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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION
SCOTT CAMPBELL, R.Ph., : AND ORDER
RESPONDENT. :

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

Scott Campbell, R.Ph.
8554 North 58th Street
Brown Deer, WI 53223

Pharmacy Examining Board
P.O. Box 8935
Madison, WI 53708-8935

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

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 Scott Campbell, Respondent herein, was at all times relevant to this proceeding duly licensed under the provisions of Chapter 450, Wis. Stats., to practice as a registered pharmacist.

2. That Scott Campbell holds a license as a pharmacist, number 8632, granted June 14, 1974.

3. That the Respondent's date of birth is August 10, 1950 and current address is 8554 North 58th Street, Brown Deer, Wisconsin 53223.

4. That from approximately 1970 to April 1987, Respondent abused alcohol on an unknown number of occasions. Respondent's consumption reached a peak of 6 to 8 beers per day and up to 1.5 quarts of whiskey per day.

5. That Respondent was arrested twice in 1980 and once in 1984 for Driving While Intoxicated. Respondent's driver's license was revoked one time and the second time Respondent was placed on an employment-only driving license.

6. That Respondent entered treatment for alcohol abuse during January 1980 or January 1981 but left after 13 days of treatment. That Respondent attended court-ordered group and individual therapy sessions in January 1984 which he continued for 6 to 8 months.

7. That for approximately one year before 1980 Respondent abused Valium and consumed 3-4 5 mg. tablets per day.

8. That for an unknown period of time before April 1987, Respondent self-administered unknown amounts of a Schedule I Controlled Substance known as Cannabis. Respondent was self-administering "a few hits" about five days per week. Said Controlled Substances were not procured, dispensed or possessed pursuant to a valid prescription order of a practitioner, pursuant to a permit issued by the Wisconsin Controlled Substances Board under Wis. Stats. sec. 161.335, or pursuant to the provisions of Wis. Stats. sec. 161.32 or other applicable law.

9. That on an unknown number of occasions prior to April 1987, Respondent diverted controlled substances ~~and over-the-counter medications~~ from his place of employment (pharmacies). Respondent diverted and self-administered Didrex (benzphetamine hydrochloride), an amphetamine, while Respondent was working as a pharmacist. Said Controlled substances (Didrex) were not procured, dispensed or possessed pursuant to a valid prescription order of a practitioner.

10. That from 1981 to May 1986, during the time Respondent was managing pharmacist at Union Prescription Center, Milwaukee, Wisconsin, Respondent engaged in excessive sales of Schedule V Controlled Substances, and numerous record-keeping violations, including Schedule II dispensing discrepancies.

11. That on April 23, 1987 the Respondent began outpatient counseling sessions for alcohol and marijuana abuse at Medical Associates Health Center, Menomonee Falls, Wisconsin. Attached as Exhibit A is a copy of a letter from Respondent's counselor outlining the Respondent's current rehabilitative efforts.

12. That Respondent suffers from chemical abuse and dependency.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction over this matter and authority to take disciplinary action against the Respondent pursuant to Wis. Stats. sec. 450.10(1), and Wis. Adm. Code Ch. Phar 10.

2. The Wisconsin Pharmacy Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stats. sec. 227.44(5).

3. Cannabis (Tetrahydrocannabinols) is a Schedule I Controlled Substance as defined in Wis. Stats. sec. 161.01(4) and 161.14.

4. Didrex (benzphetamine hydrochloride) is a Schedule III Controlled Substance (amphetamine) as defined in Wis. Stats. sec. 161.01(4) and 161.18.

5. Respondent engaged in unlawful and unprofessional conduct contrary to Wis. Stats. sec. 161.38, 161.41, 450.10(1), and 450.11 and Wis. Adm. Code sec. Phar. 10.03(3) in that he obtained Schedule I Controlled Substances and Schedule III Controlled Substances other than in legitimate practice, and as prohibited by law.

6. Respondent engaged in unlawful and unprofessional conduct contrary to Wis. Stats. sec. 161.23, 161.38(4), 450.10(1) and Wis. Adm. Code sec. Phar. 10.03(3) and (4) in that he engaged in excessive sales of Schedule V Controlled Substances, without proper care to ensure dispensing for medical purposes only.

7. Respondent engaged in unlawful and unprofessional conduct contrary to Wis. Stats. sec. 161.38(1) and (2), 450.09(6), 450.10(1), 450.11 and Wis. Adm. Code sec. Phar. 8.02, 8.05, 8.09, 10.03(3) and (4) in that he failed to maintain proper records or follow appropriate dispensing procedures regarding Schedule II Controlled Substances.

