BILL LOCKYER, Attorney General
of the State of California
ARTHUR D. TAGGART, State Bar No. 83047
Lead Supervising Deputy Attorney General
Attorneys for Complainant

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**BEFORE THE**
**BOARD OF PHARMACY**
**DEPARTMENT OF CONSUMER AFFAIRS**
**STATE OF CALIFORNIA**

| In the Matter of the Accusation Against: | Case No. 2794 |
|---|---|
| **LANCE JOHN LUNDSTAD**<br>3136 Maple Drive, #105<br>Lacrosse, WI 54601<br>-and-<br>924 28th Street South<br>LaCrosse, WI 54601<br><br>Pharmacist License No. RPH 40910<br><br>Respondent. | **STIPULATED SURRENDER OF LICENSE AND ORDER** |

**IT IS HEREBY STIPULATED AND AGREED** by and between the parties in this proceeding that the following matters are true:

## PARTIES

1. Patricia F. Harris ("Complainant") is the Executive Officer of the Board of Pharmacy. She brought this action solely in her official capacity and is represented in this matter by Bill Lockyer, Attorney General of the State of California, by Arthur D. Taggart, Lead Supervising Deputy Attorney General.

2. Lance John Lundstad ("Respondent") is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about April 20, 1987, the Board of Pharmacy issued Pharmacist License Number RPH 40910 to Respondent. Respondent's pharmacist license was in full force and effect at all times relevant to the charges brought in Accusation No. 2794 and expired on March 31, 2005.

## JURISDICTION

4. Accusation No. 2794 was filed before the Board of Pharmacy ("Board"), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 10, 2004. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 2794 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2794. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2794, agrees that cause exists for discipline and hereby surrenders his Pharmacist License Number RPH 40910 for the Board's formal acceptance.

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9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Pharmacist License without further process.

## CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the (Board) may, without further notice or formal proceeding, issue and enter the following Order:

## ORDER

**IT IS HEREBY ORDERED** that Pharmacist License Number RPH 40910, issued to Respondent Lance John Lundstad is surrendered and accepted by the Board of Pharmacy.

13. The surrender of Respondent's Pharmacist License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

///

14. Respondent shall lose all rights and privileges as a pharmacist in California as of the effective date of the Board's Decision and Order.

15. Respondent shall cause to be delivered to the Board both his wall license and pocket license certificates on or before the effective date of the Decision and Order.

16. Respondent understands and agrees that if he ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 2794 shall be deemed to be true, correct, and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

17. Respondent shall pay the Board its costs of investigation and enforcement in the amount of $887.75 prior to issuance of a new or reinstated license.

18. Respondent shall not apply for licensure or petition for reinstatement for three (3) years from the effective date of the Board of Pharmacy's Decision and Order.

**ACCEPTANCE**

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 6/15/05.

Lance John Lundstad

LANCE JOHN LUNDSTAD
Respondent

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**ENDORSEMENT**

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: June 21, 2005

BILL LOCKYER, Attorney General
of the State of California

ARTHUR D. TAGGART
Lead Supervising Deputy Attorney General

Attorneys for Complainant

DOJ Docket Number/Matter ID: 03583110-SA2004102939
Stipulated Surrender.wpd

**BEFORE THE**
**BOARD OF PHARMACY**
**DEPARTMENT OF CONSUMER AFFAIRS**
**STATE OF CALIFORNIA**

| | |
|---|---|
| In the Matter of the Accusation Against:<br><br>**LANCE JOHN LUNDSTAD**<br>3136 Maple Drive, #105<br>Lacrosse, WI 54601<br>-and-<br>924 28th Street South<br>LaCrosse, WI 54601<br><br>Pharmacist License No. RPH 40910<br><br>Respondent. | Case No. 2794 |

## DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 18, 2005.

It is so ORDERED July 19, 2005.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

STANLEY W. GOLDENBERG
Board President

**Exhibit A**

**Accusation No. 2794**

BILL LOCKYER, Attorney General
of the State of California
ARTHUR D. TAGGART, State Bar No. 83047
Lead Supervising Deputy Attorney General
Attorneys for Complainant

