

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## **Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions**

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### **Please read this agreement prior to viewing the Decision:**

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

FILE COPY

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST:

STEPHEN M. OLSON, R.Ph.,  
RESPONDENT.

FINAL DECISION AND ORDER  
ADOPTING STIPULATION  
92 PHM 66

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

Stephen M. Olson, R.Ph.  
936 Acker Parkway  
De Forest, WI 53532

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. Stephen M. Olson, R.Ph., 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 in the State of Wisconsin.
2. That Stephen M. Olson holds a license as a pharmacist,  
number 10382, granted June 1, 1983.
3. That the Respondent's date of birth is June 4, 1959 and current  
address is 936 Acker Parkway, De Forest, WI 53532.
4. At all times relevant to this matter, Stephen M. Olson, R.Ph., has  
been employed by Dean Medical Center, S.C., Madison, Wisconsin. At all times  
relevant to this matter, Dean Medical Center, S.C., owned and operated six  
separately licensed retail pharmacies in the Madison, Wisconsin area, each  
associated with a separately located Dean Medical Center Clinic.
5. From at least October, 1986 to approximately August 1991, Stephen  
M. Olson, R.Ph., was Director of Pharmacy for Dean Medical Center, S.C., and

from approximately August 1991 through March 31, 1992 Mr. Olson was Vice-President for Pharmacy and Optical Services for Dean Medical Center, S.C.

6. At all times relevant to this matter, Stephen M. Olson, R.Ph., as Director of Pharmacy and subsequently Vice-President for Pharmacy and Optical Services, on behalf of Dean Medical Center, S.C., owner and operator of each Dean Pharmacy, directed policies and procedures for the purchasing, handling, dispensing, distribution and other disposition of controlled substances at each Dean Pharmacy.

7. From at least February 9, 1988 through March 31, 1992, each of the aforesaid Dean Pharmacies engaged in procedures relating to distribution and dispensing of Schedule II controlled substances in violation of applicable federal and state statutes and rules governing the ordering, distribution and dispensing of controlled substances, pursuant to corporate policies and procedures established and directed by Stephen M. Olson, R.Ph., including but not limited to the following:

- a. Dean Pharmacies distributed controlled substances to Dean Clinics and other Dean Pharmacies without being registered as a distributor by the Pharmacy Examining Board as required in sec. 450.07(2), Wis. Stats., and Phar 13.03, Wis. Adm. Code, nor by the Drug Enforcement Administration, as required in 21 CFR 1307.11(b).
- b. DEA 222 order forms were not executed for the distribution of Schedule II controlled substances from the Dean Pharmacies to the Dean Clinics, or from one Dean Pharmacy to another, as required by 21 CFR 1305.03, in violation of 21 USC 843(a)(1).
- c. Dean Pharmacies failed to keep controlled substances receiving invoices at the registered premises of the pharmacy and did not notify the Drug Enforcement Administration of their intention to keep central records, as required by 21 CFR 1304.04, in violation of 21 USC 842(a)(5).
- d. Dean Pharmacies failed to indicate whether biennial inventories were taken at the close of business or the beginning of business and were not taken every two years from the date of initial registration, as required by 21 CFR 1304.13, in violation of 21 USC 842(a)(5).
- e. Discrepancies were noted on "Proof of Use" sheets between amounts of cocaine "TAC" solution, a Schedule II controlled substance, sent by the Pharmacy to the Dean Clinic, and the amount actually dispensed by the Dean Clinic, in violation of 21 USC 842 (a)(5), and Phar 8.02(1), Wis. Adm. Code.
- f. Dean Pharmacies did not report and file DEA Form 106 regarding theft or loss of controlled substances as required by 21 CFR 1301.74(c) and Phar 8.02(3)(f), Wis. Adm. Code.
- g. The East Madison Dean Pharmacy and the Oregon Dean Pharmacy did not take a physical controlled substances biennial inventory every two years from the date of the initial registration for the pharmacy, which was September 3, 1987, as required by 21 CFR 1304.13, in violation of 21 USC 842(a)(5) and in violation of Phar 8.02(2), Wis. Adm. Code.

