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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
ALLAN T. MAILLOUX, R.Ph.,	:	Order <u>0000136</u>
RESPONDENT.	:	

Division of Enforcement Case # 09 PHM 007

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

Allan T. Mailloux, R.Ph.
5414 Honeysuckle Lane
Oregon, WI 53575

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Pharmacy Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 Pharmacy Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Allan T. Mailloux, R.Ph., Respondent, date of birth November 8, 1963, is duly licensed as a pharmacist in the state of Wisconsin (license # 40-12206). This license was first granted on October 13, 1994.

2. Respondent's most recent address on file with the Wisconsin Pharmacy Examining Board is 5414 Honeysuckle Lane, Oregon, Wisconsin, 53575.

3. At all relevant times, Respondent was employed as a Clinical Instructor at the University of Wisconsin School of Pharmacy. Respondent now works in a private office as a pharmacy consultant. He has no face-to-face contact with the general public in this position.

4. On or about December 28, 2005, Respondent engaged in an act of lewd and lascivious conduct by exposing his genitals to a woman who was in a vehicle in the downtown Madison area.

5. On or about January 15, 2009, Respondent exposed his genitals to people in several vehicles driving in the downtown Madison area.

6. As a result of the conduct described in Paragraph 5, Respondent was convicted in Dane County Circuit Court of Disorderly Conduct.

7. Respondent voluntarily underwent a psychological evaluation to determine his fitness to practice in light of his criminal history. The evaluator found that Respondent qualifies for DSM-IV diagnoses of Exhibitionism and Sexual Disorder, NOS (sexual compulsivity). She found that Respondent's risk for recidivism was high without treatment, but that with treatment, the risk was significantly lower. She opined that he could work safely as a pharmacist under the following conditions:

- (a) Respondent should continue treatment for at least several years and for as long as his therapist recommends, but should continue to meet with his therapist on a regular basis thereafter for ongoing monitoring of his sexual and emotional functioning.
- (b) Respondent should not work with female students.
- (c) Respondent should submit to periodic polygraph examinations to monitor for any return to exhibitionism.

CONCLUSIONS OF LAW

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

2. The conduct described in paragraphs 4-6 above constitutes a violation of Wis. Stat. § 450.10(1)(a)2, and subjects Respondent to discipline pursuant to Wis. Stat. § 450.10(1)(b)1.

ORDER

IT IS ORDERED:

1. Respondent, Allan T. Mailloux, R.Ph., is REPRIMANDED.

2. The license of Allan T. Mailloux, R.Ph., to practice as a pharmacist in the State of Wisconsin is LIMITED as follows:

(a) Respondent, at his own expense, shall continue treatment for his disorder with Dr. David Goldfoot, or another therapist approved in advance by the Board, at a frequency of no less than once per month. At the therapist's discretion, Respondent at his own expense shall submit to polygraph examinations once every six months to permit the therapist to monitor for any return to exhibitionism. Respondent must arrange for quarterly reports to the Board from his therapist, documenting his progress in treatment.

(b) Respondent may not practice in a setting in which he has unsupervised access to female patients.

(c) Respondent must provide a copy of this Order to his supervisor within five days of the signing of this Order, and to any subsequent supervisor prior to beginning employment. Respondent must arrange for quarterly work reports to the Board from his supervisor in a form as requested by the Department Monitor.

3. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of Five Hundred Dollars (\$500.00) pursuant to Wis. Stat. § 440.22(2).

4. All requests, notifications and payment shall be mailed, faxed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to pay costs as set forth above, the Respondent's license (# 40-12206) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

6. Respondent may request modification of the terms of this Order, including removal of the Limitation. Any such request must be made by petition to the Board and

shall be accompanied by supporting documentation from the Respondent's therapist. The Board shall not unreasonably deny such requests.

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

PHARMACY EXAMINING BOARD

By: Jeane A. Ainsworth
A Member of the Board

4/7/10
Date