

Wednesday, April 20, 2011

Dr. William K. Campbell  
31 Brookside Ct  
Easton, WA 98925

**RE: Unintended Consequences of your Blatant and Deliberate Professional Misconduct**

Dear Professor Campbell:

**WHAT THE HELL WERE YOU THINKING?**

Your blatant professional misconduct has had a large negative impact on my pharmacist wife Beth, and through that her family. In her hearing on March 4 to defend her license, I served as her *de facto* counsel with the blessing of the Idaho Board of Pharmacy (IBOP), which is why I am writing you.

Here are the basic facts. On 08 February 2010 you came to the Wal Mart pharmacy in Moscow, Idaho with a new prescription for Cipro (you had never been to that pharmacy before or since). You claim that you had a question about Cipro that you wanted to ask but did not get a chance to. While there, you were loudly complaining about insurance issues for a long time, and for that matter impatient with the technicians and pharmacists (shame on you). Then afterwards you filed a complaint with the IBOP alleging that you were not offered counseling for your prescription as Idaho law requires.

Some of your claims are bogus, and the grounds for a slam dunk professional misconduct case. It is very clear to me and my wife that you set up the entire episode because you wanted to find an excuse to file a complaint, most likely because you had an axe to grind against Wal Mart (I note that none of the staff involved knew you so you were probably not out to get them). You asked a question about Cipro, a drug that has been around quite a long time; you have probably lectured on it a number of times, but if not you certainly already knew the answer to the question you claimed you wanted an answer to. And, rather than going to your normal pharmacy (at your age I presume you have one), you chose a new pharmacy in a new state where you hoped you were not known, as then Interim Dean of Pharmacy, like you would presumably be known in Pullman. And, then, although you allegedly claim you really wanted to get your question answered in counseling, you did not see fit to simply ask the question. Curiouser and curiouser.... And during the hearing IBOP basically agreed that this whole incident was pre-planned by you to create an excuse to file a complaint.

Well, guess what, actions have consequences. Your blatant professional misconduct happened to hit us in an almost unbelievably difficult year (see enclosure). Not only was having to defend her license troubling to Beth and I in such trouble times, but I had to spend more than a 50 hour week preparing a detailed package for the BOP to ensure that she did not lose her license or suffer sanction. And in doing so, I had to drop a lot of things crucial to my family and to my career (including being virtually absent from a major research proposal involving Berkeley and Caltech, something as you could probably understand is very important for the smaller university WSU, and doubly so because this is not just my





employer but my beloved undergraduate alma mater; when I left a research lab in 1999 I came here to build it up, not going to Georgia Tech or CMU or other larger places I could have).

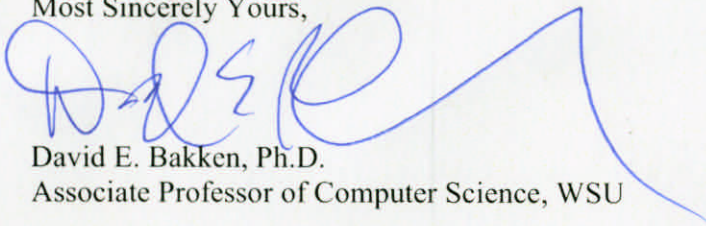
Its time to own up for what you inflicted on us. I have done some dumb things in my life and needed forgiveness. And, in talking with a staffer at WSU, it seems that you are actually revered here at WSU. So not only does that tell me that you are not a complete jerk, but also that, if you are (as seems possible) sorry this happened and make it right, it is very important to me that your reputation not suffer (in preparing Beth's case and this letter, I was very careful to keep this option open). Towards that end, here is what I propose:

1. You compensate us for what you put us through;
2. You do not renew your pharmacist licenses in any states, and do not use them (fill in work or whatnot, should you want to) before they expire;
3. We just quietly drop the matter, not pursuing any legal action or the professional misconduct proceedings that I am strongly inclined to pursue with zeal.

