

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

MARK D. MOGENSEN, R.PH.,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0002534

Division of Legal Services and Compliance¹ Case No. 12 PHM 084

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

Mark D. Mogensen, R.Ph.
265 W. Bay Shore St.
Marinette, WI 54143

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 (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 Mark D. Mogensen, R.Ph. (dob October 17, 1966) is licensed in the State of Wisconsin as a pharmacist, having license number 11976-40, first issued on July 30, 1993 and current through May 31, 2014. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 265 W. Bay Shore Street, Marinette, Wisconsin 54143.

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

2. Between November 21, 2011 and August 11, 2012, Respondent created and used fraudulent prescription orders to obtain prescription drugs montelukast 10mg; nexium 40mg tablets; Alfuzosin 10mg tablets; and Triamt/HCTZ 37.5-25 tablets. Respondent admitted that he created fraudulent electronic prescription orders for these prescription medications because he believed that his physicians had given him verbal authorization to refill and write his own prescription orders

3. Respondent had not been seen by any of his physicians since November of 2010 and none of these prescription orders were written or authorized by any physician.

4. Respondent neither admits nor denies the allegations but has chosen to resolve this matter by Stipulation.

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, Mark D. Mogensen, R.Ph. violated Wis. Admin. Code § Phar 10.03(1) by dispensing or obtaining a drug other than in legitimate practice, or as prohibited by law.

3. By the conduct described in the Findings of Fact, Mark D. Mogensen, R.Ph. violated Wis. Stat. § 450.11(7)(a) by obtaining a prescription drug by fraud.

4. By the conduct described in the Findings of Fact, Mark D. Mogensen, R.Ph. violated Wis. Stat. §§ 450.11(7)(c) and (e) by willfully making a false statement in any prescription order and by making or uttering a false or forged prescription order.

5. As a result of the above violations, Mark D. Mogensen, R.Ph. is subject to discipline pursuant to Wis. Stat. § 450.10(1)(b)1.

ORDER

1. The attached Stipulation is accepted.

2. Respondent Mark D. Mogensen, R.Ph. is REPRIMANDED.

3. The pharmacist license issued to Mark D. Mogensen, R.Ph.(license number 11976-40) is LIMITED as follows:

a. Within 90 days of the date of this Order, Respondent must take and pass the Multistate Pharmacy Jurisprudence Examination (MPJE).

b. Respondent shall submit proof that Respondent has taken and received a passing score on the MPJE to the Department Monitor at the address stated below.

c. This limitation shall be removed upon proof satisfactory to the Board or its designee that the terms of the limitation(s) have been satisfied.

4. Within 90 days from the date of this Order, Mark D. Mogensen, R.Ph. shall pay COSTS of this matter in the amount of \$750.00.

5. Proof of successful completion of the examination 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

6. 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 costs as ordered or fails to submit proof that Respondent has taken and received a passing score on the MPJE as set forth above, Respondent's license (no. 11976-40) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs and has taken and received a passing score on the MPJE.

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

WISCONSIN PHARMACY EXAMINING BOARD

by:


A Member of the Board

Date

7/22/13