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Telephone: (916) 324-5327
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**BEFORE THE**
**BOARD OF PHARMACY**
**DEPARTMENT OF CONSUMER AFFAIRS**
**STATE OF CALIFORNIA**

| | |
|---|---|
| In the Matter of the Accusation Against:<br><br>**LANCE JOHN LUNDSTAD**<br>3136 Maple Drive, #105<br>LaCrosse, WI 54601<br>-and-<br>924 28th Street South<br>LaCrosse, WI 54601<br><br>Pharmacist License No. RPH 40910<br><br>Respondent. | Case No. 2794<br><br>**A C C U S A T I O N** |

Complainant alleges:

**PARTIES**

1. Patricia F. Harris ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy ("Board"), Department of Consumer Affairs.

2. On or about April 20, 1987, the Board issued Pharmacist License Number RPH 40910 to Lance John Lundstad ("Respondent"). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2005, unless renewed.

## STATUTORY PROVISIONS

3. Business and Professions Code ("Bus. & Prof. Code") section 4300 states, in pertinent part:

(a) Every license issued may be suspended or revoked.

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

4. Bus. & Prof. Code section 118, subdivision (b), states:

The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

5. Bus. & Prof. Code section 4301 states, in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

. . . .

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

. . . .

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs

the ability of the person to conduct with safety to the public the practice authorized by the license.

. . . .

(n) The revocation, suspension, or other discipline by another state of a license to practice pharmacy, operate a pharmacy, or do any other act for which a license is required by this chapter . . .

**Cost Recovery**

6. Bus. & Prof. Code section 125.3 states, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

**FIRST CAUSE FOR DISCIPLINE**

**(Disciplinary Action by the Wisconsin Pharmacy Examining Board)**

7. Respondent is subject to disciplinary action pursuant to Bus. & Prof. Code section 4301, subdivision (n), for unprofessional conduct. On or about June 12, 2002, pursuant to the Final Decision and Order in the administrative action titled *In the Matter of the Disciplinary Proceedings against Lance J. Lundstad, R.Ph.,* No. LS0206122 PHM, the Wisconsin Pharmacy Examining Board (hereinafter "the Wisconsin Board") suspended Respondent's pharmacist's license for a period of not less than five (5) years for unprofessional conduct, pursuant to section 450.10(1)(a)(3) Stats. and sec. Phar 10.03(1) Wis. Adm. Code.[1] A true and correct copy of the Final Decision and Order is attached hereto as Exhibit A and incorporated herein by reference. The Wisconsin Board made the following findings:

a. During a period extending to March 4, 2002, and while employed as a pharmacist at Gunderson Lutheran Medical Center, LaCrosse, Wisconsin, Respondent diverted at least 10 bottles of hydrocodone liquid from patient and pharmacy supplies. Respondent has admitted to also diverting benzodiazepines and prescription medications from the pharmacy.

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1. The Wisconsin Board ordered that Respondent may apply at any time for a stay of suspension for a period of three months, conditioned upon compliance with conditions and limitations. Respondent thereafter petitioned the Board, and was granted, three month stays of his suspension to practice as a pharmacist in that state on August 20, 2002, November 12, 2002, February 12, 2003, and May 14, 2003.

b. As a result of the conduct described in subparagraph (a) above, Respondent was charged in Lacrosse County Circuit Court case 02 CF 176 with a felony.

c. An AODA evaluation of Respondent conducted April 11, 2002, at Hazelden resulted in a diagnosis of alcohol dependence, benzodiazepine dependence and hydrocodone dependence. Respondent has participated in treatment for his condition at Hazelden and at Gunderson Lutheran Behavioral Health.

## SECOND CAUSE FOR DISCIPLINE

**(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

8. Respondent is subject to disciplinary action pursuant to Bus. & Prof. Code section 4301, subdivision (f), on the grounds of unprofessional conduct in that he committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption as set forth in paragraph 7 above.

## THIRD CAUSE FOR DISCIPLINE

**(Self-Administration of Controlled Substances)**

9. Respondent is subject to disciplinary action pursuant to Bus. & Prof. Code section 4301, subdivision (h), on the grounds of unprofessional conduct, in that he self-administered unknown quantities of hydrocodone and benzodiazepines, controlled substances, and used hydrocodone, benzodiazepines or alcoholic beverages to an extent or in a manner dangerous or injurious to himself, as set forth in paragraph 7 above.

## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

A. Revoking or suspending Pharmacist License Number RPH 40910, issued to Lance John Lundstad;

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B. Ordering Lance John Lundstad to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

C. Taking such other and further action as deemed necessary and proper.

DATED: 12/2/04

P. F. Harris

PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

03583110-SA2004102939
Lundstad, Lance John.acc.wpd
phd; 10/25/2004

Exhibit A

Jim Doyle
Governor

Donsia Strong Hill
Secretary

WISCONSIN DEPARTMENT O.
REGULATION & LICENSING

1400 E Washington Ave
PO Box 8935
Madison WI 53708-8935
Email: web@drl.state.wi.us
Voice: 608-266-2112
FAX: 608-267-0644
TTY: 608-267-2416

## CERTIFICATE

I, Tom Rayn, Bureau Director, Bureau of Health Professions, Wisconsin Department of Regulation and Licensing and the legal deputy custodian of records of the Wisconsin Pharmacy Examining Board, do hereby certify that the documents annexed hereto have been compared by me with the originals filed in the office of the Wisconsin Pharmacy Examining Board and that the annexed documents are true and correct copies thereof.

Dated this 19th day of September, 2003.

PHARMACY EXAMINING BOARD

Tom Ryan

Tom Ryan
Bureau Director
Bureau of Health Professions

SEAL

EXHIBIT 2
2 OF 16 PAGES

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

| | |
|---|---|
| IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST<br><br>LANCE J. LUNDSTAD, R.Ph., RESPONDENT. | **FINAL DECISION AND ORDER**<br><br>LS_0206122PHM |

**02 PHM 006**

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Lance J. Lundstad
924 28th Street South
LaCrosse, WI 54601

Pharmacy Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
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 decision of this matter, subject to the approval of the 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

1. Respondent Lance J. Lundstad (dob 03/06/55) was at all times relevant to this proceeding duly licensed under the provisions of Chapter 450, Wis. Stats., to practice as a registered pharmacist in the State of Wisconsin, under license number 12304.

2. During a period extending to March 4, 2002, and while employed as a pharmacist at Gunderson Lutheran Medical Center, LaCrosse, Wisconsin, Respondent diverted at least 10 bottles of hydrocodone liquid from patient and pharmacy supplies. Respondent has admitted to also diverting benzodiazepines and prescription medications from the pharmacy.

3. As a result of the conduct described in paragraph 2 Respondent has been charged in Lacrosse County Circuit Court case 02 CF 176 with a felony.

4. An AODA evaluation of Respondent conducted April 11, 2002, at Hazelden resulted in a diagnosis of alcohol dependence, benzodiazepine dependence and hydrocodone dependence. Respondent has participated in treatment for his condition at Hazelden and at Gunderson Lutheran Behavioral Health. Respondent is not currently engaged in the practice of pharmacy.

## CONCLUSIONS OF LAW

A. The Wisconsin Pharmacy Examining Board has jurisdiction over this matter and authority to take disciplinary action against the Respondent pursuant to §450.10(1), Wis. Stats. and ch. Phar 10, Wis. Adm. Code .

B. The Wisconsin Pharmacy Examining Board is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

C. The facts set forth in ¶2, above, constitute unprofessional conduct pursuant to § 450.10(1)(a)(3) Stats. and sec. Phar 10.03(1) Wis. Adm. Code.

## ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

That the STIPULATION of the parties, attached hereto, is ACCEPTED.

IT IS FURTHER ORDERED that effective on the date of this Order, the pharmacist license of Lance J. Lundstad is SUSPENDED for a period of not less than five (5) years. The Board in its discretion may restore respondent's license to full, unlimited status only upon petition by respondent after completion of five years of practice of pharmacy in compliance with all terms and conditions of this Order, and a demonstration that respondent may practice pharmacy without condition or limitation with skill and safety to patient and public.

