

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST:

MITCHELL J. BONJEAN, R.Ph.,
RESPONDENT

FINAL DECISION AND ORDER
LS0108143PHM

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

Mitchell L. Bonjean, R.Ph.
3328 Foxridge Dr.
Waukesha, WI 53189

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 Mitchell J. Bonjean (dob 2/13/72), 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 #12608, originally granted on 4/18/97. At the time of the incident described below, respondent was a staff community pharmacist at a chain pharmacy in Oconomowoc, Wisconsin.
2. Respondent did, on 11/12/99, verify a prescription for an 11 month old patient, which he believed to be for hydrocodone APAP 5/500, #30, sig: take 1 every 4 hours as needed. In fact, the hydrocodone/APAP prescription was for an adult female patient, unrelated to KG, which had been mistakenly entered in the computer for this patient by another staff person. At the time of verifying, respondent did not check the original hardcopy order, or the patient's profile, which both showed that the hydrocodone/APAP was not prescribed by the patient's regular physician, while two other prescriptions being transferred (an albuterol inhaler and prednisolone syrup) were.
3. After another pharmacist transferred the prescriptions to the mother, respondent was telephoned by the mother who requested information on how to administer the hydrocodone/APAP tablets to her 11 month old. Respondent stated that the tablets could be crushed and put in the baby's bottle. The mother then asked if

this would help the child's wheezing. Respondent replied that it would not, and that in fact it might suppress breathing; he then suggested that the mother check with the doctor. At no time did respondent check the prescription records of the pharmacy, instruct the mother not to administer the hydrocodone/APAP, or contact the physician.

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 2 and 3, above, violated §450.10(1)(a)6., Wis. Stats., and §§ Phar 7.01(1)(c), 7.07(4), and 10.03(2) and (3), Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes. Every minimally competent pharmacist should know that such a dosage was wholly inappropriate in both form and amount for a baby, and would have stopped the transfer and re-checked the records, including by calling the prescriber if necessary. Upon receiving the telephone call, every minimally competent pharmacist should have instructed the mother not to administer the hydrocodone/APAP until the records had been checked or the prescriber consulted.

ORDER

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

IT IS FURTHER ORDERED, that respondent, Mitchell J. Bonjean, R.Ph., is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that the license of respondent is SUSPENDED for seven days, concurrent with respondent's participation in the one-week rotation described below, EXCEPT that respondent may practice pharmacy only in connection with his participation in the rotation. During this time, respondent shall not be in the professional area of any pharmacy other than the hospital pharmacy where he is taking the rotation, and then only in connection with his rotation.

IT IS FURTHER ORDERED, that respondent's license is LIMITED in the following respects:

No later than 3 months from the date of this Order, respondent shall take and satisfactorily complete a one week rotation at Children's Hospital in Milwaukee, such as is customarily taken by advanced pharmacy students. Respondent may propose an alternative to this location, which the Board or its designee may approve; such approval must be before the rotation is taken. The supervising pharmacist shall report respondent's participation directly to the Department Monitor, and respondent shall sign all necessary consent forms for such reports, and to permit the Board's designees to discuss respondent's performance with such designees. All expenses associated with this rotation shall be born by respondent.

For a period of one year commencing September 1, 2001, for each new pediatric prescription for which respondent is responsible for any of the steps listed in § Phar 7.01(1), Wis. Adm. Code, respondent shall record his computation the minimum safe weight for the dosage as prescribed by the physician on the back of the hardcopy, and shall ensure that the consulting pharmacist receives a notation regarding the computation for use at the time of transfer. Respondent shall consult a standard pediatric dosing reference for each such prescription. For the purpose of this Order, a pediatric patient is a patient 12 year of age or younger. On or before October 7, 2001, respondent shall forward to the Department Monitor copies of the back of each such hardcopy handled in the month of September, 2001, showing the computation. Copies of Respondent shall appear before the Board at its September or October, 2002, meeting (depending on the convenience of the Board and respondent) to discuss this process with the Board.

IT IS FURTHER ORDERED, that respondent shall pay COSTS in this matter in the amount of \$1150, within 45 days of this order.

IT IS FURTHER ORDERED, that an investigator of the department shall observe the practice of pharmacy at respondent's practice location, without advance notice to respondent, at a time convenient to the department, but no less than twice a year for the next three years from the date of this Order. Respondent shall cooperate by furnishing respondent's work schedule upon request.

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 August 15, 2001.

WISCONSIN PHARMACY EXAMINING BOARD, by:

John Bohlman

A member of the board