

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
MATTHEW J. HUEPFEL, R.PH.	:	
RESPONDENT.	:	<b>ORDER 0007782</b>

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Division of Legal Services and Compliance Case No. 19 PHM 287

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

Matthew J. Huepfel, R.Ph.  
Spring Valley, WI 54767

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. Matthew J. Huepfel, R.Ph. (Respondent), (Year of Birth 1958) is licensed in the state of Wisconsin to practice pharmacy, having license number 11274-40, first issued on June 13, 1989 and current through May 31, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Spring Valley, Wisconsin 54767.

2. At all times relevant to this proceeding, Respondent was the partial owner and worked as the sole pharmacist at a small rural pharmacy located in Spring Valley, Wisconsin.

3. The Wisconsin Department of Health Services, Office of Inspector General (DHS/OIG), conducted a desk audit and referred to the Department allegations of suspected

misconduct, to wit alleging that from January 1, 2015 – December 31, 2016, Respondent “dispens[ed] medications without a valid prescription” and alleged that “dispens[ed] medications to members with the incorrect dosages indicated on the labels” Respondent. The Department opened the matter for investigation.

4. During that investigation, Respondent explained that it had become his routine practice that whenever he received an oral prescription order from a physician, he would write down the oral prescription order, print a prescription label, and add the label to his file rather than the handwritten note, because the labels was legible whereas his handwritten notes were hard to read.

5. Respondent admitted that in 2015 he once dispensed insulin to a patient and once issued an inhaler to a patient without first obtaining a renewal from the prescribing physicians. Respondent stated that at all times he was acting in what he believed to be the best interests of the patients.

6. Through the course of the investigation, the Department requested copies of several prescription orders from Respondent for review. The following issues were observed:

a. Prescription order forms showing only a dispensing label and without a prescriber’s signature.

b. Failure to provide requested prescription order forms for no fewer than seven prescriptions for two patients.

c. Prescription labels provided in lieu of prescription order forms with signed statements from the prescriber 2-3 years after the dispensing stating that the prescription is “true and accurate to the best of [his] knowledge.”

d. Documentation of electronic orders and dispensing labels for those orders indicating differing *signetur*.

7. 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. Per Wis. Stat. § 450.11(2), every prescription order shall be filed in a suitable book or file and preserved for at least 5 years. Prescription orders transmitted electronically may be filed and preserved in electronic format.

3. Per Wis. Stat. § 450.11(1), any oral prescription shall be immediately reduced to writing by the pharmacist and filed according to Wis. Stat. § 450.11(2).

4. By the conduct described in ¶ 6.b of the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Stat. § 450.11(1) by dispensing a prescribed drug without a valid physician prescription order.

5. By the conduct described ¶ 5 of the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Stat. § 450.11(5)(a) by, on no fewer than two occasions, refilling a prescription without a written, oral, or electronic authorization from the prescribing practitioner.

6. By the conduct described in ¶ 6.d of the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Stat. § 450.11(4)(a)6., by failing to dispense a prescribed drug with directions for use of the prescribed drug as contained in the prescription order.

7. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined in 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, including but not limited to, practicing in a manner which substantially departs from the standard of care ordinarily exercised by a pharmacist which harmed or could have harmed a patient.

8. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 450.10(1)(b).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,507.00.

4. Payments of costs shall be made payable to Department of Safety and Professional Services and sent 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) 266-2112; Fax (608) 266-2264  
DPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>

5. In the event Respondent violates any term of this Order, Respondent's license (11274-40) or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board 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.

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

WISCONSIN PHARMACY EXAMINING BOARD

By:  Date 1/27/2022  
A Member of the Board

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MATTHEW J. HUEPFEL, R.Ph.,  
RESPONDENT.

:  
:  
:  
:  
:

STIPULATION  
**ORDER 0007782**

Division of Legal Services and Compliance Case No. 19 PHM 287

Matthew J. Huepfel, R.Ph. (Respondent) 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 (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.

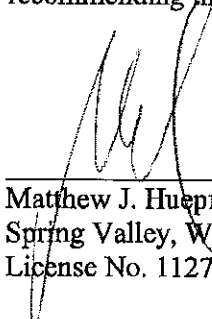
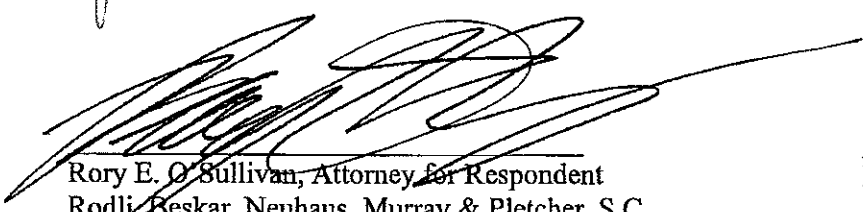

5. If the terms of this Stipulation are not acceptable to the Board the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

  
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Matthew J. Huepfel, R.Ph., Respondent  
Spring Valley, WI 54767  
License No. 11274-40  
\_\_\_\_\_  
Date  
\_\_\_\_\_  
Rory E. O'Sullivan, Attorney for Respondent  
Rodji, Beskar, Neuhaus, Murray & Pletcher, S.C.  
218 North Main Street  
P.O. Box 138  
River Falls, WI 54022-0138  
\_\_\_\_\_  
Date  
\_\_\_\_\_  
Lesley McKinney, Prosecuting Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190  
\_\_\_\_\_  
Date