### **WHAT THE HELL WERE YOU THINKING?**

Its time to man up. Looking forward to hearing positively from you, I am

Most Sincerely Yours,



David E. Bakken, Ph.D.  
Associate Professor of Computer Science, WSU

Encl:

1. Context on the impact: summary of the Bakken's "perfect storm" bad year
2. Email dialogue in April 2011 with Mark Johnston, R.Ph, Executive Directory of the Idaho BOP
3. Impact narrative: Email from Dave's boss
4. Impact narrative: Email from Dave's colleague
5. Damage quantification: letter from consulting client Real Time Innovations, Inc.
6. Damage quantification: letter from consulting client Harris Corp.
7. Hearing notice from the IBOP for Case 10-225 (Beth's case)
8. Narrative from BOP interview with Wal Mart staff regarding the incident
9. The "package" sent to the Idaho BOP in reply to the hearing notice: the documents Dave prepared in Beth's defense (9 pages)



# Enclosure #1: Our Perfect Storm Bad Year

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The impact of the professional misconduct by Prof. Campbell hit our family in an almost unbelievably bad year. Here are highlights (not even all of the extraordinary events):

- **February 8, 2010:** The bogus and manufactured non-counseling incident happens
- **May, 2010:** We sell our house and move into a temporary apartment (hoping to move to the countryside). Teenage son is quite difficult while in apartment.
- **June 14, 2010:** **Beth has a major stroke (3 of them actually) at age 48. She had no risk factors** according to her neurologist and primary care physician. **Gee, I wonder if stress from that complaint had a role?**
- **November 2010:** we have to give up our hope for moving to the countryside at least until we are sure Beth can work as a pharmacist again or (as of April 2011 its still up in the air and at the least nowhere near).
- **January 20, 2011:** we close on a house. Due to the nasty year (including Dave having to drive everyone all over because Beth cannot drive), as of April we are still 70% in boxes and our garage is logjammed full of them so that I cannot even find a tool or other things I need, and have done things like buy \$200 of cables I had in a box somewhere to finish setting up our modest basement home theater, so its ready for my son's birthday overnighiter.
- **Late January, 2011:** we get the notice from IBOP that Beth must defend her license.
- **February 28 to March 4, 2011:** Dave finishes preparations for defending Beth's licsense (did some work in prior weeks) and they spend two days travelling to Boise to defend it.
- **Mid-March, 2011:** Dave picks up the nastiest chest cold imaginable, being completely out of the loop for 10 days (sleeping 16-18 hours/day then and only teaching classes). **Gee, might this have had something to do with being run down from the stress about Beth's license and having to prepare Beth's defense?**
- **March 28, 2011:** Dave begins what will be 10 days of hospitalization in both Pullman and Spokane for Guillain-Barre Syndrome (a nasty condition to have). Gee, could Dave having been run down so much and having that nasty chest cold (which he possibly got after being run down after having to spend a lot of time and stress defending Beth's license)?



**Dave Bakken (WSU) <dave.bakken.wsu@gmail.com>**

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## BOP Case 10-225 (Bakken, Campbell, Wal Mart)

2 messages

**Dave Bakken (WSU) <bakken@wsu.edu>****Tue, Apr 19, 2011 at 4:26 PM**

Reply-To: bakken@wsu.edu

To: "Mark D. Johnston" &lt;mark.johnston@bop.idaho.gov&gt;

Cc: Dave Bakken &lt;bakken@wsu.edu&gt;

Dear Mark,

Thank you for the information that you provided in helping me prepare a detailed answer to the complaint that was filed against my wife Beth. It was nice to meet you on March 4 at the BOP hearing. I am sorry that I did not get to thank you in person: I had to run out before it was over and the verdict known: I had to remotely attend a doctoral defense (and was unfortunately late for it as it was).

I found the hearings quite interesting. I was gratified to see that, at the very least, the board members found it fishy that a Dean of Pharmacy chooses to fill a prescription in a new pharmacy, claims that he wanted to ask a question the answer to which he almost certainly knew, and then after allegedly not being offered counselling he did not simply ask the question (um, I don't think one can get to be a Dean with being that shy.....). They were also quite concerned about the fact that the TASCOS system did not automatically record if counseling was offered: that is a big concern for good pharmacists who always offer counseling, because in a case like Beth's they are deprived of evidence backing them up. (Maybe Wal Mart decided to not provide harmful evidence for any bad pharmacists it has at the expense of all the good ones, which in my experience would be way over 99% of them.)

When should the minutes from those hearings be on the web? I look forward to seeing them!

Again, thanks for your assistance. The next time I am in Boise I would love to discuss these issues with both yourself and Deputy Attorney General Andy Snook, who was also a very helpful nice guy.

Best Regards,

Dave

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David E. Bakken, Ph.D.

