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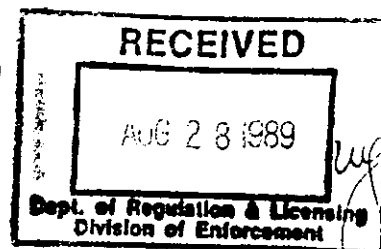
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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION
SILVER SPRING PHARMACY, INC., AND	:	AND ORDER
THOMAS G. PIRE, R.Ph.,	:	ADOPTING STIPULATION
	:	
RESPONDENTS.	:	

The parties to this action for the purposes of Wis. Stats., sec. 227.53 are:

Thomas G. Pire, R.Ph.
2505 North 91st Street
Wauwatosa, Wisconsin 53226

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

Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 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 Thomas G. Pire, R.Ph. Respondent, was at all times relevant to this proceeding duly licensed under the provisions of Chapter 450, Wis. Stats., to practice as a registered pharmacist in the State of Wisconsin. Thomas G. Pire holds license #9468, issued on December 9, 1978.
2. That Silver Spring Pharmacy, Inc., Respondent, was at all times relevant to this matter duly licensed under the provisions of Chapter 450, Stats., to operate as a licensed pharmacy in the State of Wisconsin. Silver Spring Pharmacy holds license #6539, which was granted on March 8, 1984.
3. That Pharmacist A, now deceased, was at all times relevant to this proceeding duly licensed under the provisions of Chapter 450, Wis. Stats., to practice as a registered pharmacist in the State of Wisconsin and was employed as a pharmacist at Silver Spring Pharmacy, Inc.

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4. That Pharmacist B, now deceased, was at all times relevant to this proceeding duly licensed under the provisions of Chapter 450, Wis. Stats., to practice as a registered pharmacist in the State of Wisconsin, and was employed as a pharmacist at Silver Spring Pharmacy, Inc.

5. That Thomas G. Pire, R.Ph. was at all times relevant to this matter 100% President owner, and managing pharmacist of Silver Spring Pharmacy, Inc., and responsible for the professional operations of the pharmacy, and responsible for the professional supervision of Pharmacist A and Pharmacist B, former employees of Silver Spring Pharmacy, Inc.

6. That from about November, 1985 through February, 1986, Thomas G. Pire, R.Ph., managing pharmacist of Silver Spring Pharmacy, Inc., together with members of his pharmacy staff who were under his supervision and control, knowingly and willfully submitted claims for payment to the agent and representative of a health maintenance organization (HMO), knowing such claims to be false, and which false claims resulted in payment to Silver Spring Pharmacy, Inc., to which it was not legally or rightfully entitled. Said claims were false in that they were represented to be for quantities and/or kinds of prescription drugs that were not in fact dispensed to participants of the HMO, and also included claims represented to be for medications prescribed by practitioners covered by the HMO, who in fact were not covered by the HMO. Said false claims resulted in overpayments to Silver Spring Pharmacy, Inc., and Thomas G. Pire, R.Ph., as owner of Silver Spring Pharmacy, Inc. amounting to at least \$2,000 to \$2,500.

7. That the Schedule V exempt narcotic sales record for Silver Spring Pharmacy, Inc. was examined for the period of June 1, 1987 to July 30, 1987 and revealed the following:

- a. That during the period from June 1, 1987 to July 30, 1987, Silver Spring Pharmacy made 1,071 sales of Schedule V Controlled Substances to customers without a prescription.
- b. That there were 45 customers who made six or more purchases of Schedule V Controlled Substances within the 60 day period between June 1, 1987 and July 30, 1987.
- c. That the 45 customers who had made six or more purchases within the aforesaid 60 day period made a total of 639 of the 1,071 purchases of Schedule V Controlled Substances at Silver Spring Pharmacy, Inc. during that period.
- d. That the average frequency of purchases for particular customers ranged from six purchases in 54 days for an average of one purchase every nine days to 36 purchases in 59 days for an average frequency of one purchase every 1.6 days.

