

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

FILE COPY

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

DENNIS L. HUNT, R.Ph.,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER
94 PHM 008

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

Dennis L. Hunt
915 South Webster
Omro, WI 54963

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. Dennis L. Hunt (D.O.B. 1/05/45) is duly licensed in the state of
Wisconsin as a pharmacist (license # 8090). This license was first granted on
February 3, 1971. Mr. Hunt is the owner and managing pharmacist of the Omro
Healthmart Pharmacy. With respect to the conduct described herein, Mr. Hunt
personally filled most of the prescriptions discussed, and was responsible for
the remaining prescriptions filled by virtue of his position as the managing
pharmacist.

2. Respondent's latest address on file with the Department of
Regulation and Licensing is 915 South Webster, Omro, WI 54963.

3. During the period December 8, 1989, through November 25, 1991, Respondent dispensed to JW 147 four ounce bottles of a Schedule V controlled substance containing codeine (67 bottles of ETH with codeine and 80 bottles of Dihistine expectorant). Respondent had no contact with JW's physician concerning the medical condition of JW or the drug dispensed.

4. During the period March 22, 1992, through January 30, 1995, Respondent dispensed to JS 123 four ounce bottles of Dihistine expectorant, a Schedule V controlled substance containing codeine. During this period of time JW was receiving prescription orders from his physician for tylenol III, Cafergot, Imitrex and Compazine for recurring headaches. Respondent had no contact with JS's physician concerning the medical condition of JS or the drug dispensed. On June 6, 1995, the physician stated that he was unaware of any use of Dihistine by JS until "a couple of months ago." In a letter dated July 7, 1995, the physician stated he was "not aware of the amount of Novahistine that JS was receiving until recently."

5. Respondent filled the following prescriptions for BB without ever contacting the prescribing physician to verify the accuracy or necessity of the prescription:

a. From October 4, 1991, through June 3, 1992, Respondent filled 21 prescriptions for Anexsia, containing hydrocodone bitartrate. Of the total 6 were telephone prescriptions and 11 were refills of the telephone orders.

b. From October 4, 1991, through January 31, 1995, Respondent filled 43 prescriptions for Xanax, a benzodiazepine. Of the total 12 were telephone prescriptions and 27 were refills of the telephone orders. 3 of the refills were unauthorized.

c. From October 10, 1991, through October 19, 1993, Respondent filled 42 prescriptions for Codiclear DH, containing hydrocodone bitartrate. Of the total 10 were telephone prescriptions and 21 were refills of the telephone orders. 4 of the refills were unauthorized.

d. From December 6, 1991, through October 3, 1994, Respondent filled 27 prescriptions for Fastin, containing phentermine hydrochloride. Of the total 9 were telephone prescriptions and 14 were refills of the telephone orders. 3 of the refills were unauthorized.

e. From May 2, 1992, through October 17, 1994, Respondent filled 19 prescriptions for Co-Gesic, containing hydrocodone bitartrate. of the total 6 were telephone prescriptions and 8 were refills of the telephone orders.

f. On August 13, 1992, BB presented to Respondent a prescription order for Tylenol III which had been obviously altered to reflect a quantity of 30 rather than 20. Respondent filled the prescription without question.

g. On October 22, 1993, BB presented to Respondent a prescription order for Co-Gesic which had been obviously altered to reflect a quantity of 50 rather than 30. Respondent filled the prescription without question.

6. Respondent filled prescriptions for CB on the following basis without questioning the necessity or appropriateness of the early refills:

a. Respondent's records reflect a prescription order for CB for hydrocodone, # 120, rate of 6 per day. During a 68 day period in 1994, Respondent dispensed a 198 day supply of the drug to CB.

b. Respondent's records reflect a prescription order for CB for carisprodol, # 100, rate of 3 per day. During a 187 day period in 1994, Respondent dispensed a 348 day supply of the drug to CB.

CONCLUSIONS OF LAW

7. The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter pursuant to §450.10 Wis. Stats. and is authorized to enter into the attached stipulation pursuant to §227.44(5) Wis. Stats.

8. By dispensing Schedule V controlled substances to JW and JS in a substantial quantity over an extended period of time without inquiring as to the necessity and propriety of the dispensing, Respondent violated § Phar. 10.03(2) Wis. Adm. Code.

9. By dispensing controlled substances to BB in a substantial quantity over an extended period of time without inquiring as to the necessity and propriety of the prescriptions, by dispensing unauthorized renewals of prescriptions, and by filling obviously altered prescription orders, Respondent violated §§ Phar 7.01(1)(a) and (f); 7.07(4); 8.06(2)(a); and 10.03(2).

10. By dispensing controlled substances to CB at a greater frequency than the physician's prescription would justify, Respondent violated § Phar 10.03(2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that :

1. Dennis L. Hunt is REPRIMANDED.
2. Respondent shall pay a FORFEITURE in the sum of \$2,500.00 within 20 days of the date of this Order.
3. Respondent shall pay the COSTS of investigation and prosecution of this action in the sum of \$ 500.00 to the Department of Regulation and Licensing 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:

George F. Antkowiak
A Member of the Board

01-10-96

Date

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
DENNIS L. HUNT, R.Ph.,	:	94 PHM 008
RESPONDENT	:	

It is hereby stipulated between Dennis L. Hunt, 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. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 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. Respondent is aware of his right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this stipulation.

4. Respondent agrees 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. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

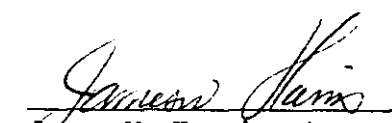
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties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

6. 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.

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


Dennis L. Hunt, R.Ph.

12.27.95
Date


James W. Harris, Attorney
Division of Enforcement

January 8, 1996
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.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN PHARMACY EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

January 11, 1996

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)