Associate Professor of Computer Science, WSU School of EECS

Director, Experimental Infrastructure Software Lab

Chief Architect and Technical Pied Piper, GridStat project

Tel: [+1-509-335-2399](tel:+15093352399) (o) [+1-509-592-0238](tel:+15095920238) (m); Fax: [+1-509-335-3818](tel:+15093353818)E-mail: [bakken@wsu.edu](mailto:bakken@wsu.edu); URL: [www.eecs.wsu.edu/~bakken](http://www.eecs.wsu.edu/~bakken) && [www.gridstat.net](http://www.gridstat.net) && [www.bakken-middleware.com](http://www.bakken-middleware.com)

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**Mark D. Johnston** <Mark.Johnston@bop.idaho.gov>**Tue, Apr 19, 2011 at 5:30 PM**

To: "bakken@wsu.edu" &lt;bakken@wsu.edu&gt;

Dave,

It was a pleasure to chat with you too. Certainly, I'm available to meet with you when you are in town. My travel schedule can get crazy, so please check in advance of your travel.

The minutes should be posted during the first week in May, after the Board approves them on 4/28/11.

I do believe that proof of counseling would have been a considered factor during and before these hearings. A Wal-Mart official did tell a Board associate that their computer system could capture such documentation but that the function was not activated due to the lack of such a requirement in Idaho. I will be presenting a rule change to the Board on 4/28/11, which would require such documentation.

I (and all members & employees of the Board) did not know that the complainant was the interim Dean of WSU. This did factor in the Board's decision and would have been nice to have been disclosed with the complaint.

Sincerely yours,

Mark Johnston

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**From:** [dave.bakken.wsu@gmail.com](mailto:dave.bakken.wsu@gmail.com) [mailto:[dave.bakken.wsu@gmail.com](mailto:dave.bakken.wsu@gmail.com)] **On Behalf Of**

Dave Bakken (WSU)

**Sent:** Tuesday, April 19, 2011 5:27 PM**To:** Mark D. Johnston**Cc:** Dave Bakken**Subject:** BOP Case 10-225 (Bakken, Campbell, Wal Mart)

[Quoted text hidden]





Dave Bakken (WSU) <dave.bakken.wsu@gmail.com>

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**Behrooz Shirazi** <shirazi@eecs.wsu.edu>

**Mon, Mar 14, 2011 at 4:41 PM**

To: "Bakken, David Edward" <bakken@wsu.edu>

Cc: "Shirazi, Behrooz" <shirazi@wsu.edu>

Dave,

We need you to do your job. I know that this last year has been rough with your wife's stroke, and I have heard of your problems with subcontractors to finish the basement in your house you bought 1/20 (sorry to hear you are still 60% in boxes). But I pay you about \$2700 a week (I know you get 4X that in consulting...) and we need you to keep up with your job.

Can we meet sometime soon to discuss this? You really need to focus on your job. Do I need to get Dean Claiborn involved?

Behrooz

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Dave Bakken (WSU) &lt;dave.bakken.wsu@gmail.com&gt;

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# NSF Proposal

2 messages

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**Bose, Anjan <bose@wsu.edu>****Mon, Mar 14, 2011 at 11:52 AM**

To: Dave Bakken &lt;bakken@eecs.wsu.edu&gt;

Dear Dave:

Look, I know things have been not going well, but you need to step it up on this proposal.

You were completely missing in action the week of February 28 to March 4, and barely here more this last week. You even skipped the key March 3 teleconference, and Friday you finally got your draft to Kameshwar at his 3pm deadline, actually missing it by 30 minutes. And then you were out of town and even called in late to your PhD Committee duties for the defense on March 4. What is going on here? Can I help in any way?

Do you know whom you are dealing with here? I know you are considered to be the leading computer science expert in the US (and quite possibly the world) who understands how the power grid works, since we have worked together for a dozen years now. But, not only am I a member of the National Academy of Engineering, but also Pravin Varayia from Berkely EE and K. Mani Chandy from Caltech CS are too, and they are both of course also PIs on this proposal, and you are only an Associate Professor from a computer science program that is probably not in the top 100. Do you ever want to make IEEE Fellow or get promoted to Professor? If so, you need to make sure that we win this proposal.

How can I help? I am sorry I have been on travel the last few days. We should meet soon.

*Anjan*

Anjan Bose

Regents Professor

Distinguished Professor of Electric Power Engineering

School of Electrical Engineering & Computer Science

Washington State University

Pullman, WA 99164-2752, USA

T: [509-335-1147](tel:509-335-1147) F: [509-335-3818](tel:509-335-3818) M: [509-432-9679](tel:509-432-9679)

(Placeholder for Enclosure #5: Letter from RTI. They will document how I consulted to them at \$500/hour in April 2010 for training classes.)





