

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
SNYDER'S DRUG STORE, and,	:	91 PHM 031
JEFFREY M. ROGERS, R.Ph.,	:	
RESPONDENTS.	:	

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

Snyder's Drug Store
1540 North Broadway
Menomonie, WI 54751

Jeffrey M. Rogers, R.Ph.
Rt 7, Box 35
Menomonie, WI 54751

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. Jeffrey M. Rogers (D.O.B. 09/08/54) is duly licensed in the state of Wisconsin as a pharmacist (license # 9351). This license was first granted on March 8, 1978.
2. Mr. Roger's latest address on file with the Department of Regulation and Licensing is Rt 7, Box 35, Menomonie, WI 54751.
3. Snyder's Drug Store is duly licensed in the State of Wisconsin as

a pharmacy (license # 6706). The latest address of the pharmacy on file with the Department of Regulation and Licensing is 1540 North Broadway, Menomonie, WI 54751. At all times relevant to this action, Jeffrey M. Rogers was the managing pharmacist of Snyder's Drug Store.

4. An audit conducted by the Division of Enforcement on May 29, 1991 revealed that on multiple occasions Schedule II controlled substances were dispensed to nursing home patients without a written prescription order signed by the prescriber, in other than an emergency situation.

CONCLUSIONS OF LAW

By the conduct described above, Snyder's Drug Store and Jeffrey M. Rogers is subject to disciplinary action against their license to practice as a pharmacy in the state of Wisconsin, pursuant to Wis. Stats. sec. 161.38(1) and 450.10(1)(a) 2 and 6, and Wis. Adm. Code sec. Phar 8.05(2) and (4).

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

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. Snyder's Drug Store and Jeffrey M. Rogers, R.Ph. are each REPRIMANDED for their unprofessional conduct in this matter.
3. Jeffrey M. Rogers shall, within 60 days of 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. Only two attempts during this period shall be permitted). Examination results shall be reported directly to the Board. In the event the Respondent fails to receive a passing score on the examination, his license to practice pharmacy shall, without further action of the Board, be LIMITED in that he shall not act as the managing pharmacist of any pharmacy until he has successfully completed and passed both the Federal Drug Law Examination and the Wisconsin Pharmacy Jurisprudence Examination. Upon proof of passing the examinations, the staff of the Department shall notify Respondent, and the limitation shall be removed without further formal action of the Board.

4. Respondents shall each pay a civil forfeiture in the sum of \$250.00 to the Department of Regulation and Licensing within 20 days of the date of this Order.

5. Respondents shall pay the costs of the investigation and prosecution of this matter to the Department of Regulation and Licensing in the sum of \$250.00 within 60 days of the date of this Order.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

This Order shall become effective upon the date of its signing

WISCONSIN PHARMACY EXAMINING BOARD

By: Charles H. Dunkel 1-12-93
a member of the Board Date

jwh

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
SNYDER'S DRUG STORE, and,	:	91 PHM 031
JEFFREY M. ROGERS, R.Ph.,	:	
RESPONDENTS	:	

It is hereby stipulated between Snyder's Drug Store, by its duly authorized representative, Jeffrey M. Rogers, personally on his own behalf 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's 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.

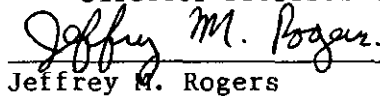
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

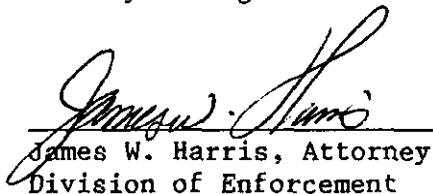
. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Pharmacy Examining Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the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

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


Snyder's Drug Store, by:

Edward J. Pelant R.Ph.
Director Professional Services


Jeffrey M. Rogers


James W. Harris, Attorney
Division of Enforcement

jwh

December 4, 1992
Date

12-01-92
Date

1/4/93
Date

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 January 14, 1993.