- e. That the records of sales of Schedule V Controlled Substances from June 1, 1987 to July 30, 1987 were examined for purposes of detecting repeat sales to the same customer within 48 hours of four ounce bottles of Schedule V exempt narcotics. The examination of said records revealed 47 repeat sales to the same customer of four ounce bottles of Schedule V exempt narcotics within 48 hours.
- f. That Thomas G. Pire, R.Ph. in 27 instances had personally made repeat sales of Schedule V exempt narcotic controlled substances to the same customer within 48 hours within the 60 day period between June 1, 1987 and July 30, 1987.
- g. That Pharmacist A in 15 instances had personally made repeat sales of Schedule V exempt narcotic controlled substances to the same customer within 48 hours within the 60 day period between June 1, 1987 and July 30, 1987.
- h. That Pharmacist B in 5 instances had personally made repeat sales of Schedule V exempt narcotic controlled substances to the same customer within 48 hours within the 60 day period between June 1, 1987 and July 30, 1987.
- i. That on July 30, 1987 and August 19, 1987, an investigator of the Wisconsin Department of Regulation and Licensing in investigative visits to Silver Spring Pharmacy brought to the attention of Thomas G. Pire, R.Ph., managing pharmacist of Silver Spring Pharmacy, the requirements of Section 161.23, Wis. Stats., in particular that Schedule V Controlled Substances may be dispensed and sold only in good faith as a medicine, and not for the purpose of evading Chapter 161, and that frequent repetitive purchasers of Schedule V Controlled Substances who may be abusing such substances should be referred to their physician for medical attention and that sales of such Schedule V Controlled Substances to such frequent repetitive purchasers should be discontinued unless prescribed by a physician. Examination of the Schedule V Controlled Substances sales record at Silver Spring Pharmacy, Inc. on August 19, 1987 and October 20, 1987 revealed that Silver Spring Pharmacy continued frequent repetitive sales to the same frequent repetitive purchasers as had been pointed out in previous investigative visits.
- j. On October 20, 1987, a notice of violation was issued to Silver Spring Pharmacy, Inc. relating to, among other things, the sale of Schedule V Controlled Substances in good faith for use as a medicine in accordance with Section 161.23, Wis. Stats., and that frequent purchasers should be referred to a physician, which was returned signed by Thomas G. Pire on October 20, 1987.

CONCLUSIONS OF LAW

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

2. That by engaging in the activities described above in paragraph 6 of the Findings of Fact, Respondent Silver Spring Pharmacy and Respondent, Thomas G. Pire, R.Ph., individually and as owner and managing pharmacist of Silver Spring Pharmacy, violated sec. 450.10(1)(a)7., Wis. Stats., and sec. Phar 10.03(13), Wisconsin Administrative Code, by obtaining or attempting to obtain any compensation by fraud or deceit.

3. That by engaging in the conduct described in paragraph 7.a.,b.,c.,d.,e. and i. of the Findings of Fact, Silver Spring Pharmacy, Inc., and Thomas G. Pire, R.Ph., individually and as owner and managing pharmacist of Silver Spring Pharmacy, Inc., engaged in unlawful and unprofessional conduct contrary to secs. 161.23(1), 161.38(4) and 450.10(1)(a)2., Wis. Stats., secs. Phar 8.02 and 10.03(1)(3) and (4), Wis. Adm. Code, in that as a pattern of practice each Respondent failed to ensure and determine that Schedule V Controlled Substances were dispensed and sold in good faith as a medicine, and such conduct constituted a danger to the health, welfare and safety of patient or public and substantially departed from the standard of care ordinarily exercised by a pharmacist.

4. That by engaging in the conduct described in paragraph 7.e.,f.,g. and h. of the Findings of Fact, Silver Spring Pharmacy, Inc., and Thomas G. Pire, R.Ph., individually and as owner and managing pharmacist of Silver Spring Pharmacy, Inc., engaged in unlawful and unprofessional conduct contrary to secs. 161.23(5), 161.38(4), 450.10(1)(a)2. Wis. Stats., Title 21, CFR sec. 1306.32 and sec. PHAR 8.02 and 10.03(1),(3) and (4), Wis. Adm. Code, in that each Respondent dispensed and sold Schedule V Controlled Substances in violation of the 48 hour rule, and as prohibited by law.

THEREFORE IT IS HEREBY ORDERED:

1. That the Pharmacy license of Silver Spring Pharmacy, Inc. shall be suspended for a period of 210 days, effective 60 days following the date of this Order, which suspension shall be STAYED conditioned upon compliance by Silver Spring Pharmacy and Thomas G. Pire with all terms and conditions of this Order.

