

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
MITCHEL C. HIPLER, R. PH.,	:	LS0410131PHM
RESPONDENT.	:	

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Division of Enforcement  
03 PHM 005

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

Mitchel C. Hipler, R.Ph.  
407 E. Lincoln Ave.  
Tomahawk, WI 54487

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 Mitchel C. Hipler, R.Ph., Respondent herein, of 407 E. Lincoln Avenue, Tomahawk, Wisconsin 54487, whose date of birth is June 2, 1958, is licensed and currently registered as a pharmacist in the State of Wisconsin under license # 10745, which was originally granted on December 17, 1985.

**First occurrence of practicing with an expired pharmacist license.**

2. On June 6, 2000, Respondent's biennial registration for his pharmacist license expired. Respondent did not renew his registration until on or about March 22, 2001. Respondent worked full-time as a pharmacist at Wausau Hospital in Wisconsin during the almost ten months that his license was expired. Respondent at no time informed his employer that his pharmacist license had expired.

**Second occurrence of practicing with an expired pharmacist license.**

3. On May 22, 2002, the Wisconsin Department of Revenue notified Respondent that his application for renewal of his pharmacist license would be denied if Respondent did not pay his delinquent taxes.

4. On July 19, 2002, Respondent received a letter from the Wisconsin Department of Regulation and Licensing via Certified mail that notified him that his license renewal application had been denied because he owed delinquent taxes to the Wisconsin Department of Revenue and that he needed to resolve this issue with the Wisconsin Department of Revenue before his pharmacist license could be renewed.

5. On September 6, 2002, Respondent received a letter from the Wisconsin Department of Regulation & Licensing notifying him that his pharmacist license had expired effective August 23, 2002 because Respondent had failed to pay delinquent taxes that he owed to the Wisconsin Department of Revenue. This letter also informed Respondent that he needed to contact the Wisconsin Department of Revenue to resolve this problem before he could renew his pharmacist license.

6. On January 8, 2003 Respondent's employer asked him for a copy of his current pharmacist license. Respondent told his employer that his license was not really expired, that he had filed an appeal with the Wisconsin Dept of Regulation and Licensing, and that pending the appeal he was free to practice as a pharmacist in Wisconsin. In fact, Respondent's pharmacist license had expired effective August 23, 2002 and no appeal had been filed with either the

7. On January 10, 2003, about six months after his pharmacist license had actually expired, Respondent informed his employer that his pharmacist license had expired and that in fact he was not eligible to work as a pharmacist.

8. On January 12, 2003 Wausau Hospital fired Respondent for failing to notify them that his pharmacist license had expired and for making false statements to them that he had a valid pharmacist license and that he was eligible to work as a pharmacist.

9. Respondent did not renew his registration until on or about January 10, 2003.

10. During the five months that his license was expired from August 23, 2002 through January 11, 2003 Respondent worked full-time as a pharmacist at Wausau Hospital in Wisconsin.

#### CONCLUSIONS OF LAW

A. The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stats. sec. 450.10 and is authorized to enter into the attached Stipulation pursuant to Wis. Stats. sec. 227.44(5).

B. The conduct described above constitutes grounds for the imposition of discipline against Respondent's Wisconsin license to practice pharmacy, pursuant to Wis. Stats. secs. 450.03, 450.10(1)(a)(2), 450.10(1)(b)(1), and 450.10(2) and Wis. Adm. Code sec. Phar 10.03(19).

#### ORDER

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

IT IS FURTHER ORDERED, that Mitchel C. Hipler, R.Ph. is REPRIMANDED.

IT IS FURTHER ORDERED, that within ninety (90) days from the date of this Order, the Respondent pay COSTS of this matter in the amount of FIVE HUNDRED dollars (\$500) to be paid to the Department of Regulation and Licensing.

IT IS FURTHER ORDERED, that within ninety (90) days from the date of this Order, the Respondent FORFEIT the sum of TWO THOUSAND dollars (\$2,000) to be paid to the Department of Regulation and Licensing.

All Payments shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to: Department Monitor, Division of Enforcement, Dept. of Regulation & Licensing, P. O. Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED, that if Respondent has not paid the total amount of both Costs and Forfeiture within 90 days of the date of the Board Order then Respondent's license to practice pharmacy will be SUSPENDED for 90 days or until the total amount of both Costs and Forfeiture has been paid, whichever period of time is longer.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

This Order shall become effective upon the date of its signing.

Dated this October 13<sup>th</sup>, 2004

Wisconsin Pharmacy Examining Board

Michael Bettiga  
A Member of the Board