

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

:
: **FINAL DECISION AND ORDER**
:

DENNIS A. KORANDA, R.Ph.,
RESPONDENT.

:
: 96 PHM 47
:

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

Dennis A. Koranda, R.Ph.
908 E. Brownell St.
Tomah, WI 54660

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. Respondent Dennis A. Koranda (dob 12/11/50) is and was at all times relevant to the facts set forth herein a registered pharmacist licensed in the State of Wisconsin pursuant to license #8893, originally granted on 12/4/75.

2. The Department has reviewed the Schedule V records of the pharmacy for the 3 month period May 9-August 9, 1996. During that period, the following persons were sold C-V codeine products without a prescription and without a valid medical purpose, not in good faith:

- G.S. of New Lisbon (some 20 miles away from Tomah, and a city where there are licensed pharmacies), 11 bottles between 5/28 and 8/6, of which respondent sold 6.
- J.W. of Nekoosa (some 40 miles from Tomah, and a city where there are licensed pharmacies), 23 bottles between 5/11 and 8/5/96, of which respondent sold 12.
- J.W. of Marshfield (some 61 miles from Tomah, and a city where there are licensed pharmacies), 23 bottles between 5/10 and 8/5/96, of which respondent sold 12.
- K.M., 14 bottles between 5/9 and 8/9/96, of which respondent sold 6.
- M.R. of Port Edwards (some 44 miles from Tomah, and a city where there are licensed pharmacies), 19 bottles between 5/11 and 8/7/96, of which respondent sold 7.

- M.T. of Nekoosa, 5 bottles between 7/12 and 8/2/96, of which respondent sold the last.
- P.G. of Madison (some 98 miles from Tomah, and a city where there are licensed pharmacies), 16 bottles between 5/10 and 7/26/96, of which respondent sold 8.
- T.G. of Tomah, 5 bottles between 6/25 and 8/2/96, of which respondent sold 2.
- W.L. of Warrens, 17 bottles between 5/9 and 8/5/96, of which respondent sold 8.

Further, it appears from an examination of the C-V Register that respondent was not always personally entering the date, name and address of purchaser, and name and quantity of product. The Board infers that such violations preceded May 9, 1996 and constituted the regular practice and policy of the pharmacy.

Respondent has informed the Board that although a number of the above patients did not live in the Tomah area, he has ascertained that they had legitimate reasons for their buying from this pharmacy, in that they were employed in the Tomah area. In particular, the Madison customer was also a prescription patient of the pharmacy.

3. Before July 28, 1996, respondent was a staff pharmacist at the Miller Pharmacy, Tomah, Wisconsin, where the above actions took place. At that time, the owner and managing pharmacist established a policy of permitting all C-V sales which did not violate the 48 hour rule. After July 28, 1996, respondent was the managing pharmacist of the pharmacy, which was purchased by Horizon Pharmacies, Inc., and renamed Horizon Pharmacy.

4. Within three weeks of July 28, 1996, respondent changed the policy of the former owner and informed all staff that the policy on OTC C-V's was changed to inform all staff that all C-V purchasers would be informed of the new policy by respondent personally. The following written policy was adopted when additional pharmacists came on staff:

"HORIZON PHARMACY NO. 9
SCHEDULE V DISPENSING POLICY

"1) The selling pharmacist shall know and strictly adhere to the conditions set forth in sections 161.23 of the Wisconsin Statutes, and all other pertinent sections of the Statutes and the Wisconsin Administrative Code.

"2) No schedule V preparation shall be dispensed to out-of-area buyers without documenting a legitimate reason for the purchase out of buyer's home area.

"3) No more than two sales per buyer per month, nor such sales in consecutive months shall be conducted without written documentation from a physician licensed to prescribe schedule V preparations will be allowed.

"4) The selling pharmacist has the right to refuse any and all sales based upon his own professional judgement [sic]."

5. This change in policy predated the first contact by staff with respondent on the issue of C-V sales, which was on or about October 21, 1996.

CONCLUSIONS OF LAW

6. 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.

7. The conduct described in paragraph 2, above, violated §161.23(1) and 161.38(4), Wis. Stats. and § Phar 10.03(1),(2), and (3), Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that Dennis A. Koranda, R.Ph., is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that the license of respondent to practice pharmacy is hereby SUSPENDED until respondent takes and passes both the Federal Drug Law Examination and the Wisconsin Pharmacy Jurisprudence Examination. Respondent may not take either examination more than twice without express permission of the board, which shall determine in its discretion under what terms and conditions the respondent may attempt an exam after two attempts. Upon proof of passing the examinations, respondent's license shall be forthwith reissued and restored by the staff of the department, with no further action by the board. This suspension is STAYED until June 30, 1997. If he does pass both tests before June 30, 1997, then the suspension shall not take effect.