2. That effective immediately, Silver Spring Pharmacy, Inc., shall not sell or dispense any Schedule V Controlled Substances without a prescription from a practitioner for a period of not less than 5 years. At the end of the 5 year period, Silver Spring Pharmacy may petition the Pharmacy Examining Board for removal of this limitation. The Pharmacy Examining Board may impose any conditions which it deems appropriate in its discretion for consideration of such petition or for granting such petition.

3. Silver Spring Pharmacy, Inc., and Thomas G. Pire, R.Ph., as legal and constructive owner of Silver Spring Pharmacy, Inc., are hereby assessed a forfeiture in the amount of \$5,840.00 which shall be paid by Silver Spring Pharmacy, Inc., and/or Thomas G. Pire, R.Ph., as legal and constructive owner of Silver Spring Pharmacy, Inc. within 60 days of the date of this Order. Silver Spring Pharmacy, Inc., and Thomas G. Pire, R.Ph., as legal and

constructive owner of Silver Spring Pharmacy, Inc., are hereby assessed costs of this investigation and proceeding pursuant to sec. 440.22, Wis. Stats., in the amount of \$1,660.00 which shall be paid within 60 days of the date of this Order.

4. That effective 60 days from the date of this Order, the pharmacist license of Thomas G. Pire shall be suspended for a period of one year, which suspension shall be stayed after 150 days, conditioned upon full compliance with all terms and conditions of this Order by each of Silver Spring Pharmacy, Inc., and Thomas G. Pire, R.Ph., as owner, President and Managing Pharmacist thereof, and by Thomas G. Pire, R.Ph., individually as Respondent. During the period of imposed suspension and prior to reinstatement, Thomas G. Pire shall not be physically present in the professional area of any pharmacy and shall not perform any pharmacy services as defined in Chapter 450 Wis. Stats., and PHAR Chap. 1, Wis. Adm. Code. Thomas G. Pire may petition for reinstatement of his license following the 150 day period of imposed suspension. The Pharmacy Examining Board may impose conditions which it deems appropriate in its discretion for consideration of such petition or for granting of such petition.

5. That effective immediately, the pharmacist license of Thomas G. Pire is hereby limited to permanently prohibit Thomas G. Pire from dispensing any Schedule V Controlled Substance without a prescription from a practitioner.

6. Thomas G. Pire is hereby assessed a forfeiture in the amount of \$3,840.00, which shall be paid by Thomas G. Pire within 60 days of the date of this Order. Thomas G. Pire is hereby assessed costs of this investigation and proceeding pursuant to sec. 440.22, Wis. Stats., in the amount of \$1,660.00 which shall be paid within 60 days of the date of this Order.

7. No sale or other disposition of the inventory or records of Silver Spring Pharmacy, Inc., shall be made without prior written notice and approval by the Pharmacy Examining Board. Any such disposition of medications and/or records shall be made only in accordance with the terms and conditions specified by the Pharmacy Examining Board, and sec. 450.11(6), Wis. Stats. It is further ordered that if Silver Spring Pharmacy, Inc. does not comply with the terms and conditions of this Order for Stay of Suspension, then not later than 60 days following the date of this Order, Thomas G. Pire shall conduct an inventory of all controlled substances in stock at Silver Spring Pharmacy, which inventory shall be verified by and attested to by another Wisconsin licensed pharmacist, the selection of which shall be approved in advance by the Pharmacy Examining Board. The original of said inventory shall be delivered or mailed forthwith to the Pharmacy Examining Board, not later than five days following the effective date of suspension of the pharmacy license of Silver Spring Pharmacy, Inc. A copy of the original inventory shall be retained by the independent pharmacist verifying and attesting to the inventory, and an additional copy thereof shall be sent to the Pharmacy Examining Board directly by said independent pharmacist, not later than five days following the effective date of the suspension of the pharmacy license of Silver Spring Pharmacy, Inc. Upon reinstatement of the pharmacy license of

Silver Spring Pharmacy, Inc. an opening inventory shall be conducted by Thomas G. Pire, and verified and attested to by an independent Wisconsin licensed pharmacist, selection of whom shall be approved in advance by the Pharmacy Examining Board. The original of said opening inventory of all controlled substances shall be sent to the Pharmacy Examining Board within five days of the reinstatement of the pharmacy license of Silver Spring Pharmacy, Inc. The independent verifying pharmacist shall retain a copy of the original inventory, and shall mail an additional copy thereof directly to the Pharmacy Examining Board within five days of the reinstatement of the license of Silver Spring Pharmacy, Inc.