8. Respondent engaged in unlawful and unprofessional conduct contrary to Wis. Stats. sec. 450.10(1)(a)3 and Wis. Adm. Code sec. Phar. 10.03(4) and (7) in that he has demonstrated chemical abuse and dependency and has practiced while under the influence of drugs.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

That the Stipulation of the parties, attached hereto, is accepted.

IT IS FURTHER ORDERED that effective _____, the pharmacist license of Scott Campbell, Respondent, shall be SUSPENDED for a period of not less than four (4) years.

(a) The suspension shall be stayed for a period of three (3) months, conditioned upon compliance with the conditions and limitations outlined in paragraph (b), below.

i. The Respondent may apply for consecutive three (3) month extensions of the stay of suspension, which shall be granted upon acceptable demonstration of compliance with the conditions and limitations imposed on the Respondent's practice during the prior three (3) month period.

ii. If the Board denies the petition by the Respondent for an extension, the Board shall afford an opportunity for hearing in accordance with the procedures set forth in Wis. Adm. Code Ch. RL 1 upon timely receipt of a request for hearing.

iii. Upon successful compliance for a period of four (4) years with the terms of paragraph (b), below, the Board shall grant a petition by the Respondent for return of full licensure.

iv. The applications for extension under (a)i. and all required reports under (b)v. shall be due on the following dates:

(b) CONDITIONS OF STAY.

i. The Respondent must remain in a program acceptable to the Board for the treatment of alcohol and chemical dependency. As a part of treatment, the Respondent must attend therapy on a schedule that is recommended by his therapist; attendance, however, shall be required once weekly. In addition, the Respondent must attend Alcoholics Anonymous or Narcotics Anonymous at least one time per week.

ii. Upon request of the Board, the Respondent must provide the Board with current releases complying with state and federal laws, authorizing release of counseling, treatment and monitoring records.

iii. The Respondent must remain free of alcohol, prescription drugs and controlled substances not prescribed for a valid medical purpose during the period of limitation.

iv. During the first two years of stayed suspension, the Respondent must participate in a program of random, witnessed monitoring, on the basis of at least 8 times per month for controlled substances and alcohol in his blood and/or urine. If the therapist supervising the Respondent's plan of care or his employer deems that additional blood or urine screens are warranted, the Respondent must submit to those screens. During the remaining period of the stayed suspension, the Respondent must submit to blood and/or urine screens on the basis of at least 4 times per month.

The Respondent shall be responsible for obtaining a monitoring facility and reporting system acceptable to the Board, as well as for all costs incurred in conjunction with the monitoring and reporting required.

To be an acceptable program, the monitoring facility must agree to provide random and witnessed gatherings of specimens for evaluation. It must further agree to file an immediate report with the Pharmacy Examining Board upon such failures to participate as: if the Respondent fails to appear upon request; or if a drug or alcohol screen proves positive; or if the Respondent refuses to give a specimen for analysis upon a request authorized under the terms of this Order.

v. The Respondent shall arrange for written quarterly reports to the Pharmacy Examining Board from his employer evaluating his work performance; from the monitoring facility

providing the dates and results of the screenings performed; and from the counselor evaluating the attendance and progress in therapy as well as evaluating the level of participation at AA/NA meetings. The employer reports must include a description of any access to controlled substances by the Respondent.

vi. The Respondent shall report to the Board within five (5) days of any change in employment status.

vii. The Respondent may not be employed as or work in the capacity of a "managing pharmacist" as the term is defined in Wis. Adm. Code sec. Phar 1.02(2).

viii. The Respondent may not be employed as or work in the capacity of a "pharmacist-in-charge" as that term is defined in Wis. Adm. Code sec. Phar 1.02(5).

ix. The Respondent may not place or be responsible for the placing of any orders for the purchase of any drugs.


(c) Upon successful compliance with the provisions of paragraph (b) for a period of two (2) years, the Respondent may petition the Board in conjunction with any application for an additional stay to revise or eliminate any of the above conditions.

(d) Violation of any of the terms of this Order may result in a summary suspension of the Respondent's license; the denial of an extension of the stay of suspension; the imposition of additional conditions and limitations; or the imposition of other additional discipline.

(e) This Order shall become effective on the dates specified, except for provision (b)iii., which is effective the date of signing.

PHARMACY EXAMINING BOARD

By:


A Member of the Board


Date

SS:ma
9575