

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
SCOTT A. VONDRA, R.PH.,	:	
RESPONDENT.	:	ORDER 0002289

Division of Legal Services and Compliance¹ Case No. 12 PHM 025

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

Scott A. Vondra, R.Ph.
424 Cardinal Circle, Apt. 8
Burlington, WI 53105

Wisconsin Pharmacy Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Division of Legal Services and Compliance
Department of Safety and Professional Services
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 disposition 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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Scott A. Vondra, R.Ph., (dob 09/27/1962) is licensed in the State of Wisconsin as a pharmacist, having license number 40-10954, first issued on 05/13/1987 and current through 05/31/2014. Respondent Vondra's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 424 Cardinal Circle, Apartment no. 8, Burlington, Wisconsin 53105.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

2. On October 27, 2010, Respondent Vondra was reprimanded by the Wisconsin Examining Board for diverting two tablets of hydrocodone/APAP and one Z-Pak from stock at the Aurora Pharmacy in Racine, Wisconsin.

3. On April 27, 2012, Respondent Vondra self-reported that while he was employed there, he intermittently diverted and used Hydrocodone/Homatropine syrup from CVS Pharmacy located in Kenosha, Wisconsin.

4. On April 27, 2012, Respondent Vondra was charged in Kenosha County (Case No. 2012CM000604) with the following:

- a. Count 1, Possession of Controlled Substance, Misd. U
- b. Count 2, Theft-Movable Property <=\$2500, Misd. A
- c. Count 3, Possession of Controlled Substance, Misd. U
- d. Count 4, Theft-Movable Property <=\$2500, Misd. A
- e. Count 5, Possession of Controlled Substance, Misd. U
- f. Count 6, Theft-Movable Property <=\$2500, Misd. A

5. Respondent Vondra completed an inpatient program for ten consecutive days, and completed a 4-week intensive outpatient program at the Dewey Center in Wauwatosa, Wisconsin from April 16, 2012 through May 14, 2012. Respondent Vondra joined a support group and restarted his biweekly appointments with his psychologist and psychiatrist.

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 pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Scott A. Vondra, R.Ph., engaged in unprofessional conduct as defined in Wis. Admin. Code § PHAR 10.03(1), which subjects him to discipline pursuant to Wis. Stat. § 450.10(1)(b)1.

ORDER

- 1. The attached Stipulation is accepted.
- 2. This Order is effective on the date of its signing.

SUSPENSION

A.1. The license of Scott A. Vondra, R.Ph., (license number 40-10954) to practice as a pharmacist in the State of Wisconsin is SUSPENDED for an indefinite period.

- A.2. Respondent Vondra shall mail or physically deliver all indicia of Wisconsin pharmacy licensure to the Department Monitor within 14 days of the effective date of this order. Limited credentials can be printed from the Department of Safety and Professional Services website at <http://dsps.wi.gov/Home>.
- A.3. Upon a showing by Respondent Vondra of continuous, successful compliance for a period of at least five (5) years with the terms of this Order, including at least 600 hours of active pharmacy practice for every year the suspension is stayed, the Board may grant a petition by the Respondent Vondra under paragraph D.6. for return of full Wisconsin licensure. The Board may, on its own motion or at the request of the Department Monitor, grant full Wisconsin licensure at any time.

STAY OF SUSPENSION

- B.1. The suspension may be stayed upon Respondent Vondra providing proof, which is determined by the Board or its designee to be sufficient, that Respondent Vondra has been in compliance with the provisions of Sections C and D of this Order for the most recent three (3) consecutive months.
- B.2. Respondent Vondra may petition for a stay of his license after undergoing an alcohol and other drug abuse assessment, at his own expense:
- a. The evaluator must not have treated Respondent Vondra at any time and shall have been approved by the Board, with an opportunity for the Division to make its recommendation, prior to the evaluation being performed.
 - b. The Division shall provide the evaluator and Respondent Vondra with those portions of the investigative file which the Division believes may be of assistance in performing the evaluation. Respondent Vondra may provide the evaluator with any information Respondent Vondra believes will be of assistance in performing the evaluation and shall immediately provide copies of that information to the Division.
 - c. Respondent Vondra shall authorize the evaluator to provide the Board, or its designee, and the Division with the evaluation report and all materials used in performing the evaluation and shall provide the Board, or its designee, and the Division with the opportunity to discuss the evaluation and findings with the evaluator.
 - d. If the evaluator shows, to the Board or its designee's satisfaction, that Respondent Vondra is safe to practice pharmacy, Respondent Vondra may petition the Board for a stay. If the Board grants a stay, the Board may limit Respondent Vondra's license in any manner it sees fit to address the facts above and any recommendations resulting from the assessment.
- B.3. The Board or its designee may, without hearing, remove the stay upon receipt of information that Respondent Vondra is in substantial or repeated violation of any provision of Sections C or D of this Order. A substantial violation includes, but is not limited to, a positive drug or alcohol screen. A repeated violation is defined as the

multiple violation of the same provision or violation of more than one provision. The Board may, in conjunction with any removal of any stay, prohibit Respondent Vondra for a specified period of time from seeking a reinstatement of the stay under paragraph B.4.