8. The suspension of the pharmacist license of Thomas G. Pire shall remove all rights of Thomas G. Pire to practice pharmacy, except that Thomas G. Pire shall remain responsible, in the event of the suspension of license and closing of Silver Spring Pharmacy, Inc., for the security, appropriate disposition and accounting of all prescription medications and controlled substances in the closing inventory of Silver Spring Pharmacy, Inc. and all pharmacy records required to be maintained under state and federal laws relating to prescription medications, controlled substances, patient profiles and all purchase, inventory and disposition records.

By: W.R. Schuch - 9/12/89
Wisconsin Pharmacy Examining Board

I, Thomas G. Pire, R.Ph., personally, and as owner and agent of Silver Spring Pharmacy, Inc., pursuant to the attached Stipulation hereby consent to the issuance of the foregoing Final Decision and Order by the Wisconsin Pharmacy Examining Board.

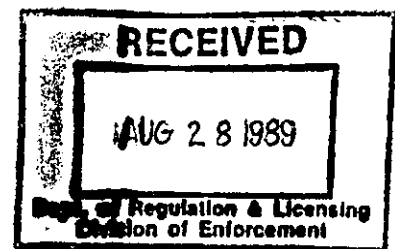
Thomas G. Pire, R.Ph.
Thomas G. Pire, R.Ph., personally
and as owner and agent of Silver
Spring Pharmacy, Inc.

August 25, 1989
Date

Steven R. Kohn
Steven R. Kohn, Attorney for
Silver Spring Pharmacy, Inc.,
and Thomas G. Pire, R.Ph.,
Respondents.

8/25/89
Date

RTG:skv
DOEATTY-838



STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
:
SILVER SPRING PHARMACY, INC., AND : STIPULATION
THOMAS G. PIRE, R.Ph., :
:
RESPONDENTS. :

It is hereby stipulated between Silver Spring Pharmacy, Inc., by its owner and agent Thomas G. Pire, R.Ph., Thomas G. Pire, R.Ph., personally on his own behalf, and their attorney, Steven R. Kohn, Respondents; and Robert T. Ganch, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of the licenses of the above named Respondents to operate as a pharmacy or to practice as a pharmacy, as applicable, in the State of Wisconsin, investigative file #86 PHM 42. Each Respondent consents to the resolution of this investigation by Stipulation and without the issuance of a formal complaint.

2. Each of the Respondents understands that by the signing of the Stipulation, he voluntarily and knowingly waives his rights including: the right to a hearing on the allegations against him, at which the State has the burden of proving those allegations by clear, satisfactory and convincing evidence or a preponderance of the evidence, as applicable; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Thomas G. Pire, R.Ph., and Silver Spring Pharmacy, Inc., each neither admits nor denies the facts and conduct described in the attached Findings of Fact except each admits paragraph 6, and each agree to the adoption, entry and issuance of the attached Findings of Fact, Conclusions of Law and Order by the Pharmacy Examining Board.

4. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings.

5. If the Board accepts the terms of this Stipulation, the parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

6. This Stipulation and the attached Final Decision and Order shall not prejudice the Pharmacy Examining Board from taking any further action regarding any conduct of either Respondent not stated in the attached Final Decision and Order, and shall not prejudice the Board from taking any further action regarding conduct of the Respondents involving sale or distribution of Schedule V Controlled Substances in violation of sec. 161.23, Wis. Stats., or Title 21, Code of Federal Regulations, Part 1306.32, after October 20, 1987.

7. The Division of Enforcement joins each of the Respondents in recommending the Pharmacy Examining Board adopt this Stipulation and issue the attached Final Decision and Order. All parties agree that the attorney for the Department of Regulation and Licensing, Division of Enforcement and the Board Advisor to this case may appear before the Pharmacy Examining Board in support of this Stipulation and attached Final Decision and Order. All parties further agree that the attorney for the Division of Enforcement and the Board Advisor for this case may respond to questions of the Pharmacy Examining Board during its deliberation in closed session.