(Placeholder for Enclosure #6: Letter from Harris. They will document how I consulted to them at \$400/hour in June-July 2010.)



**BEFORE THE BOARD OF PHARMACY  
STATE OF IDAHO**

In the Matter of the License and	)	
Registration of:	)	Case No. BOP 10-225
	)	
ELIZABETH BAKKEN, R.Ph.	)	<b>ADMINISTRATIVE</b>
Pharmacist License No. P5716	)	<b>COMPLAINT</b>
CS Registration No. CS9875	)	
	)	
Respondent.	)	

**TO: Elizabeth Bakken, R.Ph.**  
**P.O. Box 1385**  
**Pullman, WA 99163**

**NOTICE OF OPPORTUNITY FOR A HEARING**

Pursuant to the provisions of title 54, chapter 17, Idaho Code, and the duly promulgated rules of the Idaho State Board of Pharmacy ("Board"), you are hereby notified that you have been charged with violating the Board's rules and regulations and/or the Idaho Code as outlined below. You may request to appear before the Board at its next regularly scheduled meeting on **March 4, 2011, in Boise, Idaho**. If this date and time is unavailable to you and/or your counsel and/or your witnesses, you may request another date and time for a hearing. **This request for a different date and time for a hearing must be submitted in writing within twenty-one (21) days of the date this Administrative Complaint is postmarked.** *If you have any questions, please feel free to contact Andy Snook directly, either in writing at P.O. Box 83720, Boise, Idaho 83720-0010 or via phone at 208-334-4550.*

**ADMINISTRATIVE COMPLAINT**

COMES NOW, the Idaho State Board of Pharmacy ("Board"), by and through its Executive Director, and charges Elizabeth Bakken, R.Ph. ("Respondent") with violating the laws and rules governing the practice of pharmacy in the state of Idaho as follows:

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## **JURISDICTION**

### **I.**

The Board may regulate the practice of pharmacy in the state of Idaho in accordance with title 54, chapter 17, Idaho Code, the Idaho Pharmacy Act, and the rules of the Board, promulgated at IDAPA 27.01.01. The Board is further empowered by title 37, chapter 27, Idaho Code, to administer the regulating provisions of the Uniform Controlled Substances Act in the state of Idaho.

### **II.**

Respondent is a licensee of the Board and holds Pharmacist License No. P5716 and Controlled Substance Registration No. CS9875 to practice pharmacy in the state of Idaho. Respondent's license and registration are subject to the provisions of title 54, chapter 17, Idaho Code, and the provisions of title 37, chapter 27, Idaho Code.

## **ALLEGATIONS**

### **III.**

On February 8, 2010, patient W.C. sought to have a prescription filled at the Wal-Mart Pharmacy in Moscow, Idaho ("Wal-Mart Pharmacy"). W.C. was a new patient at the Wal-Mart Pharmacy, with a new prescription, and had no previous contact with the Wal-Mart Pharmacy. In addition, W.C. had a specific question concerning the potential side effects of the new prescription.

### **IV.**

On February 8, 2010, Respondent was working as a pharmacist at the Wal-Mart Pharmacy and checked the prescription accuracy of W.C.'s prescription prior to order entry by the pharmacy technician.

### **V.**

At no time prior to, during, or after the filling of W.C.'s prescription on February 8, 2010, did Respondent offer to counsel patient W.C. with regard to the prescription.

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## VI.

Respondent's actions, as described above, are in violation of the laws and rules governing the practice of pharmacy in the state of Idaho and constitute grounds for discipline as follows:

- a. Idaho Code § 54-1749 (when filling a prescription a pharmacist shall complete a prospective drug review and then offer to counsel the patient or caregiver "face to face" when possible or appropriate);
- b. Idaho Code § 54-1726(f) (violation of any of the provisions of this chapter, chapter 27, title 37, Idaho Code, or rules adopted by the Board); and
- c. Board Rule 184.13 (any activity by a pharmacist that is inappropriate to the conduct of the profession of pharmacy) (IDAPA 27.01.01.184.13).

