

# 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**

**ORDER REMOVING SUSPENSION AND  
GRANTING LIMITED LICENSE  
LS0712052PHM**

**DALTON L. HOLMEN, R.Ph.,  
RESPONDENT.**

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Division of Enforcement Case No. 07PHM053

TO: Dalton L. Holmen  
85A Grand Canyon Drive #206  
Baraboo, WI 53913

The Pharmacy Examining Board considered this matter at its meeting on October 29, 2008.

**BACKGROUND**

On December 5, 2007, based upon a Stipulation signed by Mr. Holmen, the Board issued a Final Decision and Order continuing the suspension of Mr. Holmen's license to practice as a pharmacist for an indefinite period of time. The Order provides, in part, as follows:

**IT IS ORDERED:**

1. The license of Dalton L. Holmen, R.Ph., Respondent, to practice as a pharmacist in the State of Wisconsin shall remain **SUSPENDED** for an indefinite period of time.
2. Respondent may petition the Board to have the suspension ended, as follows:
  - a. Respondent shall have, at Respondent's own expense, undergone a mental health and alcohol and drug assessment by an experienced mental health care and substance abuse practitioner.
    - i. The assessor must not have treated Respondent at any time and shall have been approved by the Board, with an opportunity for the Division to make its recommendation, prior to the evaluation being performed.
    - ii. The Division shall provide the assessor and Respondent with those portions of the investigative file which the Division believes may be of assistance in performing the assessment, including Respondent's treatment records or evaluations in the possession of the Division. Respondent may provide the assessor with any information Respondent believes will be of assistance in performing the assessment and shall immediately provide copies of that information to the Division.
    - iii. Respondent shall authorize the assessor to provide the Board, or its designee, and the Division with the assessment report and all materials used in performing the assessment and shall provide the Board, or its designee, and the Division with the opportunity to discuss the assessment and findings with the assessor.
    - iv. The assessor shall have provided an opinion to a reasonable degree of professional certainty that Respondent is able to practice with reasonable skill and safety of patients and public and does not suffer from any condition which prevents him from practicing in that manner.
  - b. If the assessor has rendered the opinion required by subparagraph a. iv., the Board shall end the

suspension. The Board may limit Respondent's license in a manner to address any concerns the Board has as a result of the conduct set out in the findings of fact or the period of time Respondent has not practiced pharmacy and to address any recommendations resulting from the assessment, including, but not limited to:

- i. Psychotherapy, alcohol and drug treatment and testing, or other treatment, at Respondent's expense, by a practitioner approved by the Board, to address specific treatment goals, with periodic reports to the Board by the therapist.
- ii. Additional professional education in any identified areas of deficiency.
- iii. Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Board, with periodic reports to the Board by the supervisor.
- iv. Requiring Respondent to appear before the Board on an annual basis, if requested by the Board, to review the progress of any treatment and rehabilitation.

c. The suspension shall not end until Respondent has paid to the Department of Regulation and Licensing costs of this proceeding in the amount of Five Hundred Dollars (\$500.00) pursuant to Wis. Stat. § 440.22(2).

3. If following the suspension, limitations are placed on Respondent's license, Respondent may petition the Board to modify or end the limitations.

In September 26, 2008, Mr. Holmen, by his Attorney John D. Hyland, Hurley, Burish & Stanton, S.C., filed a Petition For Reinstatement of License with the Board. The following documents were attached to the Petition:

1. An assessment report concerning Mr. Holmen's ability to practice as a pharmacist, prepared by Dr. Alan J. Gelenberg, Clinical Professor of Psychiatry, University of Wisconsin.
2. An AODA assessment of Mr. Holmen performed by Katie Johnson, MS, SACIT, Lutheran Social Services of Wisconsin and Upper Michigan (including a supplemental letter dated October 13, 2008).
3. Verification that Mr. Holmen has been in treatment at Lutheran Social Services of Wisconsin and Upper Michigan since early spring of 2008, prepared by Lynn Catlin, PhD, Licensed Psychologist (including a supplemental letter dated October 9, 2008).
4. A psychiatric evaluation conducted by Dr. Kenneth C. Graupner, Psychiatric Associates.
5. Medical Records from Beaver Dam Hospital, Winnebago Mental Health, Capitol Associates, LLC, St. Clare Hospital in Baraboo and Boscobel Mental Health Care.

On October 29, 2008, Mr. Holmen appeared before the Pharmacy Examining Board in person to respond to questions relating to his Petition.

Based upon all the information of record, the Board orders the following:

### **ORDER**

**NOW, THEREFORE, IT IS ORDERED** that the suspension of the license (#40-11890) of Dalton L. Holmen to practice as a pharmacist is removed.

**IT IS FURTHER ORDERED** that the license (#40-11890) of Dalton L. Holmen to practice as a pharmacist is LIMITED FOR AN INDEFINITE PERIOD OF TIME subject to the following conditions and limitations:

1. Respondent shall remain in active psychotherapy, under a psychiatrist's care, that shall include the submission of quarterly reports by the psychiatrist to the Board.
2. Respondent shall continue in a substance abuse program that shall include the submission of quarterly reports by the therapist to the Board.
3. Respondent shall appear before the Board on an annual basis, if requested by the Board, to review the progress of

treatment and rehabilitation.

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

Dated this 26<sup>th</sup> of November, 2008.

Pharmacy Examining Board

Gregory C. Weber, R.Ph.  
Chairman