

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).

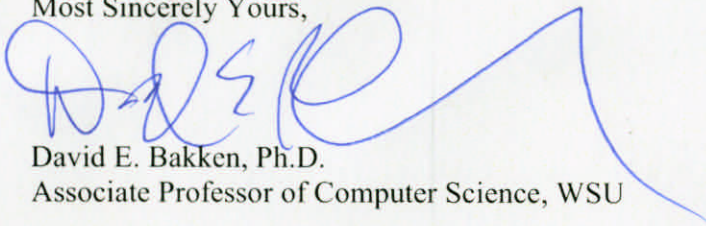
Its time to own up for what you inflicted on us. I have done some dumb things in my life and needed forgiveness. And, in talking with a staffer at WSU, it seems that you are actually revered here at WSU. So not only does that tell me that you are not a complete jerk, but also that, if you are (as seems 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)



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

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" <mark.johnston@bop.idaho.gov>

Cc: Dave Bakken <bakken@wsu.edu>

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

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; URL: www.eecs.wsu.edu/~bakken && www.gridstat.net && www.bakken-middleware.com

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

To: "bakken@wsu.edu" <bakken@wsu.edu>

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

From: 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>

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



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

NSF Proposal

2 messages

Bose, Anjan <bose@wsu.edu>

Mon, Mar 14, 2011 at 11:52 AM

To: Dave Bakken <bakken@eecs.wsu.edu>

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.)	ADMINISTRATIVE
Pharmacist License No. P5716)	COMPLAINT
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 27th day of Jan, 2011.

IDAHO STATE BOARD OF PHARMACY

By: 

Mark Johnston
Executive Director

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 22nd 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

1970 NW Bella Vista Drive
Pullman, WA 99163

March 2, 2011

Idaho State Board of Pharmacy
1880 Americana Terrace
PO Box 83720
Boise, ID 83720-0067

Re: Administrative Complaint Case No. BOP 10-225

Dear Board:

This letter is an answer to the allegations in the aforementioned administrative complaint (dated 27 January 2011) regarding an incident that occurred at the Moscow Idaho Wal Mart Pharmacy on 08 February 2010. This letter replaces the one I sent on February 15 of this year. More details on the reason for my needing to send this replacement letter are near the end of this letter.

The major differences in this updated letter are summarized as follows:

1. My postal address (above)
2. Replacing the second paragraph:
 - a. I stated "I have no recollection of this transaction, other than he was upset and/or impatient about insurance issues". After I wrote this letter, I realized that I may not have direct memory of the patient being upset about insurance issues: that notion probably came into my memory from the writeup of the incident and it was thus the technicians who had direct recollection of this.
 - b. Replacing the last two sentences about Wal Mart's clear bagging system. I have no direct knowledge that this was in place in the Moscow pharmacy when this incident occurred; in fact I am positive that it was installed after this incident. The reason for my initial incorrect verbiage is at the bottom of this letter.
3. Providing more commentary on the material the Board sent which I received after this letter namely addressing the inclusion of my SSN in the document.
4. Additional letters of testimony from other people.

Moving past these preliminaries, I will now reply to the Board regarding this incident. On the date in question, Patient W.C. ("patient") came to have a new prescription filled. I have no recollection of this transaction, though I do know that he did complain to the Board a few weeks later. The narrative from this incident was prepared for BOP by Gina Knittel is dated March 3, 2010, and I assume the Board is in possession of. That narrative consists of my team's recollection of this transaction from when we discussed it when she visited the pharmacy within 2-3 weeks of the incident in question.

I do note that the pharmacy was not on the date of the complaint using the clear bag system, as outlined in the Wal Mart memo of 31 August 2006 (and as incorrectly stated in my earlier letter; reason



is below). However, the pharmacy did have a system in place to ensure that those picking up all new prescriptions are given the chance to accept or decline counseling. As I mentioned above, I have no direct memory of this transaction, including whether or not the patient was offered counseling. I do note that I have been a pharmacist for over 25 years, and have worked in four states (Washington, Idaho, Arizona, and New Hampshire). It has long been my standard protocol to always give counsel for a new prescription for any patient, whether at the time it is picked up, or at any other time that is possible (such as over-the-phone or during the filling process). I note that this has long been my professional policy even when working at retail pharmacy in states that did not require such counseling. Indeed, on a personal level I greatly enjoy counseling patients, which is why I changed from practicing hospital pharmacy to retail after about 20 years ago.

At this point I wish to offer commentary on information that I received from the Board after sending my letter. Namely, I do note that my SSN was included on some of the documentation that I received. I believe it was unnecessary to do this, because my license number alone should have been sufficient to uniquely identify me in the documents for this case. While I wish that the Board and others had not been given my SSN, please go to extreme lengths to ensure that it is not part of any public release of records.

Given the above, and the passage of time, I regret that I cannot provide the Board with any further information germane to this case. It was most unfortunate that it was almost a full year after the incident in question that I received this notification from the Board. I note for the record that this is the first time in all my practice in any state that any similar kind board interaction has happened, including not even having received any reprimand of any kind from any board of pharmacy or any employer. With all due respect to the Board, then, it seems to me to be disproportionate (and, frankly, puzzling) that after only once such complaint that I am required to travel to Boise and defend my license. Having said that, however, I wish to reaffirm that I will of course assist your investigation in any way I can, even beyond the testimony which I will provide to you on March 4.

