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BEFORE THE
STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

IN THE MATTER OF THE REVOCATION OR
SUSPENSION OF THE LICENSE OF

WILLIAM DAVID ARMSTRONG, R.Ph.
5423 Lake Mendota Drive
Madison, Wisconsin 53705,
RESPONDENT

FINAL DECISION
AND ORDER

On June 27, 1978 a prehearing conference was held in the above-captioned matter in Room 179-A, 1400 East Washington Avenue, Madison, Wisconsin. The Respondent, William David Armstrong, appeared in person and by attorney David Kagan-Kans. The Complainant, Karl W. Marquardt, appeared in person and by attorney Paula R. Possin. Also present were Michael Krisik, investigator for the Department of Regulation and Licensing and Terry F. Peppard, hearing examiner.

At the prehearing conference the parties entered into a stipulation for disposition of the matter. On July 10, 1978, the Board proposed a modification in the terms of the stipulation, resulting in the parties entering into an amended stipulation for disposition of the matter. Having considered the pleadings, the examiner's proposed decision and the amended stipulation of the parties, the Board adopts the following Findings of Fact, Conclusion of Law and Order as the final decision in the case.

FINDINGS OF FACT

1. That William David Armstrong, R.Ph., hereinafter referred to as the Respondent, is licensed to practice as a registered pharmacist in the State of Wisconsin (License No. R8400, granted January 11, 1973).
2. That Respondent last practiced as a pharmacist at Madison General Hospital Pharmacy, Madison, Wisconsin.
3. That Respondent while employed as a pharmacist at said hospital pharmacy did over a period of time beginning approximately in the fall of 1976, and continuing through at least October 1977, engage in the unauthorized theft from the facility and self-administration of a schedule II controlled substance as defined under Chap. 161, Wis. Stats., to wit: approximately 70 Methoqualone 300 mg. tablets, a/k/a Quaalude tablets 300 mg.
4. That by the terms of the amended stipulation signed by counsel for the respective parties on July 14, 1978, Respondent has agreed to a 90 day suspension of his license to practice as a pharmacist, but that execution of the last 60 days of said suspension be stayed and the license of the Respondent be reinstated after 30 days, under certain terms and conditions which are set forth in the stipulation and repeated below in the order.

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CONCLUSIONS OF LAW

1. That the theft and unauthorized self-administration of a schedule II controlled substance, specifically methaqualone, as described in paragraph 3, above, renders him unfit to practice as a pharmacist within the meaning of section 450.02(7)(a), Wis. Stats.

2. That the theft and unauthorized self-administration of a schedule II controlled substance, specifically methaqualone, constitutes violations of Chap. 161, Wis. Stats., to wit: dispensing a controlled substance in schedule II without the written prescription of a practitioner, contrary to Sec. 161.38(1), Wis. Stats., and possessing a controlled substance other than a controlled substance classified in schedule I or II which is a narcotic drug, without obtaining it pursuant to a valid prescription or order of a practitioner, contrary to Sec. 161.41(3), Wis. Stats.

3. That the violations of Chap. 161, Wis. Stats., set forth in paragraph 2, above, constitute a basis for disciplinary action under Sec. 450.02(7)(a), Wis. Stats.

ORDER

Wherefore, it is ordered that the license to practice as a pharmacist of Respondent, William David Armstrong, R8400, shall be and hereby is suspended for 90 days from the date of the Board's Order, that the execution of the last 60 days of said suspension is stayed and the license of the Respondent to practice pharmacy will be reinstated after 30 days from the date of the Order on the following conditions:

1. That the Respondent not commit any subsequent violations of state or federal drug or pharmacy laws within the 90 day suspension period.

2. That the 60 day suspension previously stayed by the Board would take effect only upon a finding by the Board that the Respondent did violate a state, federal or pharmacy drug law(s).

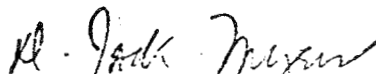
3. That a finding of a violation(s) of state, federal or pharmacy drug laws committed by the Respondent within the said 90 days suspension period would be made by the Board only after the Respondent has been provided with notice of the alleged violation by the filing of a Complaint and an opportunity for a hearing in accordance with the procedural provisions contained in Ch. 227, Wisconsin Statutes and Ch. 4 Phar Wis. Adm. Code. That upon such finding the 60 day suspension would be automatically imposed, and the Respondent would be subject to whatever additional discipline as deemed appropriate by the Board for the commission of any such violation.

Now, therefore, it is hereby ordered that the currently effective registration of Respondent William David Armstrong, R.Ph. to practice pharmacy in Wisconsin is suspended for a period of ninety (90) days, but execution of the last sixty (60) days of said suspension is stayed ac-

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ording to the terms and conditions stated above. The executed thirty (30) day portion of this suspension shall commence on the date of issuance of this order by the Vice-Chairman of the Pharmacy Examining Board, but not later than July 20, 1978.

Dated this 14 day of July, 1978.



D. Jack Myers, Vice-Chairman
Pharmacy Examining Board

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