1. STAY OF SUSPENSION. Respondent may apply at any time to the Board for a stay of suspension for a period of three months, conditioned upon compliance with the conditions and limitations outlined below. In conjunction with the initial application for a stay of suspension Respondent must submit a current evaluation of his condition by a licensed physician which must contain specific treatment recommendations, and proof of satisfactory participation in a chemical dependence treatment program acceptable to the Board. The application shall contain proof satisfactory to the Board that Respondent is able to safely and reliably practice as a pharmacist.

a. Respondent may apply for consecutive three (3) month extensions of the stay of suspension, which shall be granted upon acceptable demonstration of compliance with the conditions and limitations imposed on the respondent for rehabilitation and practice during the prior three (3) month period. "Three months" means until the third regular Board meeting after the meeting at which any stay of suspension is granted.

b. The Board may without hearing deny an application for extension of the stay, or commence other appropriate action, upon receipt of information that respondent has violated any of the terms or conditions of this Order. If the Board denies the petition by the respondent for an extension, the Board shall afford an opportunity for hearing in accordance with the procedures set forth in ch. RL 1, Wis. Adm. Code upon timely receipt of a request for hearing.

c. Upon a showing by respondent of successful compliance for a period of five years with the terms of paragraph 2., below, and upon a showing that respondent has made satisfactory restitution for any losses caused by the conduct described above and compliance with all other terms of this Order, the Board may grant a petition by the Respondent for return of full licensure.

EXHIBIT 2

d. The applications for extension under 1.a. and all required reports under 2.a-c. shall be due on the 20th day of the month preceding the month in which the Board will consider the request for an extension, and each three months thereafter, for the period that this Order remains in effect.

e. Respondent shall forthwith surrender all indicia of licensure to the Department by mail or in person, and the Department shall then issue limited licensure credentials to respondent. Respondent shall also surrender all indicia of licensure to any agent of the Department who requests them.

2. CONDITIONS OF STAY AND LIMITATIONS. The initial stay of suspension and any subsequent stay shall be conditioned upon the following terms and limitations:

a. Non-Prescription Use of Drugs and Alcohol Prohibited. Respondent shall remain free of, prescription drugs and controlled substances not prescribed by a practitioner for legitimate medical purposes. Respondent shall not consume beverage alcohol for any purpose. Respondent shall have his physician report in writing to the supervising physician or therapist under paragraph 2.b.(1) all medications prescribed to the respondent within 3 days of such prescribing. Respondent shall in addition refrain from the consumption of over-the-counter medications or other substances which may mask consumption of controlled substances or of alcohol, or which may create false positive screening results, or which may interfere with respondent's treatment and rehabilitation.

b. Rehabilitation, Monitoring and Treatment Program. Respondent shall continue to participate in a rehabilitation, monitoring and treatment program acceptable to the Board for the treatment of chemical abuse and dependency. Such program shall consist of the following elements and requirements:

(1) AODA Rehabilitation. Respondent shall continue to participate in an AODA rehabilitation program under the care and supervision of a qualified physician or therapist (hereinafter, "supervising physician or therapist"), at an accredited drug and alcohol abuse/dependency treatment facility. Respondent shall obtain from the Pharmacy Examining Board prior approval of the drug and alcohol abuse/dependency treatment facility and the supervising physician or therapist. The supervising physician or therapist shall be responsible for the Respondent's total rehabilitation program. Respondent shall immediately provide a copy of this order to his supervising physician or therapist. Respondent shall participate in and comply with all recommendations for treatment, subject to the requirements of this order.

(2) Individual/Group Therapy. The rehabilitation program shall include and respondent shall participate in individual and/or group therapy sessions for the first year of the stayed suspension upon a schedule as recommended by the supervising physician or therapist, but not less than once weekly. Such therapy shall be conducted by the supervising physician or therapist, or another qualified physician or therapist as designated by the supervising physician or therapist and acceptable to the Board. After the first year of stayed suspension, this requirement for therapy sessions may be modified only upon written petition, and a written recommendation by the supervising physician or therapist expressly supporting the modifications sought. A denial of such petition for modification shall not be deemed a denial of the license under §§ 227.01(3) or 227.42, Wis. Stats., or ch. RL 1, Wis. Adm. Code, and shall not be subject to any right to further hearing or appeal.

(3) AA/NA Meetings. Respondent shall attend Narcotics Anonymous and/or Alcoholic Anonymous meetings or an equivalent program for recovering professionals, upon a frequency as recommended by the supervising physician or therapist, but not less than one meeting per week. Attendance of Respondent at such meetings shall be verified and reported monthly to the supervising physician or therapist.