In addition to the above commentary, enclosed with this letter are additional letters from people who can offer direct observations about my counseling of patients. One person who very much wanted to provide a letter testifying to my diligence in counseling patients is Karen Gould R.Ph. (Idaho P5303 and N16676). I met with her Sunday morning, and she wanted to provide strong supporting testimony. However, due to schedule and personal issues, she could not get this prepared before we had to drive to Boise. She said she would be quite willing to provide any input desired by the Board. While I do not have Karen's contact info handy, I am sure that you have it on file.

Finally, I wish to apologize for the letter of February 15, which was superseded by this letter. In summary, there was a perfect storm of circumstances that contributed to this. First, as you know, I have a health condition at present (one which did not start until months after the date in question) that (presumably temporarily) makes it hard for me to type letters, and causes me to occasionally stutter and always need much more sleep, so my husband was drafting versions of this first letter (as well as this updated one). Second, recent months have been the busiest ever for him as a professor, and he had been working late nights on many things, including this letter. Third, he was being fed information by



email from Wal Mart about this that he thought was true, namely the two sentences about the clear bag system (which they provide for inclusion in this letter). Fourth, we are in the middle of moving from a post-sale temporary apartment into a home, the basement of which we are finishing (and that has really dragged out alas). As a result of this and my husband's business trips, we would only check our PO Box every week or more (I cannot drive at present so only he could check), so information got to me slowly from the Board. Fifth, we don't have internet and our computers up at our new house yet, so I could not check this email myself and also he had to type the letters at work away from my direct oversight and checking, and then shuttle them back and forth. Finally, I am pretty sure that he woke me up from sleep to get my signature on this final draft (and I did not read it carefully; I was upset when I did so later), because it had to be received in Boise two days later. All of this led to the incorrect few sentences, which I provide here in context for the record:

Further, I note that Wal Mart has a standard operating procedure in place which was designed to eliminate the possibility of a new prescription reaching the patient without interaction with the pharmacist. With this procedure, all new prescriptions are placed in clear bags; upon checkout must have the final bagging done by the pharmacist upon counsel with the patient. Although there may be a time delay between when the patient checks out and when the pharmacist can present the prescription (depending on workload, etc), this practice ensures that the patient has the opportunity to receive counsel.

Looking forward to testifying and having this matter behind me, I am

Most Respectfully Yours,



Elizabeth A. Bakken, R.Ph.

Idaho License No. P5716

Cc: Andrew J. Snook
Deputy Attorney General
Civil Litigation Division
1880 Americana Terrace
PO Box 83720
Boise ID 83720-0010

Encl: Letter from Billy Amos, R.Ph, Idaho License P5328
Letter from Brent McIntosh, R.Ph., former Wal Mart pharmacy manager at Moscow
Letter from technician Amy Farley
Letter from technician Edna Hastain
Letter from David Bakken, Ph.D.

Billy E. Amos
606 Homestead St
Moscow, ID 83843
March 2, 2011

Idaho State Board of Pharmacy (c/o Dr. David Bakken)
1880 Americana Terrace
PO Box 83720
Boise, ID 83720-0067

Re: Elizabeth A. Bakken, R.Ph. (BOP 10-225)

Dear Board:

I am writing to offer my observations on Elizabeth Bakken, and also on patient counseling in the Moscow WalMart, which is the subject of your hearing this Friday.

I had the pleasure of working with Beth in the Moscow WalMart for a number of years. In my extended observations of her, she was eager to provide patients with extensive counseling. This included patients with first-time prescriptions, refills, OTC products and a broad array of health related topics. WalMart is famous for making things efficient in many ways, so if anything, Beth may have been counseling more than they wanted, not too little.

Having worked a dozen years with Walmart, it is difficult for me to believe that a patient was not offered counseling, though a rare fluke could happen. Our cashiers consistently offered counseling (by the pharmacist or pharmacy intern) to all patients with new prescriptions. In addition, printed prescription information was bagged with all prescriptions and patients were encouraged to call the pharmacy if they had questions.

Prior to my departure, the TASCO system was used to process prescriptions at the point of purchase. This system alerted the cashier of special instructions and/or prescriptions requiring consultation with a pharmacist. In my experience, this system worked very well and the BOP inspectors were satisfied with the system when they visited our store.

Prior to my departure in the summer of 2009, the Moscow Walmart had not implemented the "clear bag system" due to space limitations, however there was a system in place to ensure first time patients were offered counseling.

Please feel free to contact me if I can be of further assistance.

Sincerely,


Billy E. Amos, R.Ph

Idaho License No: P5328
208.669.1958

2/28/11

Case: BOP 10-225

Idaho State Board of Pharmacy,

I've worked as a Pharmacist / Pharmacy Manager for Walmart for over 20 years and am still employed by Walmart. I've known Beth Bakken for approximately eight years as I was pharmacy manager for ten years in Moscow, ID. While working different shifts with Beth she was always very diligent in counselling patients. Beth enjoys talking to each patient about their medications and provided counselling at every opportunity presented. I moved to Arizona in November of 2009 and currently reside there.