FILE COPY

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

KENNELLY PHARMACY, INC., and,
JOEL C. ROOZE, R.Ph.
RESPONDENTS

:
:
:
:
:
:

FINAL DECISION AND ORDER
91 PHM 044

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

Kennelly Pharmacy, Inc.
42 N. Main Street
Hartford, WI 53027

Joel C. Rooze, R.Ph.
707 Harrison Street
Hartford, WI 53027

Wisconsin 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. Joel C. Rooze (D.O.B. 12/20/45) is duly licensed in the state of
Wisconsin as a pharmacist (license #8619). This license was first granted on
May 21, 1974. On July 1, 1988 Mr. Rooze purchased the business assets of
Kennelly Pharmacy, Inc. pursuant to an installment contract. Kennelly
Pharmacy, Inc. ceased to do business as an entity, however, Mr. Rooze retained
the name Kennelly Pharmacy in the operation of his pharmacy business.

2. Joel C. Rooze's latest address on file with the Department of
Regulation and Licensing is 707 Harrison Street, Hartford, WI 53027.

3. At all times relevant herein, Kennelly Pharmacy, Inc. was a duly licensed Wisconsin pharmacy (license # 5654). This license was first granted May 2, 1975. Kennelly Pharmacy, Inc. ceased its business June 30, 1988 upon sale of its business assets to Joel C. Rooze.

4. From the Respondent Rooze's pharmacy there was dispensed 10 Dilaudid 3 mg. suppositories on 3/22/91, and 20 Dilaudid 3 mg. suppositories on 3/25/91 to patient VM from an undated prescription order.

5. From the Respondent Rooze's pharmacy there was dispensed 20 Dilaudid 3 mg. suppositories on 2/01/91 to patient VM, more than 7 days following the date of issue of the prescription order(which date was 1/9/91).

6. On 12/17/90, 1/12/91, and 2/24/91, Dilaudid 3 mg. suppositories were dispensed from the Respondent Rooze's pharmacy to patient VM without a written prescription order signed by the prescribing individual practitioner in other than an emergency situation.

CONCLUSIONS OF LAW

7. By the conduct described above, Respondent Joel C. Rooze is subject to disciplinary action against his license to practice pharmacy in the state of Wisconsin, pursuant to Wis. Stats. sec. 450.09, 450.10(1)(a)(1),(2) and (6) and Wis. Adm. Code sec. 8.05(1) and (4).

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

9. The Board is authorized to enter into the attached Stipulation pursuant to Wis. Stats. sec. 117.44(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that :

1. The attached stipulation is accepted.

2. Joel C. Rooze is REPRIMANDED for his unprofessional conduct in this matter.

3. Joel C. Rooze 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.

4. Joel C. Rooze shall 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.

5. Joel C. Rooze shall pay the costs of investigation and prosecution of this proceeding in the sum of \$ 300.00 to the Department of Regulation and Licensing within 60 days of the date of this Order.

6. Kennelly Pharmacy, Inc.(license # 5654) shall be dismissed as a Respondent in this action.

Dated this 12 day of January, 1993.

WISCONSIN PHARMACY EXAMINING BOARD,

By: Charles H. Henkel, R.Ph.
a member of the Board

jh

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
KENNELLY PHARMACY, Inc., and,	:	91 PHM 044
Joel C. Rooze, R.Ph.	:	
RESPONDENTS	:	

It is hereby stipulated between Kennelly Pharmacy, Inc., by its duly authorized representative, and Joel C. Rooze, personally on his own behalf 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 Respondent's 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.

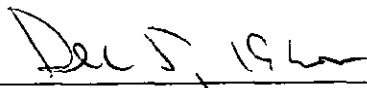
4. Respondents agree to the adoption of the attached Final Decision and Order by the Wisconsin Pharmacy Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents waive 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.

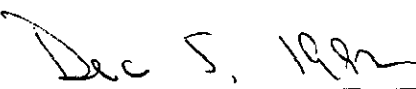
. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Board for the purpose of speaking in support of this agreement and answering questions that members of the Board may have concerning their deliberation.

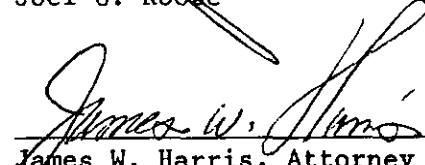
The Division of Enforcement joins the Respondents in recommending that the Wisconsin Pharmacy Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

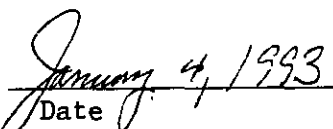

Kennelly Pharmacy, By


Date


Joel C. Rooze


Date


James W. Harris, Attorney
Division of Enforcement


Date

jh

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the times allowed for each, and the identification
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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.

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