4) Drug and alcohol monitoring. Within thirty (30) days from the date of the signing of this Order the Respondent shall enroll and begin participation in a drug and alcohol monitoring program which is approved by the department pursuant to Wis. Adm. Code § RL 7.11 ("Approved Program").

a. The Department Monitor, Board or Board designee shall provide to the Respondent a list of Approved Programs, however, the Respondent is solely responsible for timely enrollment in any such Approved Program.

b. Unless otherwise ordered by the Board, the Approved Program shall require the testing of urine specimens at a frequency of not less than:

(1) 96 times for the first year following the date Respondent resumes the practice of pharmacy, or once per week if not practicing pharmacy.
(2) 72 times for the second year following the date Respondent resumes the practice of pharmacy.
(3) 48 times each year for the third through fifth years following the date Respondent resumes the practice of pharmacy.

c. The Department Monitor, Board or Board designee shall determine the tests to be performed upon the urine specimens.

d. The Respondent shall comply with all requirements for participation in drug and alcohol monitoring established by the Approved Program, including but not limited to;

(1) contact with the Approved Program as directed on a daily basis, including weekends and holidays, and;
(2) production of a urine specimen at a collection site designated by the Approved Program within five(5) hours of notification of a test.

e. The Board in its discretion without a hearing and without further notice to the Respondent may modify this Order to require the submission of hair or breath specimens or that any urine or hair specimen be furnished in a directly witnessed manner.

f. All expenses of enrollment and participation in the Approved Program shall be borne by the Respondent. The Respondent shall keep any account for such payments current in all respects.

EXHIBIT 2

g. For purposes of further Board action under this Order it is rebuttably presumed that all confirmed positive test results are valid. Respondent has the burden of proof to establish by a preponderance of the evidence an error in collection, testing or other fault in the chain of custody which causes an invalid confirmed positive test result.

(5) Quarterly Reports. Respondent shall arrange for quarterly reports from his supervising physician or therapist directly to the Board evaluating and reporting:

(a) A summary of Respondent's progress in his rehabilitation program to date, and all recommendations for continuing rehabilitation treatment,

(b) Respondent's attendance in NA/AA meetings,

(c) Respondent's participation in and results of his random witnessed urine and/or blood screening program.

Such quarterly reports shall be due on the dates specified under paragraph 1.d. of this Order.

(6) Immediate Reports. Respondent shall self-report, and shall arrange for agreement by his supervising physician or therapist, and his employer to report immediately to the Board any conduct or condition of respondent that may constitute a danger to the public in his practice of pharmacy, and any occurrence that constitutes a failure on the part of respondent to comply with the requirements of this Order or treatment recommendations by the supervising physician or therapist, including any indications of consumption of alcohol or unauthorized use of any controlled substances, failure to appear for a urine or blood screening, notice of any positive blood and/or urine screen for alcohol or controlled substances, and any urine specimen that is below a specific gravity of 1.008.

c. Practice of Pharmacy: Limitations and Conditions. Any practice of Pharmacy by respondent during the pendency of this Order shall be subject to the following terms and conditions:

(1) Full Compliance with Order Required. Respondent shall not practice as a pharmacist in any capacity unless he is in full compliance with the rehabilitation and treatment programs as specified and approved under this Order.

(2) No Managing Pharmacist. Respondent shall not be employed as or work in the capacity of a "managing pharmacist" as defined in § Phar 1.02(6), Wis. Adm. Code.

(3) No Pharmacist in Charge. Respondent shall not be employed as or work in the capacity of a "pharmacist in charge" as defined in § Phar 1.02(9), Wis. Adm. Code.

