

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF	:	
	:	
	:	ADMINISTRATIVE INJUNCTION
KYLE G. LARSEN,	:	
RESPONDENT.	:	<b>ORDER 0006779</b>

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Division of Legal Services and Compliance Case No. 18 UNL 139

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

Kyle G. Larsen  
Appleton, WI 54911

Wisconsin Department of Safety and Professional Services  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Wisconsin 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 Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Kyle G. Larsen is not and has never been licensed as a pharmacist in the state of Wisconsin.

2. In 2017, Respondent opened a business, Medical Psychology of Wisconsin, LLC located in Appleton, Wisconsin. The business website stated the practice was an "individual clinical practice that offers comprehensive care for a variety of conditions. We have a strong emphasis on treating chronic pain conditions as well as mental health disorders and we treat individuals of all ages."

3. Respondent claimed to be a psychologist and doctor of osteopath with degrees from the University of Wisconsin-Madison.

4. Respondent admitted to providing treatment to two (2) different patients, Patient A and Patient B. Respondent also treated with Patient C for a tick bite to ensure there were not any concerns for Lyme's disease.

5. Respondent prescribed Wellbutrin to Patient A, amoxicillin to Patient C, and Ritalin to Patient D. All three (3) prescriptions were left-over medications that had been prescribed to Respondent.

6. Respondent provided electroconvulsive therapy to Patient A.

7. Respondent administered a flu shot to Patient B.

8. Respondent did not write prescriptions for patients to fill at a pharmacy. Instead he kept prescription medication in his office space to dispense to patients. Respondent dispensed medications to Patients A, C, and D.

9. Prescription medication provided to Patient A was in a prescription pill bottle containing a label; however, the first two (2) letters or numbers of the Drug Enforcement Agency registration number to prescribe controlled substances were scratched off.

10. Patient A and Respondent agreed that Patient A would pay Respondent \$100.00 per week, and Patient A believes she paid approximately \$1,000.00 to Respondent over the course of her treatments.

11. Patient B paid Respondent \$20.00 on one (1) occasion for services but was otherwise not asked to pay for her appointments.

12. On December 19, 2019, Respondent entered no contest pleas to three (3) counts of theft-false representation-special facts, a class H felony, in violation of Wis. Stat. § 943.20(1)(d); one (1) count of manufacture or deliver prescription drug, a class H felony, in violation of Wis. Stat. § 450.11(9)(b); one (1) count of manufacture/deliver non-narcotics, a class H felony, in violation of Wis. Stat. § 961.41(1)(b); one (1) count of maintain drug trafficking place, a class I felony, in violation of Wis. Stat. § 961.42(1); two (2) counts of practice medicine/surgery without a license, a class U misdemeanor, in violation of Wis. Stat. § 448.03(1)(a); three (3) counts of practice pharmacy without a license, a class U misdemeanor, in violation of Wis. Stat. § 450.03(1); and two (2) counts of unlicensed practice of psychology, a class U misdemeanor, in violation of Wis. Stat. § 455.02(1m).

#### CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction in this matter pursuant to Wis. Admin. Code ch. SPS 3 and Wis. Stat. § 440.21, and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5).

2. Pursuant to Wis. Stat. § 450.01(16), the practice of pharmacy is defined to include: compounding, packaging, labeling, dispensing, and the coincident distribution of drugs and devices; proper and safe storage of drugs and devices and maintaining proper records of the drugs and devices; and, providing information on drugs or devices which may include, but is not limited to, advice relating to therapeutic values, potential hazards, and uses.
3. Pursuant to Wis. Stat. § 450.03(1), a license is required to engage in the practice of pharmacy.
4. Pursuant to Wis. Stat. § 450.11(1), no person may dispense any prescribed drug except upon the prescription order of a practitioner.
5. Pursuant to Wis. Stat. § 450.11(7)(f), no person may willfully affix any false or forged label to a package or receptacle containing prescription drugs.
6. Pursuant to Wis. Stat. § 450.11(7)(g), except as authorized by this chapter, no person may possess, with intent to manufacture or deliver, a prescription drug.
7. The conduct described above constitutes the unlicensed practice of pharmacy, contrary to Wis. Stat. § 450.03(1).
8. The conduct described above constitutes a violation of Wis. Stat. § 450.11(1).
9. The conduct described above constitutes a violation of Wis. Stat. § 450.11(7)(f).
10. The conduct described above constitutes a violation of Wis. Stat. § 450.11(7)(g).

#### ORDER

1. The attached stipulation is accepted.
2. Unless and until Respondent is properly licensed as a pharmacist by the Wisconsin Pharmacy Examining Board, Respondent is enjoined and prohibited from the practice of pharmacy in the state of Wisconsin. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. See Wis. Stat. § 440.21(4)(a).
3. Respondent is enjoined and prohibited from dispensing any prescribed drug in the state of Wisconsin. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. See Wis. Stat. § 440.21(4)(a).
4. Respondent is enjoined and prohibited from the affixing any false or forged label to a package or receptacle containing prescription drugs in the state of Wisconsin. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. See Wis. Stat. § 440.21(4)(a).

5. Respondent is enjoined and prohibited from possessing, with intent to deliver, a prescription drug in the state of Wisconsin. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. See Wis. Stat. § 440.21(4)(a).

6. If the Department determines that there is probable cause to believe that Respondent has violated any terms of this Administrative Injunction, the Department may refer the violations covered by this decision and order to any appropriate prosecutorial unit for review for possible criminal charges.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Issued at Madison, Wisconsin, this 7<sup>th</sup> day of May, 2020.

By: Al. Rohmeyer  
Aloysius Rohmeyer, Chief Legal Counsel  
On behalf of the Department

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF

KYLE G. LARSEN,  
RESPONDENT.

:  
:  
:  
:

STIPULATION

**ORDER 0006779**

Division of Legal Services and Compliance Case No. 18 UNL 139

Respondent Kyle G. Larsen, 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 Administrative Injunction by the Department. The parties to the Stipulation consent to the entry of the attached Administrative Injunction without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's Administrative Injunction, if adopted in the form as attached.


5. If the terms of this Stipulation are not acceptable to the Department, 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 Department, the parties agree not to contend that the Department 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 for the Department of Safety and Professional Services may appear before the Department for the purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on this Stipulation.

7. Respondent is informed that should the Department adopt this Stipulation; the Department's Administrative Injunction 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 Department adopt this Stipulation and issue the attached Administrative Injunction.

  
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Kyle G. Larsen, Respondent  
Appleton, WI 54911

3-20-20  
Date

  
\_\_\_\_\_  
Alicia M. Kennedy, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

March 25, 2020  
Date