h. In particular, as to Dean Pharmacy, 1912 Atwood Avenue, Madison, Wisconsin:

1. From November 17, 1986 through March 24, 1992, Dean Pharmacy, East Madison Clinic, ordered and received an extraordinary amount, 1599.90 grams, of cocaine hydrochloride flakes, a Schedule II controlled substance. The bulk of this amount, 1232.95 grams, was ordered in the three years from 1989 through 1991, with the greatest quantity, 611.75 grams, having been ordered in the year 1990. An audit of pharmacy records for cocaine hydrochloride show that only about 36.26 grams of the 1599.90 grams of cocaine flakes received were on hand in the pharmacy or accounted for by proper dispensing and distribution records under Ch. 161, Wis. Stats., Ch. Phar 8, Wis. Adm. Code, and 21 CFR 1300, et seq.
2. Between 600 and 700 grams of cocaine were distributed to the East Madison Dean Medical Center Clinic or other Dean Medical Center locations documented by improper "Proof of Use" forms or "Loan/Borrow" forms, many of which forms were improperly and inaccurately completed in violation of 21 CFR 1304.21 and 1304.23, 21 USC 842(a)(5) and Phar 8.02(1), Wis. Adm. Code.
3. About 800 to 900 grams of cocaine hydrochloride flakes were totally unaccounted for and missing, in violation of 21 CFR 1304.21 and 1304.23, 21 USC 842(a)(5), and Phar 8.02(1), Wis. Adm. Code, which missing cocaine was undetected and unreported by Dean Medical Center, S.C., owner of the pharmacy, until inspection and attempted audit by the Department of Regulation and Licensing.

#### CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter pursuant to sec. 450.10(1), Wis. Stats.
2. The Board is authorized to enter the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.
3. Under the direction and supervision of Stephen M. Olson, R.Ph., Dean Pharmacies engaged in conduct in violation of federal and state statutes and rules substantially related to the practice of pharmacy, which constitutes unprofessional conduct under sec. 450.10(1)(a)2., Wis. Stats.
4. Stephen M. Olson, R.Ph., as Director of Pharmacy and subsequently Vice-President for Pharmacy for Dean Medical Center, S.C., owner and operator of Dean Pharmacy, 1912 Atwood Avenue, Madison, Wisconsin, failed to adequately supervise the ordering, dispensing and accounting of cocaine hydrochloride by that pharmacy and its managing pharmacist, and such conduct in the circumstances constituted a danger to the health, welfare and safety of patients and the public, and as such constitutes unprofessional conduct under sec. Phar 10.03(2), Wis. Adm Code and sec. 450.10(1)(a), Wis. Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Stipulation of the parties is hereby accepted.
2. The license to practice pharmacy in the State of Wisconsin of Stephen M. Olson, R.Ph., license #10382, is hereby REPRIMANDED.
3. Effective 30 days following the date of this Order, the license to practice pharmacy in the State of Wisconsin of Stephen M. Olson, R.Ph., license #10382, shall be and hereby is SUSPENDED for a period of SIX MONTHS. Reinstatement of Mr. Olson's license to practice pharmacy shall be conditioned on Mr. Olson having taken and passed the Wisconsin Pharmacy Jurisprudence Examination, which may be taken by Mr. Olson through the PLATO professional development center. Upon completion of the suspension period, proof of Mr. Olson having taken and passed the Wisconsin Pharmacy Jurisprudence Examination, and the costs assessed herein having been paid as ordered, Mr. Olson's license shall be forthwith reinstated by the Department's staff without further petition by Mr. Olson or formal action by the Board.
4. Stephen M. Olson, R.Ph., is hereby assessed costs to date of this investigation and proceeding pursuant to sec. 440.22, Wis. Stats., in the amount of \$1044.00, which shall be paid to the Department of Regulation and Licensing not later than 60 days from the date of this Order.