Terms for Modification of Prohibition on Practice as Pharmacist In Charge. Respondent may petition the Board for modification of this prohibition against practice as a pharmacist in charge after one year or 2000 hours of supervised practice and compliance by respondent with all terms and conditions of this Order. Any such petition shall be accompanied by written request of the supervising

EXHIBIT 2
p. 16

pharmacist, which shall include a complete work schedule of all pharmacists employed in the pharmacy indicating the proposed work schedule and supervision pattern for respondent. Such petition shall also include a written recommendation of the supervising physician or therapist specifically addressing the modification sought. The Board in its discretion may at any time modify any of the terms regarding practice by respondent as a pharmacist in charge, including removal of authorization under this Order of respondent to practice as a pharmacist in charge, as the Board deems appropriate in the circumstances. Grounds for modification or removal of the authorization to practice as a pharmacist in charge may include, but shall not be limited to, change in employer, managing pharmacist or residence address of the respondent. Modification of these terms and conditions, or removal of authorization under this Order of respondent to practice as a pharmacist in charge shall not be deemed a class 1 or class 2 proceeding under §§227.01(3) or 227.42, Wis. Stats., or Ch. RL 1 or 2, Wis. Adm. Code, and shall not be subject to any right to a further hearing or appeal.

(4) Provision of Copy of Order to Employers. Respondent shall provide his employer and any prospective employers (including the managing pharmacist of any pharmacy in which respondent practices) with a copy of this Stipulation and Final Decision and Order immediately upon issuance of this Order, and upon any change in employment. *EMPLOYERS WHO ARE DEA REGISTRANTS ARE INFORMED THAT IF RESPONDENT HAS BEEN CONVICTED OF ANY FELONY RELATING TO CONTROLLED SUBSTANCES, THE EMPLOYER MUST RECEIVE A WAIVER OF 21 CFR §1301.76 UNDER 21 CFR §1307.03 BEFORE EMPLOYING RESPONDENT.

(5) Quarterly Reports. Respondent shall arrange for his supervising pharmacist to provide directly to the Board quarterly written reports evaluating Respondent's work performance, which shall include reports or information required under subparagraph (6) and (7) hereunder. Such reports shall be due on the dates specified in paragraph 1.d. of this Order.

(6) Monitoring of Access to Drugs. Respondent shall obtain agreement from his supervising pharmacist to monitor Respondent's access to and accountability for handling of controlled substances and other abuseable prescription drugs in order to reasonably detect loss, diversion, tampering, or discrepancy relating to controlled substances and other abuseable prescription drugs. Respondent's supervisor shall include in the quarterly reports a description of Respondent's access to controlled substances and other abuseable drugs and the monitoring thereof. Any loss, diversion, tampering, or discrepancy shall be immediately reported to the Board.

(7) Controlled Substances Audits. In addition to the foregoing subparagraph (6), Respondent shall obtain from his supervising pharmacist agreement to conduct a full and exact (not estimated) count of the following controlled substances in inventory immediately, and accountability audits of the following controlled substances every six months for the duration of this Order: hydrocodone and benzodiazepines. The audit shall be conducted by and certified by a licensed pharmacist other than respondent, who shall be approved by the Board. A summary of all audits required under this subparagraph shall be included in the quarterly report following the audit, however, any discrepancy or missing drugs indicated by the audits shall be immediately reported in writing to the Board.

EXHIBIT 2

(8) Immediate Reports. Respondent shall arrange for agreement by his supervising pharmacist to immediately report to the Board and to the supervising physician or therapist any conduct or condition of Respondent that may constitute a violation of this Order or a danger to the public.

d. Consents for Release of Information. Respondent shall provide and keep on file with his supervising physician/therapist and all treatment facilities and personnel current releases which comply with state and federal laws, authorizing release of all his medical and drug and alcohol counseling, treatment and monitoring records to the Pharmacy Examining Board and the Department of Regulation and Licensing, Division of Enforcement, and permitting his supervising physician/therapist and treating physicians and therapists to disclose and discuss the progress of his treatment and rehabilitation and all matters relating thereto with the Pharmacy Examining Board or its duly authorized representatives or agents. Copies of these releases shall be filed simultaneously with the Pharmacy Examining Board and the Division of Enforcement. Respondent shall also provide and keep on file with his current employer(s) current releases authorizing release of all employment records and reports regarding Respondent to the Pharmacy Examining Board and the Division of Enforcement, and authorizing his employer to discuss with the Board or its authorized agents and representatives Respondents employment history, progress and status and all matters relating thereto. Copies of these employment records releases shall be filed simultaneously with the Board and the Division of Enforcement.

e. Notification of Change of Address and Employment. The Respondent shall report to the Board any change of employment status, residence address or phone number within five (5) days of any such change.