- B.4. This suspension becomes reinstated immediately upon notice of the removal of the stay being provided to Respondent Vondra either by:
 - (a) Mailing to Respondent Vondra's last-known address provided to the Department of Safety and Professional Services pursuant to Wis. Stat. § 440.11; or
 - (b) Actual notice to Respondent Vondra or Respondent Vondra's attorney.
- B.5. The Board or its designee may reinstate the stay, if provided with sufficient information that Respondent Vondra is in compliance with the Order and that it is appropriate for the stay to be reinstated. Whether to reinstate the stay shall be wholly in the discretion of the Board or its designee.
- B.6. If Respondent Vondra requests a hearing on the removal of the stay, a hearing shall be held using the procedures set forth in Wis. Admin. Code ch. SPS 1. The hearing shall be held in a timely manner with the evidentiary portion of the hearing being completed within 60 days of receipt of Respondent Vondra's request, unless waived by Respondent Vondra. Requesting a hearing does not stay the suspension during the pendency of the hearing process.

CONDITIONS AND LIMITATIONS

Treatment Required

- C.1. Respondent Vondra shall enter into, and shall continue, drug and alcohol treatment with a treater acceptable to the Board or its designee (Treater). Respondent Vondra shall participate in, cooperate with, and follow all treatment recommended by Treater.
- C.2. Respondent Vondra shall immediately provide Treater with a copy of this Final Decision and Order and all other subsequent orders.
- C.3. Treater shall be responsible for coordinating Respondent Vondra's rehabilitation and treatment as required under the terms of this Order, and shall immediately report any relapse, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor (See D.1., below). If Treater is unable or unwilling to serve as required by this Order, Respondent Vondra shall immediately seek approval of a successor Treater by the Board or its designee.
- C.4. The rehabilitation program shall include individual and/or group therapy sessions at a frequency to be determined by Treater. Therapy may end only with the approval of the Board or its designee, after receiving a petition for modification as required by D.5., below.
- C.5. Treater shall submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent Vondra's progress in drug and alcohol treatment. Treater shall report immediately to the Department Monitor any violation or suspected violation of this Order.

Releases

- C.6. Respondent Vondra shall provide and keep on file with Treater, all treatment facilities and personnel, laboratories and collections sites current releases complying with state and

federal laws. The releases shall allow the Board, its designee, and any employee of the Department of Safety and Professional Services, Division of Enforcement to: (a) obtain all specimen screen results and patient health care and treatment records and reports, and (b) discuss the progress of Respondent Vondra's treatment and rehabilitation with Treater and treatment facilities and personnel, laboratories and collection sites. Copies of these releases shall immediately be filed with the Department Monitor.

AA/NA Meetings

- C.7. Respondent Vondra shall attend Narcotics Anonymous and/or Alcoholics Anonymous meetings or an equivalent program for recovering professionals, at the frequency recommended by Treater, but no less than twice per week. Attendance of Respondent at such meetings shall be verified and reported quarterly to Treater and the Department Monitor.

Sobriety

- C.8. Respondent Vondra shall abstain from all personal use of alcohol.
- C.9. Respondent Vondra shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Respondent Vondra shall disclose his drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Respondent Vondra shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Respondent Vondra's treatment with, and provide copies of treatment records to, Treater and the Board or its designee. Copies of these releases shall immediately be filed with the Department Monitor.
- C.10. Respondent Vondra shall abstain from all use of over-the-counter medications or other substances (including but not limited to natural substances such as poppy seeds) which may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent Vondra's treatment and rehabilitation. It is Respondent Vondra's responsibility to educate himself about the medications and substances which may violate this paragraph, and to avoid those medications and substances.
- C.11. Respondent Vondra shall report to Treater and the Department Monitor all prescription medications and drugs taken by Respondent Vondra. Reports must be received within 24 hours of ingestion or administration of the medication or drug, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. Each time the prescription is filled or refilled, Respondent Vondra shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor.
- C.12. Respondent Vondra shall provide the Department Monitor with a list of over-the-counter medications and drugs that he may take from time to time. Over-the-counter medications and drugs that mask the consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Respondent Vondra's treatment and rehabilitation, shall not be taken unless ordered by a physician and approved by Treater, in which case the drug must be reported as described in paragraph C.11.

