

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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BEFORE THE  
STATE OF WISCONSIN  
PHARMACY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST : FINAL DECISION  
: AND  
L. HENRY STOLP, : ORDER  
RESPONDENT. :

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The Complaint and Notice of Hearing were served on the respondent on January 2, 1980. The Answer was filed on February 11, 1980.

A prehearing conference was held on March 11, 1980 in Madison, Wisconsin. During the conference the parties indicated that this matter might be resolved informally by way of stipulation.

On September 8, 1980 a stipulation was filed with the examiner, a copy of which is attached hereto. In the stipulation the respondent waives his right to a formal hearing.

Based upon the stipulation of the parties and the complaint on file the examiner recommends that the Pharmacy Examining Board adopt as its final decision in this matter the following findings of fact, conclusions of law and order.

FINDINGS OF FACT

1. Respondent, L. Henry Stolp (Stolp), was at all times relevant hereto, duly licensed under the provisions of Chapter 450, Wis. Stats., to practice as a pharmacist in the State of Wisconsin (license number R-6699, issued July 15, 1950).
2. Stolp's address is Route 8, Box 53, Chippewa Falls, Wisconsin 54729.
3. At all times relevant hereto, Stolp was a partner in, and practiced as a pharmacist at Adams Drug Store, 502 Water Street, Eau Claire, Wisconsin, hereinafter referred to as the Adams Drug Store. All transactions hereinafter cited involving the dispensing of controlled substances, occurred at the Adams Drug Store.
4. On or about May 4, 1977, Dr. Joseph Wang, M.D. (Wang), practicing at Mayo Clinic, Rochester, Minnesota prescribed for Mr. Michael Goller (Goller), then residing at 430 Jefferson Street, Eau Claire, Wisconsin, 16 units of the Schedule IV controlled substance known as Darvon Compound #65, a/k/a Propoxyphene Hydrochloride, hereinafter referred to as Darvon. Wang did not authorize that said prescription, identified as prescription number 301-528, be refilled.
5. Stolp refilled prescription number 301-528 without authorization from Wang on at least two occasions.

6. On or about May 9, 1977, Wang prescribed for Goller 16 units of Darvon. Wang specified that said prescription, identified as prescription number 301-637 should not be refilled.

7. Stolp refilled prescription number 301-637 without authorization from Wang on at least two occasions.

8. On or about June 7, 1977, Dr. James Dobyns, M.D. (Dobyns), practicing at Mayo Clinic, Rochester, Minnesota, prescribed for Goller 30 units of Darvon. Dobyns authorized that the prescription, identified at prescription number 302-130, be refilled twice.

9. Stolp refilled prescription number 302-130 on more than two occasions, and on at least 15 occasions, without authorization from Dobyns.

10. On or about August 9, 1977, Dobyns prescribed for Goller 30 units of Darvon. Dobyns did not authorize that the prescription, identified as prescription number 303-238, be refilled.

11. Stolp refilled prescription number 303-238 without authorization from Dobyns on at least 19 occasions.

12. On or about December 8, 1977, Dr. Saleem Malik, M.D. (Malik), practicing at the Marshfield Clinic, Marshfield, Wisconsin, prescribed for Goller 30 units of the Schedule IV controlled substance known as Darvocet N-100, a/k/a Propoxyphene Napsylate. Malik did not authorize that the prescription, identified as prescription number 306-087, be refilled.

13. Stolp refilled prescription number 306-087 without authorization from Malik on at least 31 occasions.

14. On or about December 3, 1977, Dr. K. W. Halgrimson, M.D. (Halgrimson), practicing at Northwest Psychiatric Clinic, prescribed for Goller 20 units of the Schedule IV controlled substance known as Valium a/k/a Diazepam. Halgrimson specified that the prescription, identified as prescription number 305-955, not be refilled.

15. Stolp refilled prescription number 305-955 without authorization from Halgrimson on at least 2 occasions.

#### CONCLUSIONS OF LAW

1. That the State of Wisconsin Pharmacy Examining Board has jurisdiction to take disciplinary action in this proceeding pursuant to sec. 450.02(7) and sec. 227.07(5), Wis. Stats.


2. That in refilling prescriptions for controlled substances without authorization, or in excess of the authorization provided and designated by the prescribing practitioner, as alleged in paragraph 5, 7, 9, 11, 13, and 15 of the Findings of Fact above, Stolp violated secs. 450.07(2), 450.07(5), and 161.38(3), Wis. Stats. and secs. Phar 6.05(2) and 6.06(2), Wis. Adm. Code.

3. That pursuant to sec. 450.02(7)(a), Wis. Stats., violations by Stolp of Chapter 450, Wis. Stats., Chapter 161, Wis. Stats., and the Rules of the Examining Board constitutes grounds for disciplinary action on Stolp's registration as a pharmacist.

ORDER

NOW, THEREFORE IT IS ORDERED that the Respondent L. HENRY STOLP'S license to practice as a pharmacist shall be and hereby is SUSPENDED for a period of one year beginning November 21, 1980 and that consideration for reinstatement after the twelve-month suspension period would be given upon Mr. Stolp's completion of not less than 160 hours of practice experience under the supervision of a licensed pharmacist approved by the Board and successful completion of the written pharmacy jurisprudence examination.

Dated this 13 day of May, 1981.

  
Gary VanDeList, R.Ph.  
Chairman  
Pharmacy Examining Board