3. COSTS AND RESTITUTION. Respondent shall pay partial COSTS of this investigation under §440.22, Wis. Stats. in the amount $400, to the Department of Regulation and Licensing, and shall make restitution for any losses caused by the conduct described in this order, within 60 days of this Order.

4. PHARMACY OWNERSHIP PROHIBITED. Respondent shall not own in whole or in part any interest in a pharmacy during the period of time this Order remains in effect.

5. TERMS FOR MODIFICATION OF ORDER. Following successful compliance with and fulfillment of the provisions of paragraph 2. of this Order for a period of two years, the Respondent may petition the Board, in conjunction with an application for extension of the stay of suspension, for modification of the conditions or limitations for stay of suspension. Any such petition shall be accompanied by a written recommendation of respondent's supervising physician or therapist expressly supporting the specific modifications sought. A denial of such a petition for modification shall not be deemed a denial of license under §§227.01(3), or 227.42, Wis. Stats., or Ch. RL 1, Wis. Adm. Code, and shall not be subject to any right to further hearing or appeal.

6. RESPONDENT RESPONSIBLE FOR COSTS AND EXPENSES OF COMPLIANCE. Respondent shall be responsible for all costs and expenses of complying with this Order and for arranging any alternative means for covering such costs and expenses.

7. BOARD/DEPARTMENT INSPECTIONS. The Board or the Department in its discretion may conduct unannounced inspections and/or audits, and make copies, of pharmacy records and inventory where respondent is employed as a pharmacist.

8. VIOLATIONS OF ORDER. Violation of any of the terms of this Order or of any law substantially relating to the practice of pharmacy may result in a summary suspension of the Respondent's license; the denial of an extension of the stay of suspension or the termination of the

EXHIBIT
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stay; the imposition of additional conditions and limitations; or the imposition of other additional discipline, including revocation of license. Upon request of the Department Monitor or a prosecuting attorney, the Board's Monitoring Liaison or the Board Chair may terminate a stay of suspension until the next meeting of the Board, after giving respondent notice of an alleged violation and the opportunity to be heard.

9. EFFECTIVE DATE. This Order shall become effective immediately upon issuance by the Pharmacy Examining Board, except for provision 2.a., which is effective the date of signing by respondent.

Dated this 12th day of June, 2002.

PHARMACY EXAMINING BOARD

By: _____
A Member of the Board

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EXHIBIT 2

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

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| IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST<br><br>LANCE J. LUNDSTAD, R. Ph.<br>RESPONDENT. | **STIPULATION**<br><br>02 PHM 006 |

It is hereby stipulated between the above Respondent and the Department of Regulation and Licensing, Division of Enforcement by its undersigned attorney as follows:

1. This Stipulation is entered into as a result of a pending investigation of licensure of Respondent by the Division of Enforcement. Respondent consents to the resolution of this investigation by agreement and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, respondent waives the following rights with respect to disciplinary proceedings: the right to a statement of the allegations against respondent; a right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against respondent; the right to call witnesses on respondent's behalf and to compel attendance of witnesses by subpoena; the right to testify personally; 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, and the Wisconsin Administrative Code.

3. Respondent is aware of respondent's right to seek legal representation and has been provided the opportunity to seek legal advice before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board, and in particular to abide by paragraph 2(a) of the Order as of the date respondent signs this Stipulation. The parties 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 or the proposed Final Decision and Order, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this 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 agree that an attorney for the Division of Enforcement may appear before the Board, in open or closed session, without the presence of Respondent or Respondent's attorney, for the purposes of speaking in support of this agreement and answering questions that the members of the Board and its staff may have in connection with their deliberations on the case.

7. The Case Advisor in this matter may participate freely in any discussion and deliberation of the Board regarding this Stipulation and the proposed Final Decision & Order, may relate to the Board any knowledge and view of the case acquired during the investigation, and may vote on any question relating to acceptance of this Stipulation and the Final Decision & Order.

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

9. 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 the monthly Report of Decisions issued by the department, and on the department's web page. A summary of the order will be published in the Wisconsin Regulatory Digest issued semiannually by the Board. Other reporting as required by law will occur. A press release will be prepared and distributed to all press boxes in the State Capitol building, to the press in the community where respondent resides and practices, and to individuals and organizations included on a mailing list maintained by the department. This is standard department procedure and in no way specially directed at Respondent.

