

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
JEFFREY D. HINES, R.PH., :
RESPONDENT. :

0086202

Division of Legal Services and Compliance Case No. 18 PHM 032

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

Jeffrey D. Hines
4109 Michigan Shores Drive
Menominee, MI 49858

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 Jeffrey D. Hines, R.Ph., (DOB April 17, 1961) is licensed in the state of Wisconsin to practice as a pharmacist, having license number 12766-40, first issued on January 30, 1998, and current through May 31, 2020. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 4109 Michigan Shores Drive, Menominee, Michigan 49858.

2. At all times relevant to this proceeding, Respondent was employed as a managing pharmacist at a pharmacy he owned at the time, located in Coleman, Wisconsin.

3. On January 29, 2018, Respondent submitted to the Department a "REPORT OF THEFT OR LOSS OF CONTROLLED SUBSTANCES" (Report) indicating a theft of \$737.00 worth of controlled substances from his pharmacy.

4. The Report indicated the following medications were stolen by an employee:

- i. 6,085 hydrocodone-acetaminophen 10-325 mg tablets
- ii. 1,300 hydrocodone-acetaminophen 10-325 mg tablets
- iii. 290 hydrocodone-acetaminophen 10-325 mg tablets

5. Respondent explained the theft had taken place over a period of time, beginning at least, since May 15, 2015, when new pharmacy software was installed at Respondent's direction.

6. The theft was committed by a pharmacy technician (Tech A) who had been employed at Respondent's pharmacy for 15 years; Tech A admitted to the Drug Enforcement Administration that she was responsible for the theft.

7. When the new pharmacy software was installed, Respondent approved access for Tech A which allowed her to make manual adjustments to the hydrocodone medication inventory numbers; Respondent could have limited Tech A's access at that time, but did not due to lack of knowledge of how the new pharmacy software operated.

8. The theft was not discovered until another pharmacy technician noticed the pill counts were off during their annual count. At that time Respondent printed a report of all manual adjustments and noticed Tech A's numerous manual adjustments.

9. On February 27, 2018, Respondent reported the theft to the local police department.

10. In resolution of this matter, 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, Jeffrey D. Hines, R.Ph., violated Wis. Stat. § 450.09(1)(a), by failing to responsibly manage the operations of the pharmacy.

3. By the conduct described in the Findings of Fact, Jeffrey D. Hines, R.Ph., engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 10.03(2), by engaging in any pharmacy practice which constitutes a danger to the health, welfare, or safety of patient or public.

4. By the conduct described in the Findings of Fact, Jeffrey D. Hines, R.Ph., engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 8.02(1), by failing to maintain

complete and accurate records of each controlled substance received, manufactured, distributed, dispensed or disposed of in any other manner.

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

ORDER

1. The attached Stipulation is accepted.
2. Respondent Jeffrey D. Hines, R.Ph., is REPRIMANDED.
3. The license to practice pharmacy issued to Jeffrey D. Hines, R.Ph., (license number 12766-40) is LIMITED as follows:
 - a. Within ninety (90) days from the date of this Order, Respondent shall successfully complete four (4) hours of education on the topic of pharmacy management, four (4) hours of education on the topic of record keeping, and four (4) hours of education on the topic of inventory concerning controlled substances, offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
 - b. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
 - c. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
 - d. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.
4. Within ninety (90) days from the date of this Order, Jeffrey D. Hines, R.Ph., shall pay COSTS of this matter in the amount of \$783.00.
5. Request for approval of courses, 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 7190, Madison, WI 53707-7190

Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

You may also submit this information online via DSPS' Monitoring Case Management System,
here:

<https://app.wi.gov/DSPSMonitoring>

6. In the event that Respondent violates any term of this Order, Respondent's license (no. 12766-40) to practice pharmacy in the state of Wisconsin may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Section may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN PHARMACY EXAMINING BOARD

by: 
A Member of the Board

5/22/2019
Date

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JEFFREY D. HINES, R.PH.,
RESPONDENT.

STIPULATION

0006202

Division of Legal Services and Compliance Case No. 18 PHM 032

Respondent Jeffrey D. Hines, 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.

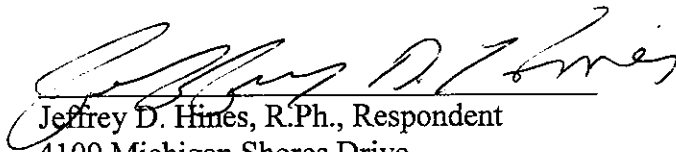
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not
be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

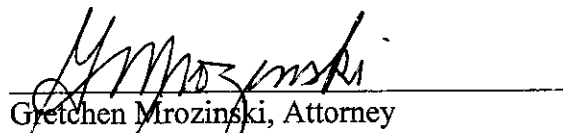
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.


Jeffrey D. Hines, R.Ph., Respondent
4109 Michigan Shores Drive
Menominee, MI 49858
License no. 12766-40

4-15-19
Date


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

4/22/19
Date