Dated this 10<sup>th</sup> day of November, 1992.

WISCONSIN PHARMACY EXAMINING BOARD

by: Thomas M. Greyst  
A member of the Board

I, Stephen M. Olson, have read and understand the terms of the foregoing Final Decision and Order Adopting Stipulation, and pursuant to the attached Stipulation hereby freely consent to the issuance of the foregoing Final Decision and Order Adopting Stipulation by the Wisconsin Pharmacy Examining Board.

10/29/92  
Date

Stephen M. Olson  
Stephen M. Olson, R.Ph., Respondent

11/12/92  
Date

Michael G. Laskis  
Michael G. Laskis  
Attorney for Respondent

RTG  
ATY2-2385

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE  
DISCIPLINARY PROCEEDINGS AGAINST

STEPHEN M. OLSON, R.PH.,  
RESPONDENT

:  
:  
:  
:  
:  
:

STIPULATION  
92 PHM 66

The parties in this matter, Stephen M. Olson, R.Ph., Respondent, personally and by his attorney, Michael G. Laskis, and the Department of Regulation and Licensing, Division of Enforcement, by its attorney, Robert T. Ganch agree and stipulate as follows:

1. Stephen M. Olson, R.Ph., consents to the resolution of this matter by stipulation and without formal disciplinary proceedings.
2. The Respondent understands by signing this Stipulation that he voluntarily and knowingly waives his rights in this matter, including the right to a hearing on the allegations against him, at which time the State has the burden of proving the allegations by preponderance of the evidence, the right to confront and cross-examine the witnesses against him, the right to call witnesses on his own behalf and to compel their attendance by subpoena, the right to testify in his own behalf, 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. The Respondent neither admits nor denies, but chooses not to contest the allegations and statements of the Findings of Fact and Conclusions of Law in the attached Final Decision and Order Adopting Stipulation and accepts the terms of discipline of the attached Order.
4. The Respondent and the Division of Enforcement recommend that the Pharmacy Examining Board adopt this Stipulation and the attached Final Decision and Order Adopting Stipulation in this matter.
5. If the terms of this Stipulation and attached Final Decision and Order Adopting Stipulation are not acceptable to the Board, then none of the parties shall be bound by any of the terms, and this matter shall be returned to the Division of Enforcement for further proceedings.
6. The attached Findings of Fact, Conclusions of Law, Final Decision and Order may be made and entered in this matter by the Wisconsin Pharmacy Examining Board, without prior notice to any party.

7. All parties agree that the attorney for the Department of Regulation and Licensing, Division of Enforcement and the Board Advisor appointed in this matter may appear before the Wisconsin Pharmacy Examining Board to argue in favor of acceptance of this Stipulation and the entry of the attached Findings of Fact, Conclusions of Law, Final Decision and Order. The parties further agree that the Division's attorney and the Board Advisor may further respond to any questions of the Board during its deliberation on this matter in closed session. The parties further agree that each waives any objection that the Pharmacy Examining Board may be considered biased or prejudiced in any manner by the Board's consideration of this proposed Stipulation and Final Decision and Order Adopting Stipulation.

8. This agreement in no way prejudices the Pharmacy Examining Board from any further action against Respondent based on any acts not stated in the present Findings of Fact which might be violative of the Wisconsin Pharmacy Examining Board Statutes and Rules.

9. If this Stipulation is adopted by the Wisconsin Pharmacy Examining Board, the attached Order shall become effective as stated in the Order.

November 4, 1992  
Date

Robert T. Ganch  
Robert T. Ganch  
Attorney  
Department of Regulation and Licensing  
Division of Enforcement

10/24/92  
Date

Stephen M. Olson  
Stephen M. Olson, R.Ph., Respondent

11/2/92  
Date

Michael G. Laskis  
Michael G. Laskis  
Attorney for Respondent

Pharmacy Examining Board, by:

11/10/92  
Date

Thomas M. Leger  
A Member of the Board

RTG  
ATY2-2385

## **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 November 11, 1992.**