5, above, constitutes a violation of Wis. Stat. § 450.10(1)(a)7, and subjects Respondent to discipline pursuant to Wis. Stat. § 450.10(1)(b).

COUNT II

2. The conduct described in paragraph 6, above, constitutes a violation of Wis. Stat. § 450.10(1)(a)7, and subjects Respondent to discipline pursuant to Wis. Stat. § 450.10(1)(b).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of Deena Leavens, R.Ph., as a pharmacist in the State of Wisconsin is hereby **SUSPENDED** for a period of six (6) months. During the suspension, Respondent may not work in any pharmacy, in any capacity.

2. Following the suspension, Respondent shall provide a copy of this Final Decision and Order immediately to supervisory personnel at all settings where Respondent works, or shall work, as a pharmacist.

3. Respondent shall, within 180 days from the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$300.00, pursuant to Wis. Stat. § 440.22(2).

4. All payments required by this Order shall be mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264
Telephone: (608) 267-3817

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to pay costs as ordered, Respondent's license **SHALL BE SUSPENDED**, without further notice or hearing, until Respondent has complied with the terms of this Order.

6. This Order is effective on the date of its signing.

By: Michael Bettiga
A Member of the Board

12/5/07
Date

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
DEENA LEAVENS, R.Ph., : LS _____ PHM
RESPONDENT. :

[Division of Enforcement Case # 06 PHM 050]

It is hereby stipulated and agreed, by and between Deena Leavens, R.Ph., Respondent; and Sandra L. Nowack attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (file 06 PHM 050). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, she voluntarily and knowingly waives her rights, including the right to a hearing on the allegations against her, 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 her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided an opportunity to obtain advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the 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.

5. 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.

6. Attached to this Stipulation are Respondent's current wall and wallet registration certificates. If the Board does not accept this Stipulation, Respondent's certificates shall be returned to Respondent with a notice of the Board's decision not to accept the Stipulation.

7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, if any, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

8. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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

Deena Leavens, R.Ph.
Respondent
3007 Cumberland Drive
Janesville, WI 53546

Date

Sandra L. Nowack
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date

[06 PHM 050: Costs \$300.00]