

# 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	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
TIMOTHY F. HUNT, R.Ph.,	:	<u>ORDER 0000588</u>
RESPONDENT.	:	

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Division of Enforcement Case #08 PHM 020

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

Timothy F. Hunt, R.Ph.  
301B Smith Street  
New London, WI 54961

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 this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Timothy F. Hunt, R.Ph., (D.O.B.: July 23, 1954) is duly licensed as a pharmacist in the state of Wisconsin (license #11020-040). This license was granted on December 16, 1987.

2. Respondent's most recent address on file with the Wisconsin Pharmacy Examining Board is 301B Smith Street, New London, WI 54961.

3. At all times relevant to this proceeding, Respondent was working as a temporary pharmacist through a pharmacy employment service bureau called RPH-on-the Go. Respondent worked at various Wal-Mart stores, including the store in Berlin, WI.

4. On April 18, 2008 after an internal investigation and subsequent audits, Respondent was terminated for theft of Tramadol 50mg.

5. Respondent admitted to taking 50mg of Tramadol without paying for the medication and without a prescription from a physician.

6. Respondent was charged with theft of less than two hundred and fifty dollars (\$250.00), and entered into a deferred prosecution agreement on January 14, 2009 for a term of eighteen (18) months. Pursuant to the prosecution agreement, the case will be converted to a County ordinance on August 17, 2010 if he is in compliance.

7. Respondent has undergone a substance abuse evaluation with ACS Clinical Services, LLC on December 5, 2008. The substance abuse counselor noted no AODA treatment was indicated. The substance abuse counselor also noted respondent took the Tramadol to treat his lower back pain, and did not take the Tramadol for recreational drug use or to sell.

8. Respondent is seeing a medical doctor for treatment of his lower back pain. Respondent has made restitution payments to Wal-mart for the theft of the Tramadol and is currently working in a full-time pharmacist position in a retail pharmacy.

#### 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 paragraph 4 thru 7, above, constitutes a violation of Wis. Stat. § 450.10(1) and Wis. Admin. Code Phar § 10.03(1).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Timothy F. Hunt, R.Ph. (license # 11020-40) is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent shall, within ninety (90) days from the date of this Order, pay a forfeiture of one thousand (\$1,000.00) dollars.

3. Respondent shall, within ninety (90) days from the date of this Order, retake and pass the Multistate Pharmacy Jurisprudence Examination (MPJE).

4. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of NINE HUNDRED (\$900.00) dollars. All payments shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P. O. Box 8935  
Madison, WI 53708-8935  
Tel. (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 timely submit payment of the costs as set forth above, the Respondent's license (#11020-40) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the payment of forfeiture and costs.

6. This Order shall become effective on the date of its signing.

WISCONSIN PHARMACY EXAMINING BOARD

By: James J. Jursa  
Member, Wisconsin Pharmacy Examining Board

12/15/10  
Date