10. Respondent agrees to deliver respondent's credentials to the Board immediately upon receipt of the Final Decision and Order resulting from this Stipulation. Respondent will then be provided with the standard credential issued by the department to those practicing under limitations. This is standard department procedure and in no way specially directed at Respondent.

Lance Lundstad — Keith L. Belzer — 5/24/02
Respondent — Attorney Keith Belzer — Date
Lance Lundstad

James Fumo — MAY 30, 2002
Prosecuting Attorney — Date
Division of Enforcement

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

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| IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST | : | ORDER GRANTING STAY OF SUSPENSION |
| LANCE J. LUNDSTAD, R.Ph., RESPONDENT. | : | LS 0206122 PHM (August, 2002) |

To: Lance J. Lundstad
924 28th Street South
LaCrosse, WI 54601-6008

On August 20, 2002, the State of Wisconsin Pharmacy Examining Board reviewed the documentation submitted in support of the petition by Lance J. Lundstad, for a three month stay of suspension as provided in the board's *Final Decision and Order* dated June 12, 2002. ("*Order*") .

Based upon a review of the petition and supporting documentation submitted:

IT IS HEREBY ORDERED that Lance J. Lundstad, R.Ph., is GRANTED a three month stay of the suspension of license #12304 to practice pharmacy in the State of Wisconsin.

Dated: August 20, 2002.

STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

Susan L. Sutter RPR

Susan L. Sutter, R.Ph.
Chairperson

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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

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| IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST | : | ORDER GRANTING STAY OF SUSPENSION |
| LANCE J. LUNDSTAD, R.Ph., RESPONDENT. | : | LS 0206122 PHM (November, 2002) |

To: Lance J. Lundstad
924 28th Street South
LaCrosse, WI 54601-6008

On November 12, 2002, the State of Wisconsin Pharmacy Examining Board reviewed the documentation submitted in support of the petition by Lance J. Lundstad, for a three month stay of suspension as provided in the board's *Final Decision and Order* dated June 12, 2002. ("*Order*").

Based upon a review of the petition and supporting documentation submitted:

IT IS HEREBY ORDERED that Lance J. Lundstad, R.Ph., is GRANTED a three month stay of the suspension of license #12304 to practice pharmacy in the State of Wisconsin.

Dated: November 12, 2002.

STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

Susan L. Sutter, R.Ph.
Chairperson

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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

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| IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST | : | ORDER GRANTING STAY OF SUSPENSION |
| LANCE J. LUNDSTAD, R.Ph., RESPONDENT. | : | LS 0206122 PHM (February, 2003) |

To: Lance J. Lundstad
3136 Maple Drive #105
LaCrosse, WI 54601

On February 12, 2003, the State of Wisconsin Pharmacy Examining Board reviewed the documentation submitted in support of the petition by Lance J. Lundstad, for a three month stay of suspension as provided in the board's *Final Decision and Order* dated June 12, 2002. ("*Order*").

Based upon a review of the petition and supporting documentation submitted:

IT IS HEREBY ORDERED that Lance J. Lundstad, R.Ph., is GRANTED a three month stay of the suspension of license #12304 to practice pharmacy in the State of Wisconsin.

Dated: February 12, 2003.

STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

Susan L. Sutter R.Ph.

Susan L. Sutter, R.Ph.
Chairperson

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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

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| IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST | : | ORDER GRANTING STAY OF SUSPENSION |
| LANCE J. LUNDSTAD, R.Ph., RESPONDENT. | : | LS 0206122 PHM (May, 2003) |

To: Lance J. Lundstad
3136 Maple Drive #105
LaCrosse, WI 54601

On May 14, 2003, the State of Wisconsin Pharmacy Examining Board reviewed the documentation submitted in support of the petition by Lance J. Lundstad, for a three month stay of suspension as provided in the board's *Final Decision and Order* dated June 12, 2002. ("*Order*").

Based upon a review of the petition and supporting documentation submitted:

IT IS HEREBY ORDERED that Lance J. Lundstad, R.Ph., is GRANTED a three month stay of the suspension of license #12304 to practice pharmacy in the State of Wisconsin.

Dated: May 14, 2003.

STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

Susan L. Sutter, R.Ph.
Chairperson

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