

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
STEVEN V. HENNINGFIELD, R.PH., :
RESPONDENT. :

0005308

Division of Legal Services and Compliance Case No. 16 PHM 167

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

Steven V. Henningfield, R.Ph.
6313 Bradley Pl.
Madison, WI 53711

Wisconsin Pharmacy Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Steven V. Henningfield, R.Ph., DOB May 6, 1952, is licensed in the state of Wisconsin to practice pharmacy, having license number 9961-40, first issued on June 12, 1981 and current through May 31, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 6313 Bradley Place, Madison, Wisconsin 53711.

2. At all times relevant to this proceeding, Respondent was employed as a pharmacist at a care center, located in Madison, Wisconsin.

Prior Discipline

3. On July 21, 2016, in case number 15 PHM 004, order number 4825, the Board found that on three (3) occasions in November 2014, Respondent dispensed non-controlled prescription medication to coworkers without valid prescriptions. The Board reprimanded Respondent, limited his license and required him to retake the Multistate Pharmacy Jurisprudence Examination (MPJE), and pay the costs of the Division's investigation. On December 12, 2016, after Respondent passed the MPJE, the Board removed the limitation on Respondent's license.

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4. On multiple occasions between approximately May and September 2016, Respondent obtained or dispensed medications without valid prescriptions, practices that were the same as those alleged in case number 15 PHM 004. During approximately the same time period, Respondent dispensed pseudoephedrine to a staff member without documentation required by law. Respondent also failed to maintain record-keeping and inventory for controlled substances, failed to routinely lock the cabinet containing schedule II prescriptions, and accepted gifts from pharmaceutical representatives.

5. On February 18, 2017, in a letter to a Department investigator, Respondent stated that he wished to surrender his license to practice pharmacy in the state of Wisconsin.

6. Respondent denies all wrong-doing. In an effort to avoid the expense and uncertainty of a hearing, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 450.10(1), 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, Steven V. Henningfield, R.Ph., engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 10.03(1), by administering, dispensing, supplying or obtaining a drug other than in legitimate practice, or as prohibited by law.

3. As a result of the above violations, Steven V. Henningfield, R.Ph., is subject to discipline pursuant to Wis. Stat. § 450.10(1)(b)1.

ORDER

1. The attached Stipulation is accepted.

2. The voluntary SURRENDER of the license to practice pharmacy in the state of Wisconsin issued to Steven V. Henningfield, R.Ph., license no. 9961-40, is hereby accepted.

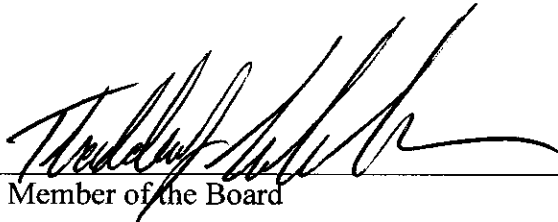
3. In the event Respondent petitions the Board for reinstatement of his license to practice pharmacy in the state of Wisconsin, the Board may enter an order denying such petition without further notice or hearing. Whether to grant a license and whether to impose any limitations or restrictions on any license reinstated in the future, shall be in the discretion of the Board and is not reviewable.

4. In the event Respondent petitions the Board for reinstatement of his license to practice pharmacy in the state of Wisconsin or applies for another credential with this Department, Respondent shall pay the costs of this matter in the amount of \$405.00.

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

WISCONSIN PHARMACY EXAMINING BOARD

by:


A Member of the Board

5/18/17
Date

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

STEVEN V. HENNINGFIELD, R.PH.,
RESPONDENT.

:
:
:
:
:

STIPULATION

0005308

Division of Legal Services and Compliance Case No. 16 PHM 167

Respondent Steven V. Henningfield, R.Ph., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Pharmacy Examining (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.


7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

 - PHARMACIST

Steven V. Henningfield, R.Ph., Respondent
6313 Bradley Pl.
Madison, WI 53711
License no. 9961-40

15 April 2017
Date


Sandra L. Nowack, Attorney
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sandra.nowack@wisconsin.gov

4-20-17
Date