

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
FONDA PHARMACY, and,	:	89 PHM 007
RONALD W. SEVERSON, R.Ph.	:	
RESPONDENTS	:	

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

Fonda Pharmacy
6816 West Hampton Avenue
Milwaukee, WI 53218

Ronald W. Severson, R.PH.
N78 W15743 Longwood Street
Menomonee Falls, WI 53051

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 decision 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. Ronald W. Severson (D.O.B. 10/01/38) is duly licensed in the state of Wisconsin as a registered pharmacist (license #7173). This license was first granted on April 30, 1962. At all times relevant herein, this Respondent was the managing pharmacist of Fonda Pharmacy. Fonda Pharmacy is a duly licensed pharmacy in the State of Wisconsin (license # 6745). This license was first granted July 3, 1986.

2. Ronald W. Severson's latest address on file with the Department of Regulation and Licensing is N78 W15743 Longwood Street, Menomonee Falls,

Wisconsin. Fonda Pharmacy's latest address on file with the Department of Regulation and Licensing is 6816 West Hampton Avenue, Milwaukee, Wisconsin 53218.

3. No biennial inventory of controlled substances as required by 21 U.S.C. sec. 827(a) and 21 C.F.R. sec. 1304 and 1301.76(b) was kept on hand by the Respondents for the period of July 1986 to January 21, 1989. A subsequent biennial inventory was completed January 13, 1991.

4. An audit by the Department revealed the following Schedule II controlled substance prescription order errors at the Respondent pharmacy:

Prescription #	Date	Error
783593	11/21/88	DEA number missing
784246	12/02/88	DEA number missing
784276	12/02/88	patient address missing
784957	12/12/88	DEA number missing
784958	12/12/88	DEA number missing
784959	12/12/88	DEA number missing
785072	12/14/88	DEA number missing
785073	12/14/88	DEA number missing
785151	12/15/88	DEA number missing
785356	12/23/88	DEA number partially missing
785249	12/17/88	DEA number missing
785492	12/21/88	DEA number missing
785710	12/24/88	DEA number missing
785758	12/27/88	DEA number missing
785759	12/27/88	DEA number missing
785814	12/27/88	R.Ph. initials and date missing
786241	01/03/89	DEA number missing
786242	01/03/89	DEA number missing
786446	01/05/89	DEA number missing
786569	01/08/89	DEA number missing
792674		no dispensing date noted
799483		not dated
813007		not dated
814867		not dated
815277		not dated and change in quantity
815895		not dated
816713		not dated
818 176		not dated
819300		not dated
819907		not dated
820603		not dated and no dispensing date noted
821903		not dated
819065		not dated

Prescription #	Date	Error
821091		not dated
822264		not dated
823914		not dated
813786		no quantity recorded
831588		dispensed beyond 7 days
797042		dispensed beyond 7 days
811483		dispensed beyond 7 days
815581		dispensed beyond 7 days
820541		dispensed beyond 7 days
803647		dispensed beyond 7 days
810801		dispensed beyond 7 days
812490		dispensed beyond 7 days
820998		dispensed beyond 7 days
821216		dispensed beyond 7 days

CONCLUSIONS OF LAW

5. By the conduct described above, Respondents are subject to disciplinary action against their respective licenses to practice as a pharmacy and registered pharmacist in the state of Wisconsin, pursuant to Wis. Stats. sec. 161.32 and 450.11, and Wis. Adm. Code sec. Phar 8.02(2), 8.05(1), and 8.05(4). Such conduct constitutes unprofessional conduct within the meaning of the statutes and administrative code.

