

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

GERALD D. HANCOCK, R.Ph., and
HAUPER PHARMACY,
RESPONDENTS.

FINAL DECISION AND ORDER

98 PHM 48
LS9906163PHM

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

*Mr. Gerald D. Hancock,
R.Ph. P.O. Box 65
Union Grove, WI 53182*

*Hauper Pharmacy, Inc.
1014 Vine St.
Union Grove, WI 53182*

*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 Gerald D. Hancock, R.Ph. (dob 7/25/1949) 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 #8642, originally granted on 6/14/1974. At all times relevant to the matters set forth below, respondent was the managing pharmacist and owner of co-respondent Hauper Pharmacy, Union Grove, Wisconsin, where the conduct set forth below took place, and was responsible for all policies and procedures at the pharmacy.

2. Respondent Hauper Pharmacy, Inc., is and was at all times relevant to the facts set forth herein a community pharmacy licensed in the State of Wisconsin pursuant to license #7461, originally granted for its current location on 5/9/95.

2. On 10/27/1998, a DOE investigator observed an unlicensed person transfer a prescription to a patient without consultation from a pharmacist. The respondent was the pharmacist on duty and allowed the unlicensed person to handle the entire transaction. The respondent had no interaction with this patient.

3. Also on 10/27/1998, the same DOE investigator observed respondent Hancock transfer a prescription to a patient without a consultation.

4. Respondent Hancock later informed the DOE investigator that it is the pharmacy's routine practice for unlicensed pharmacy staff to transfer prescriptions to patients without a consultation from the pharmacist, and that he was aware that the Board's rules require such consultations.

5. On 6/10/1998, respondents dispensed to patient C.A. her son's prescription of Hytrin® instead of her own prescription of nortriptyline, without a consultation. The son was, at the time, an adult and living at an address different from that of patient C.A.

6, Respondent Hancock informed the investigator assigned to this matter that no records are kept by the pharmacy of dispensing errors such as those set forth in par. 5, above.

CONCLUSIONS OF LAW

A. 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.

B. The conduct described in paragraphs 2-6, above, violated § Phar 7.01(l)(e) Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes. Each and every patient (or patient's agent) must receive a face-to-face consultation from a registered pharmacist (or supervised intern) at the time a prescribed drug or device is transferred to the patient in the pharmacy, whether the prescription is new or a refilled or renewed prescription. This duty is non-delegable and is not satisfied by having auxiliary staff ask if the patient has questions.

C. The conduct described in paragraph 5, above, violated § Phar 10.03(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 Gerald D. Hancock, R.Ph., is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that the license to practice pharmacy of Gerald D. Hancock, R.Ph., is LIMITED in the following respect:

Respondent shall not be the managing pharmacist of any pharmacy until he has taken and passed the consultation portion of the examination given to applicants for pharmacist licensure. This limitation is STAYED until September 1, 1999. If respondent passes the examination before this state, the limitation shall not go into effect. ı

IT IS FURTHER ORDERED, that respondent Hauper Pharmacy shall FORFEIT \$1,000, to be paid within 60 days, for the unprofessional conduct in this matter.

IT IS **FURTHER ORDERED**, that respondents shall jointly and severally pay COSTS in this matter in the amount of \$300, 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 June 16, 1999.

WISCONSIN PHARMACY EXAMINING BOARD, by:

Daniel F. Luce, R.Ph.

a member of the board