

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN

BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY

PROCEEDINGS AGAINST:

ARTHUR H. HACKENDAHL, R.Ph.,

FINAL DECISION AND ORDER

RESPONDENT

LS0108144PHM

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

Arthur H. Hackendahl, R.Ph.

61 E. Shore Dr.

Random Lake, WI 53075

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 Arthur H. Hackendahl, R.Ph. (d.o.b. 1/4/36), 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 #6715, originally granted on 3/10/58.
2. On and between 7/23/00 and 2/23/01, respondent created a series of prescription records at his employing pharmacy purporting to be telephoned prescriptions for himself and his spouse from their regular physicians, for various legend drugs. Respondent then dispensed the prescriptions, including refills, to himself and his spouse. Approximately 35 dispensings, including originals and refills, are involved.
3. Respondent states that all of these were for legitimately diagnosed conditions for which the medications had been previously prescribed. Since this matter came to light, respondent has been demoted by his employer, and has cooperated fully with the Board's investigation.

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, above, violated §§450.10(1)(a)2. and 6., 450.11(1) and (7)(c), Wis. Stats., and § Phar 10.03(1) and (5), 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 respondent, Arthur M. Hackendahl, R.Ph., is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that the license to practice pharmacy of respondent is LIMITED in the following respects:

Respondent shall not be responsible for any step described in § Phar 7.01(1), Wis. Adm. Code, with respect to any prescription drug or device for himself or any member of his immediate family or his household. Respondent may receive a written prescription from his own prescribing health care provider, and provide that prescription to another licensed pharmacist for dispensing.

IT IS FURTHER ORDERED, that respondent shall pay COSTS in this matter in the amount of \$250, within 30 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 six nor more than twelve months 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