

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

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST:

DAVID J. PROHASKA, R.Ph.,	FINAL DECISION AND ORDER
BALSAM LAKE PHARMACY,	
JAMES PHARMACY (BARRON),	
JAMES PHARMACY (TURTLE LAKE), SHELL LAKE PHARMACY,	
MILLER PHARMACY, BLUE HILLS PHARMACY,	
RESPONDENTS	LS0103282PHM

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

David J. Prohaska, R.Ph.

906 College Ave. W.

Ladysmith, WI 54848

Balsam Lake Pharmacy

315 Main St.

Balsam Lake WI 54810

James Pharmacy

337 E. LaSalle Ave.

Barron WI 54812

James Pharmacy

PO Box 46

Turtle Lake WI 54889

Shell Lake Pharmacy

208 4th Ave.

Shell Lake WI 54871

Miller Pharmacy

PO Box 248

Cadott WI 54727

Blue Hills Pharmacy

718 N. Main St.

Bruce WI 54819

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 David J. Prohaska, R.Ph. (dob 7/19/47), 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 #8106, originally granted on 2/3/71. Respondent was previously disciplined by the Board in 80 PHM 66 (1984), for having been convicted of misdemeanor theft by fraud (billing fraud upon the Wisconsin Medical Assistance program which respondent committed in his capacity as a pharmacy owner, and for which he was sentenced by the court to pay a fine of \$24,900 plus costs and made restitution of \$20,000) and resulting in a 2 year suspension, of which all but 60 days was stayed, and his license being limited for two years in that he was forbidden to personally perform any third party billings and was to do 150 hours of community service; and again in 88 PHM 42 (1989), for failing to comply with the previous order in that he failed to perform the required community service in a timely manner, resulting in a two week suspension.
2. The following were, at all times relevant to the facts set forth herein, licensed as pharmacies in the State of Wisconsin: Balsam Lake Pharmacy, license # 7866; James Pharmacy, license #6846; James Pharmacy license #6845; Shell Lake Pharmacy license #6461; and Miller Pharmacy license #4488; and are and were owned by respondent Prohaska.
3. Respondent Prohaska did not install centrally monitored alarm systems in respondent pharmacies by January 1, 2000 as required by § Phar 6.08, Wis. Adm. Code, which was adopted in December, 1998, and effective 1/1/99. Notice of this rule was published in the *Wisconsin Regulatory Digest* in April of 1999, and again in September of 1999. All respondents received these two *Regulatory Digests*.
4. The pharmacies did not have such alarms until the following dates:

Pharmacy Name & City	Date Alarm Installed	Days Without Alarm
Balsam Lake Pharmacy, Balsam Lake	November 3,2000	308
James Pharmacy, Barron	November 6, 2000	310
James Pharmacy, Turtle Lake	November 7, 2000	311
Shell Lake Pharmacy, Shell Lake	November 8, 2000	312
Blue Hills Pharmacy, Bruce	December 26, 2000	361
Miller Pharmacy, Cadott	December 27, 2000	362
		Total: 1,964

5. Each day of non-compliance in each pharmacy constitutes a separate violation.

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 paragraph 3 & 4, above, violated § Phar 6.08. 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 David J. Prohaska, R.Ph., is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that the respondents shall jointly and severally FORFEIT \$19,640.00, to be paid within 30 days of this order.

IT IS FURTHER ORDERED, that respondents shall jointly and severally pay COSTS in this matter in the amount of \$500.00, 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 March 14, 2001.

WISCONSIN PHARMACY EXAMINING BOARD, by:

John Bohlman

A member of the board