Silver Spring Pharmacy, Inc., Respondent, by:

Thomas G. Pire, R.Ph. August 25, 1989
Thomas G. Pire, R.Ph. Date
Owner and agent

Thomas G. Pire, R.Ph. August 25, 1989
Thomas G. Pire, R.Ph., Respondent Date

Steven R. Kohn 8/25/89
Steven R. Kohn, Attorney for Silver Spring Pharmacy, Inc., and Thomas G. Pire, R.Ph., Respondents. Date

Robert T. Ganch August 28, 1989
Robert T. Ganch, Attorney Date
Division of Enforcement

Pharmacy Examining Board by:

A. R. [Signature] 9/12/89
A Member of the Board Date

RTG:skv
DOEATTY-839

NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with State of Wisconsin Pharmacy Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon State of Wisconsin Pharmacy Examining Board.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: State of Wisconsin Pharmacy Examining Board.

The date of mailing of this decision is September 13, 1989.

WLD:dms
886-490

227.49 Petitions for rehearing in contested cases. (1) A petition for rehearing shall not be a prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3) (e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

(3) Rehearing will be granted only on the basis of.

(a) Some material error of law.

(b) Some material error of fact.

(c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

(4) Copies of petitions for rehearing shall be served on all parties of record. Parties may file replies to the petition.

(5) The agency may order a rehearing or enter an order with reference to the petition without a hearing, and shall dispose of the petition within 30 days after it is filed. If the agency does not enter an order disposing of the petition within the 30-day period, the petition shall be deemed to have been denied as of the expiration of the 30-day period.

(6) Upon granting a rehearing, the agency shall set the matter for further proceedings as soon as practicable. Proceedings upon rehearing shall conform as nearly may be to the proceedings in an original hearing except as the agency may otherwise direct. If in the agency's judgment, after such rehearing it appears that the original decision, order or determination is in any respect unlawful or unreasonable, the agency may reverse, change, modify or suspend the same accordingly. Any decision, order or determination made after such rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination.

227.52 Judicial review; decisions reviewable. Administrative decisions which adversely affect the substantial interests of any person, whether by action or inaction, whether affirmative or negative in form, are subject to review as provided in this chapter, except for the decisions of the department of revenue other than decisions relating to alcohol beverage permits issued under ch. 125, decisions of the department of employee trust funds, the commissioner of banking, the commissioner of credit unions, the commissioner of savings and loan, the board of state canvassers and those decisions of the department of industry, labor and human relations which are subject to review, prior to any judicial review, by the labor and industry review commission, and except as otherwise provided by law.

227.53 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally

disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59 (6) (b), 182.70 (6) and 182.71 (5) (g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. The petition may be amended, by leave of court, though the time for serving the same has expired. The petition shall be entitled in the name of the person serving it as petitioner and the name of the agency whose decision is sought to be reviewed as respondent, except that in petitions for review of decisions of the following agencies, the latter agency specified shall be the named respondent:

1. The tax appeals commission, the department of revenue.

2. The banking review board or the consumer credit review board, the commissioner of banking.

3. The credit union review board, the commissioner of credit unions.

4. The savings and loan review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings and loan review board shall be the named respondents.

(c) Copies of the petition shall be served, personally or by certified mail, or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon all parties who appeared before the agency in the proceeding in which the order sought to be reviewed was made.

(d) The agency (except in the case of the tax appeals commission and the banking review board, the consumer credit review board, the credit union review board, and the savings and loan review board) and all parties to the proceeding before it, shall have the right to participate in the proceedings for review. The court may permit other interested persons to intervene. Any person petitioning the court to intervene shall serve a copy of the petition on each party who appeared before the agency and any additional parties to the judicial review at least 5 days prior to the date set for hearing on the petition.

(2) Every person served with the petition for review as provided in this section and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance clearly stating the person's position with reference to each material allegation in the petition and to the affirmance, vacation or modification of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the attorney general, and shall be filed, together with proof of required service thereof, with the clerk of the reviewing court within 10 days after such service. Service of all subsequent papers or notices in such proceeding need be made only upon the petitioner and such other persons as have served and filed the notice as provided in this subsection or have been permitted to intervene in said proceeding, as parties thereto, by order of the reviewing court.