IT IS FURTHER ORDERED, that respondent shall FORFEIT \$5,000, to be paid within 30 days of this order.

IT IS FURTHER ORDERED, that pursuant to §227.51(3), Wis. Stats., and ch. RL 6, Wis. Adm. Code, if the Board determines that there is probable cause to believe that respondent has violated any term of this Final Decision and Order, the Board may order that the license of respondent be summarily suspended pending investigation of the alleged violation.

Dated this December 10, 1996.

WISCONSIN PHARMACY EXAMINING BOARD



a member of the board

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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

DENNIS A. KORANDA, R.Ph., :
RESPONDENT. :

STIPULATION
96 PHM 47

It is hereby stipulated between the above Respondent and the undersigned prosecuting attorney for the Division of Enforcement of the Department of Regulation and Licensing, as follows:

1. This Stipulation is entered into as a result of a pending investigation of licensure of Respondent by the Division of Enforcement. Respondent consents to the resolution of this investigation by agreement and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, respondent waives the following rights with respect to disciplinary proceedings: the right to a statement of the allegations against respondent; a right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against respondent; the right to call witnesses on respondent's behalf and to compel attendance of witnesses by subpoena; the right to testify personally; 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 respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent is aware of respondent's right to seek legal representation and has been provided the opportunity to seek legal advice before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties 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 or the proposed Final Decision and Order, 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 agree that an attorney for the Division of Enforcement may appear before the Board, in open or closed session, without the presence of Respondent or Respondent's attorney, for the purposes of speaking in support of this agreement and answering questions that the members of the Board and its staff may have in connection with their deliberations on the case.

7. The Board Advisor in this matter may participate freely in any deliberations of the Board regarding acceptance of this Stipulation and the proposed Final Order, and may relate to the Board any knowledge and views of the case acquired during the investigation.

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

9. Respondent is informed that should the Board adopt this stipulation, the board's final decision and order is a public record and will be published in the monthly *Report of Decisions* issued by the department. A summary of the order will be published in the *Wisconsin Regulatory Digest* issued semiannually by the Board. This is standard department procedure and in no way specially directed at Respondent.

Dennis A. Koranda 12/3/96
Respondent Date

Arthur Kuyton 12/9/96
Prosecuting Attorney Date
Division of Enforcement

Department of Regulation & Licensing

State of Wisconsin

P O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529 impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On December 10, 1996, the Pharmacy Examining Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: _____ Case #: 96PHM47

The amount of the forfeiture is: \$5,000.00 Case # _____

Please submit a check or a money order in the amount of \$ 5,000.00

The costs and/or forfeitures are due: January 9, 1997

NAME: Dennis A. Koranda, R.Ph. LICENSE NUMBER: 8893

STREET ADDRESS: 908 East Brownell Street

CITY: Tomah STATE: WI ZIP CODE: 54660

Check whether the payment is for costs or for a forfeiture or both:

 COSTS X FORFEITURE

Check whether the payment is for an individual license or an establishment license:

 X INDIVIDUAL ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

**DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935**

For Receipting Use Only

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Ch. 440.22, Stats.

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STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE PHARMACY EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Dennis A. Koranda, R.Ph.,

AFFIDAVIT OF MAILING

Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

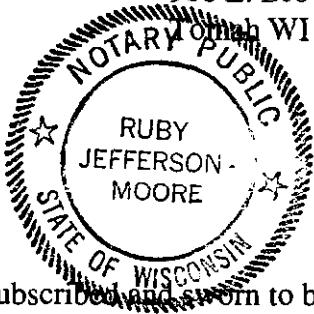
I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On December 16, 1996, I served the Final Decision and Order dated December 10, 1996 and Guidelines for Payment of Costs and/or Forfeitures upon the Respondent Dennis A. Koranda, R.Ph. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 213 340 292.

3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Dennis A. Koranda, R.Ph.
908 E. Brownell Street
Oshkosh WI 54660



Kate Rotenberg
Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 16th day of December, 1996.

Ruby Jefferson-Moore
Notary Public, State of Wisconsin
My commission is permanent.

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:

December 16, 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.)