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BEFORE THE STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
WILLIAM R. BELLEAU, R.PH., : FINAL DECISION
 : AND ORDER
RESPONDENT. :

The parties to this action for the purposes of Wis. Stats. sec. 227.16 are:

William R. Belleau, R.Ph.
70 East Merrill Avenue
Fond du Lac, WI 54935

Pharmacy Examining Board
P.O. Box 8936
Madison, Wisconsin 53708-8936

Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8936
Madison, Wisconsin 53708-8936

A party aggrieved by this decision may petition the Board for rehearing within twenty (20) days after service of this decision pursuant to Wis. Stats. sec. 227.12. The petition in this instance would be captioned with William R. Belleau as the Respondent.

A party aggrieved by this decision who is a resident of this state may also petition for judicial review by filing the petition in the office of the clerk of the circuit court for the county where the party aggrieved resides within thirty (30) days after service of this decision. A party aggrieved by this decision who is not a resident of this state must file the petition for judicial review in the office of the clerk of circuit court for Dane County. A party aggrieved must also serve the board and other parties with a copy of the petition for judicial review within thirty (30) days after service of this decision pursuant to Wis. Stats. sec. 227.16. The party to be named as Respondent in the petition is the Pharmacy Examining Board.

The parties in this matter agree to the terms and conditions of the attached stipulation as the final disposition of this matter, subject to the approval of the 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. That William R. Belleau, hereinafter the Respondent, was at all times relevant to this proceeding duly licensed under the provisions of Chapter 450, Stats., to practice as a registered pharmacist in the State of Wisconsin.

2. That the Respondent's pharmacist license is #6393, issued on July 15, 1954.

3. That the Respondent's address is 70 East Merrill Avenue, Fond du Lac, Wisconsin 54935.

4. That from July 1, 1980, until June 1, 1983, the Respondent owned and operated Belleau's Pharmacy, located in Green Bay, Wisconsin. The Respondent closed Belleau's Pharmacy in June, 1983.

5. That while working as a pharmacist at Belleau's Pharmacy, the Respondent dispensed Dilaudid pursuant to prescriptions to patients A and B.

6. That with respect to patient A, the Respondent dispensed 37 prescriptions for Dilaudid to patient A from April 8, 1981 until October 7, 1981. The number of pills per prescription ranged from 8 to 50 with an average of approximately 25. The 37 prescriptions were written by a total of 26 different practitioners.

7. That with respect to patient B, the Respondent dispensed 67 prescriptions for Dilaudid to patient B from April 6, 1981, to March 11, 1982. The number of pills per prescription ranged from 4 to 100 with an average of approximately 40. The 67 prescriptions were written by a total of 8 different practitioners with 44 of the prescriptions being written by one of the practitioners.

8. That the Respondent did not take proper precautions to justify the validity of the Dilaudid prescriptions dispensed to patients A and B.

9. That the Respondent does not have any ownership interest in any pharmacy.

10. That the Respondent is currently employed as a pharmacist in a community pharmacy. The Respondent's employers at the community pharmacy, two licensed pharmacists, reported to the Attorney for the Complainant that the Respondent has exercised appropriate discretion and good professional judgment since commencing employment on July 1, 1984.

CONCLUSIONS OF LAW

1. That by engaging in the above activities, Respondent has failed to exercise proper discretion in dispensing and has dispensed a drug other than in legitimate practice contrary to Wis. Adm. Code secs. Phar. 8.04(1) and Phar. 10.03(3).

2. That the Pharmacy Examining Board has jurisdiction pursuant to Chapter 450, Stats., to take disciplinary action against the Respondent.

ORDER

1. That the Respondent shall be and hereby is suspended for a period of 60 days, commencing May 5, 1985. The final 45 days of the suspension are stayed pending successful completion of the limitations below.

2. That the Respondent's license shall be and hereby is limited as follows:

- a. For a period of one year the Respondent shall cause his employing supervisor to forward directly to the Board on a quarterly basis reports concerning the Respondent's work performance.
- b. For a period of five years the Respondent may not have any ownership interest in a pharmacy and may not be a managing pharmacist as defined in Wis. Adm. Code sec. Pharm. 1.02(2).

PHARMACY EXAMINING BOARD

By: _____

A Member of the Board

Date

MJB:ma
955-530