### PRAYER FOR RELIEF

WHEREFORE, the Board prays for the following action:

1. That a hearing commence at the next Board meeting, scheduled for March 4, 2011, to allow evidence on the allegations contained in the Complaint to be presented before the Board or the Board's designated hearing officer;
2. That after taking evidence, or after Respondent fails to file an Answer to this Complaint, the Board or its designated hearing officer shall issue findings of fact and conclusions of law, which findings of fact and conclusions of law shall be submitted to the Board for a determination as to the appropriate discipline.
3. If an Answer to this Complaint is not timely filed (within twenty-one (21) days after service of the pleading), the presiding officer may issue a notice of default against Respondent.

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4. For such other and further relief as the Board deems just and proper in these circumstances.

Dated this 27<sup>th</sup> day of Jan, 2011.

IDAHO STATE BOARD OF PHARMACY

By: 

Mark Johnston  
Executive Director

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### NOTIFICATION OF PROCEDURAL RIGHTS

Pursuant to the provisions of the Administrative Procedure Act codified at title 67, chapter 52, Idaho Code, and the Idaho Rules of the Administrative Procedure of the Attorney General, promulgated at IDAPA 04.11.01.270.01, if you wish to contest the charges set forth in this Complaint, you must: (1) file an Answer to the allegations in writing with the Idaho State Board of Pharmacy within 21 (twenty-one) days after receiving the Complaint and (2) request an evidentiary hearing on the charges.

You are further notified that if you fail to answer and/or request a hearing, the Board may enter a default against you and be granted the relief sought in this Complaint. Upon receipt of your Answer and request for hearing, the matter will be reviewed and a hearing scheduled. You will then be notified of the date, time and place of the hearing, the name of the hearing officer appointed by the Board (if any) and further notification of your procedural rights and responsibilities.

You also have the right to be represented by legal counsel, at your own expense, during this administrative proceeding.

Copies of the Administrative Procedure Act and the Idaho Rules of the Administrative Procedure of the Attorney General may be obtained at the Idaho State Law Library or on the Internet at <http://www2.state.id.us/adm/adminrules/index.htm>.

All persons requiring assistance pursuant to the Americans with Disabilities Act in order to participate in or understand the hearing must request such assistance ten (10) days in advance of the hearing by contacting the Board at the number or address listed below.

All original documents must be filed with the Board's Executive Director at the following address:

Idaho State Board of Pharmacy  
3380 Americana Terrace  
P. O. Box 83720  
Boise, ID 83720-0067  
Telephone: (208) 334-2356  
Facsimile: (208) 334-3536

A copy of the Answer and every pleading, motion or subsequent document filed with the Board must also be served upon the prosecuting attorney for the Board at the following address:

Andrew

Andrew J. Snook  
Deputy Attorney General  
Civil Litigation Division  
P. O. Box 83720  
Boise, ID 83720-0010

208-334

FAX 208-334-4151

Voz 208-332-3092


### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22<sup>nd</sup> day of Jan, 2011, I caused to be served a true and correct copy of the foregoing ADMINISTRATIVE COMPLAINT by the following method to:

Elizabeth Bakken, R.Ph.  
P.O. Box 1385  
Pullman, WA 99163

Andrew J. Snook, DAG  
Civil Litigation Division  
P. O. Box 83720  
Boise, ID 83720-0010

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile:
- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Overnight Mail
- ☐ Facsimile:
- ☒ Statehouse Mail

  
Mark Johnston  
Executive Director



Date: 3 March 2010 Pharmacy Name: Walmart Pharmacy License No.: 8784

10-1870

Narrative: On February 8, 2010 William Campbell presented a prescription for Ciprofloxacin 500mg from Pullman Ready Care by Brad P Bowman MD to Sarah Sanderson T1588 at 3:36 pm. Elizabeth Bakken, RPh checked prescription accuracy for order entry. Mr Campbell's insurance had problems electronically. Sarah had called Mr Campbell to the counter to get more information from his insurance card. Mr Campbell seemed to be impatient. Susie Paulson RPh completed the final check after prescription was processed through insurance. At 3:57 pm, Edna Bostain T3589 sold medication to Mr Campbell. Edna does not recall this transaction specifically. However, Walmart's computer program when a prescription is scanned for sale, the computer prompts technician to ask patient if he/she would like counseling before sale can be completed.  
Attached: Copies of Rx

Patient Information - Ciprofloxacin 500mg

Regina Kuttel  
Board Compliance Officer/Investigator Signature

B Bakken  
Pharmacist Signature

3 March 2010  
Date

3-3-10  
Date