

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 Department of Regulation and Licensing

IN THE MATTER OF AN ADMINISTRATIVE :
INJUNCTION INVOLVING :
 : FINAL DECISION AND ORDER
HEATHER MURPHY POLLARD, : LS0406041UNL
Respondent :

Division of Enforcement Case # 00 UNL 004

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

Heather Murphy Pollard
619 South College Avenue, Suite 11
Fort Collins, CO 80524

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The Department of Regulation and Licensing received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Heather Murphy Pollard, personally and by her attorney, William C. Yellin, and by Claudia Berry Miran, attorney for the Department of Regulation and Licensing, Division of Enforcement. The Department Secretary has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department Secretary adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Heather Murphy Pollard, 619 South College Avenue, Suite 11, Fort Collins, CO, is not and was not at any time relevant to this action licensed to practice medicine or pharmacy in Wisconsin.
2. From January 1999, to June 2001, Ms. Pollard owned and operated The Academy for Natural Health, a business located at 20611 Watertown Road, Waukesha, WI. At that location, The Academy for Natural Health shared a suite with Kenneth J. Kurt, DO.
3. In November 1999, with Dr. Kurt’s consent, Ms. Pollard took samples of Arthrotec, a prescription drug, from a cabinet in Dr. Kurt’s office and gave the samples to a client who was complaining of a stiff neck.
4. Wis. Stats. § 448.01 (9) (a) provides, in part, that practice of medicine and surgery means “To examine into the fact, condition or cause of human health or disease, or to treat, operate, prescribe or advise for the same, by any means or instrumentality.”
5. Wis. Stats. § 448.03 (1) (a) states that “No person may practice medicine and surgery, or attempt to do so or make a representation as authorized to do so, with a license to practice medicine and surgery granted by the [Medical Examining] board.”
6. Wis. Stats. § 450.01 (16) (b) provides that “Compounding, packaging, labeling, dispensing and the coincident distribution of drugs and devices” constitutes the practice of pharmacy.
7. Wis. Stats. § 450.03 (1) states that “No person may engage in the practice of pharmacy or use the title ‘pharmacist’ or

sell, give away or barter drugs unless the person is licensed as a pharmacist by the [Pharmacy Examining] board.”

8. Ms. Pollard denies the allegations in this matter, but agrees there is evidence from which the Department could make the Findings of Fact, Conclusions of Law and Order set out in the attached Final Decision and Order. She understands that she needs a license to practice either medicine or pharmacy in Wisconsin. In resolution of this matter, she consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Department of Regulation and Licensing has jurisdiction in this matter pursuant to § 440.21, Stats.
2. Wis. Stats. § 448.03 (1) (a) requires a license to practice medicine and surgery in Wisconsin.
3. Wis. Stats. § 450.03 (1) requires a license to practice pharmacy in Wisconsin.
4. By dispensing Arthotec to her clients, Ms. Pollard may have violated Wis. Stats. §§ 448.03 (1) (a) and 450.03 (1).

ORDER

NOW, THEREFORE, **IT IS ORDERED** that Heather Murphy Pollard is ENJOINED and PROHIBITED as follows:

1. SHE SHALL NOT PRACTICE OR OFFER TO PRACTICE MEDICINE AND PHARMACY in Wisconsin unless and UNTIL he obtains a license from the Medical Examining Board, the Pharmacy Examining Board, or both.
2. **Violation of the order in paragraph 1 above may result in a forfeiture of up to \$10,000 for each offense. Each day a violation continues is considered a separate offense.**
3. This Order shall become effective on the date of its signing.

WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

Donsia Strong Hill
Secretary

6-4-04
Date