6. The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter pursuant to Wis. Stats. sec. 450.10(1).

7. The Board is authorized to enter into the attached Stipulation pursuant to Wis. Stats. sec. 227.44(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that :

1. The attached Stipulation is accepted.
2. Fonda Pharmacy and Ronald W. Severson are each REPRIMANDED for their unprofessional conduct in this matter.
3. The license of Fonda Pharmacy is LIMITED in that it shall, for a period of two years commencing December 1, 1992, keep and submit to the Division of Enforcement on a quarterly basis, a log of every Schedule II controlled substance dispensed by the pharmacy, such log to include the prescription number, dates received and dispensed, name of medication, dose, number dispensed, prescriber, DEA number, pharmacist, and patient's surname. The first log shall be filed with the Division by March 10, 1993, and subsequent logs shall be filed by the tenth day of the month following each subsequent three month period.

4. Ronald W. Severson shall, within six months following the date of this Order, successfully complete and pass the Wisconsin Pharmacy Jurisprudence Examination (which may, at Respondent's option be taken through the PLATO professional development center). Examination results shall be reported directly to the Board. In the event that the Respondent does not pass the examination, his license to practice pharmacy shall be LIMITED without further action of the Board, in that he shall not act as a managing pharmacist of any pharmacy until he has completed and passed both the Federal Drug Law Examination and the Wisconsin Pharmacy Jurisprudence Examination.

5. Respondents shall each pay to the Department of Regulation and Licensing a civil forfeiture in the sum of \$ 250.00 within 20 days of the date of this Order, for the failure to have on hand a controlled substances inventory for the period July, 1986, to January 21, 1989.

5. Respondents shall pay the costs of investigation and prosecution of this proceeding in the sum of \$ 350.00, to the Department of Regulation and Licensing within 60 days of the date of this Order.

Dated this 2th day of December, 1992.

WISCONSIN PHARMACY EXAMINING BOARD,

by: Thomas M. Guehl
a member of the Board

jh

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
FONDA PHARMACY, and,	:	89 PHM 007
RONALD W. SEVERSON, R.Ph.	:	
RESPONDENT	:	

It is hereby stipulated between Ronald W. Severson, personally on his own behalf and Fonda Pharmacy, by its duly authorized representative, and James W. Harris, 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 Respondents' licensure by the Division of Enforcement. Respondents consent to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondents understand that by the signing of this Stipulation they voluntarily and knowingly waive their rights, including: the right to a hearing on the allegations against them, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against them; the right to call witnesses on their behalf and to compel their attendance by subpoena; the right to testify themselves; 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 them under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondents are aware of their right to seek legal representation and have been provided the opportunity to seek legal advice prior to signing this stipulation.

4. Respondents agree to the adoption of the attached Final Decision and Order by the Pharmacy Examining Board. 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. Respondents waive all rights to any appeal of the Board's order, if adopted in the form as attached.

5. 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. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Pharmacy Examining Board for the purpose of speaking in support of this agreement, and answering questions that the members of the Board may have in connection with their deliberation concerning the stipulation.

The Division of Enforcement joins the Respondents in recommending that the Pharmacy Examining Board adopt this stipulation and issue the attached Final Decision and Order.

Linda R. Pouchnik
Fonda Pharmacy, by LINDA R. BOCHNIK

11-17-92
Date

Ronald W. Severson

Date

James W. Harris
James W. Harris, Attorney
Division of Enforcement

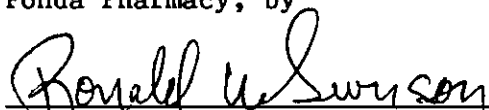
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Date

jh

. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Pharmacy Examining Board for the purpose of speaking in support of this agreement, and answering questions that the members of the Board may have in connection with their deliberation concerning the stipulation.

The Division of Enforcement joins the Respondents in recommending that the Pharmacy Examining Board adopt this stipulation and issue the attached Final Decision and Order.

Fonda Pharmacy, by

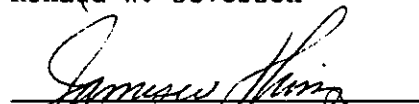


Ronald W. Severson

Date

11/16/92

Date


James W. Harris, Attorney
Division of Enforcement

NOVEMBER 24, 1992
Date

jh

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 the 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 the 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: the State of Wisconsin Pharmacy Examining Board.

The date of mailing of this decision is December 10, 1992.