Drug and Alcohol Screens

- C.13. Respondent Vondra shall enroll and begin participation in a drug and alcohol monitoring program which is approved by the Department ("Approved Program").
- C.14. At the time Respondent Vondra enrolls in the Approved Program, Respondent Vondra shall review all of the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program is a substantial violation of this Order. The requirements shall include:
- (a) Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
 - (b) Production of a urine, blood, sweat, fingernail, hair, saliva or other specimen at a collection site designated by the Approved Program within five (5) hours of notification of a test.
- C.15. The Approved Program shall require the testing of specimens at a frequency of not less than 49 times per year (one of which must be hair tests), for the first year of this Order. After the first year, Respondent Vondra may petition the Board on an annual basis for a modification of the frequency of tests. The board may adjust the frequency of testing on its own initiative at any time.
- C.16. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances or alcohol, Respondent Vondra shall promptly submit to additional tests or examinations as the Board or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.
- C.17. In addition to any requirement of the Approved Program, the Board or its designee may require Respondent Vondra to do any or all of the following: (a) submit additional specimens; (b) furnish any specimen in a directly witnessed manner; or (c) submit specimens on a more frequent basis.
- C.18. All confirmed positive test results shall be presumed to be valid. Respondent Vondra must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.
- C.19. The Approved Program shall submit information and reports to the Department Monitor as directed.

Practice Limitations

- C.20. Respondent Vondra shall practice only under the direct supervision of a licensed pharmacist or other licensed health care professional approved by the Board or its designee.
- C.21. Respondent Vondra shall practice only in a work setting pre-approved by the Board or its designee.
- C.22. Respondent Vondra shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to supervisory personnel at all settings where Respondent Vondra works as a pharmacist or care giver or provides health care, currently or in the future.

- C.23. It is Respondent Vondra's responsibility to arrange for written reports from supervisors to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent Vondra's work performance, and shall include the number of hours of active pharmacy practice worked during that quarter. If a report indicates poor performance, the Board may institute appropriate corrective limitations, or may revoke a stay of the suspension, in its discretion.
- C.24. Respondent Vondra shall report to the Board any change of employment status, residence, address or telephone number within five (5) days of the date of a change.

MISCELLANEOUS

Department Monitor

- D.1. Proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Required Reporting by Respondent

- D.2. Respondent Vondra is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Respondent Vondra shall promptly notify the Department Monitor of any failures of the Treater, treatment facility, Approved Program or collection sites to conform to the terms and conditions of this Order. Respondent Vondra shall promptly notify the Department Monitor of any violations of any of the terms and conditions of this Order by Respondent Vondra.
- D.3. Every three (3) months, Respondent Vondra shall notify the Department Monitor of his compliance with the terms and conditions of the Order, and shall provide the Department Monitor with a current address and home telephone number.

Change of Treater or Approved Program by Board

- D.4. If the Board or its designee determines the Treater or Approved Program has performed inadequately or has failed to satisfy the terms and conditions of this Order, the Board or its designee may direct that Respondent Vondra continue treatment and rehabilitation under the direction of another Treater or Approved Program.

Petitions for Modification of Limitations or Termination of Order

- D.5. Respondent Vondra may petition the Board on an annual basis for modification of the terms of this Order, however no such petition for modification shall occur earlier than one year from the date of the initial stay of the suspension. Any petition for modification shall be accompanied by a written recommendation from Respondent Vondra's Treater expressly supporting the specific modifications sought. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. §

227.01(3)(a), and Respondent Vondra shall not have a right to any further hearings or proceedings on the denial.

- D.6. Respondent Vondra may petition the Board for termination of this Order anytime after five years from the date of the initial stay of the suspension. However, no petition for termination shall be considered without a showing of continuous, successful compliance with the terms of the Order, for at least five years.

Costs of Compliance

- D.7. Respondent Vondra shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

Costs of Proceeding

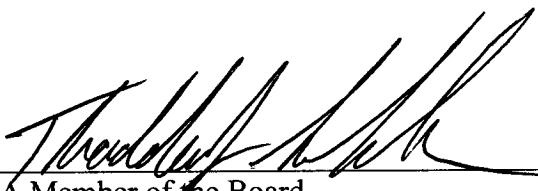
- D.8. Respondent Vondra shall pay costs of \$300.00 to the Department of Safety and Professional Services, within ninety (90) days of this Order. Payment should be directed to the attention of the Department Monitor at the address in paragraph D.1., above. In the event Respondent Vondra fails to timely submit any payment of costs, Respondent Vondra's license (no. 40-10954) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent Vondra has paid costs.

Additional Discipline

- D.9. In addition to any other action authorized by this Order or law, violation of any term of this Order may be the basis for a separate disciplinary action pursuant to Wis. Stat. § 441.07.

3. This Order is effective on the date of its signing.

WISCONSIN PHARMACY EXAMINING BOARD

by: 
A Member of the Board

2/13/13
Date