~~Beth Bakken~~ RPh
Brent McIntosh RPh

My name is Amy Fairley. I have worked for Wal-Mart Pharmacy for more than five years and during that time I worked with Beth Bakken. I believe that Beth is a pharmacist who cares about our customers. Beth was always ready to help any customer who had a question, and she would stay with the customer until any problems were satisfactorily settled.

Amy Fairley

To Whom It May Concern:

I am a pharmacy technician who worked with Beth Bakken in a retail pharmacy for more than a year. I observed her to be a compassionate pharmacist who was always willing to help our customers. Beth is a good listener and would spend time with the customer until she felt any questions or problems were addressed.

Edna Hastain

Edna Hastain

1970 NW Bella Vista Drive
Pullman, WA 99163

March 2, 2011

Idaho State Board of Pharmacy
1880 Americana Terrace
PO Box 83720
Boise, ID 83720-0067

Re: Administrative Complaint Case No. BOP 10-225

Dear Board:

I am the husband of Elizabeth ("Beth") Bakken, who is named in this case, and have been for over 25 years. I am (breathtakingly) unqualified to comment on her abilities as a pharmacist, and even if I were to my objectivity should of course be doubted. However, I do have direct observations of information that is germane to this case, ergo this letter she has enclosed.

First of all, I have lengthy direct observations indicating that Beth absolutely loves to counsel patients. Indeed, she switched from hospital to retail just because she really missed the interactions with patients that she was exposed to in an internship. An additional indicator of this was when we went to visit the house we now live at for the first time, when it was for sale; it turned out that the wife had been counseled quite a bit by Beth. The wife, Sharon Heltzer, was absolutely delighted to see Beth. She gushed on and on about how wonderful Beth's lengthy counseling was for her glandular condition, and she was sad when Beth was no longer there (as you know due to being on sabbatical to recover from her stroke).

I have also seen her in at work quite often. At least once a week I would come to pick her up before her shift was over, or be shopping in the store. She would be counseling patients much of the time, often at great length.

Finally, I have acted as Beth's counsel in this case; we can't afford a lawyer now (we had 2 kids in college when her stroke happened last June) so I am quite familiar with the paperwork, and have talked with technicians and pharmacists. From that perspective, it is hard for me not to conclude that something WAY beyond the processing of a simple and sincere complaint is going on here.

First of all, while I am definitely not the type to shoot the messenger, the patient who filed this complaint seemed to me to have a big axe to grind. Even if he indeed came with a medical question to be answered, and he somehow was not offered counseling (which I find highly unlikely), why on earth did he not just ask his question, as any reasonable person would? Because I would literally stake my life on the proposition that, had he asked, he would have not just been counseled but he would have been so to a satisfactory degree.

It is also noteworthy enough that it seems unheard of for a pharmacist with no record of any complaints or reprimands to get called in front of the board over a single complaint. Indeed, in discussing with local

(Idaho) pharmacists and technicians, it seems that there was recently a case where an Idaho pharmacy sent a 90-something man home with an extra prescription (not his), one to clear out bowels before surgery, and that almost killed him. Yet it is our understanding that the pharmacist in question was received a reprimand (which may well have been an appropriate punishment) but was never even called before the board.

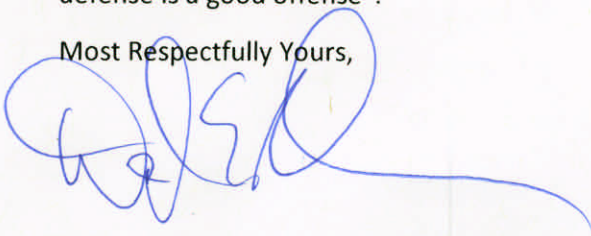
It is also very noteworthy that this board case involves a pharmacy that has since moved out of Idaho over the border to Pullman, and involves two pharmacists that are not actively practicing (Beth is on stroke rehab and Susan is basically 90% or 100% retired). That is REALLY curious...

Finally, it seems like someone in the system here is out to get Wal Mart, too (which may or may not be a good thing to some).

All these things above make it to any reasonable person seem extremely unreasonable to drag a pharmacist into be questioned by the board, with her license (or at the very least a reprimand) in question. And to do so at her time and expense; and for most pharmacists it would result in either hiring expensive counsel, or in my case (since we can't afford one) having to waste at least 40 hours on this. So, unless this summons and hearing can be taken completely at face value, something is at wrong here, although it may well beyond the scope of the board members.

Thank you for the opportunity to provide input germane to this case. For the record, I have no doubt that the members of the Board are salt-of-the-earth pharmacists who are good people and who would rather be with their families now, so please do not take anything above personally. And, for what it is worth, I am neither the kind to whine about things nor to believe that in such circumstances "the best defense is a good offense".

Most Respectfully Yours,

A handwritten signature in blue ink, appearing to read 'David E. Bakken', with a long, sweeping horizontal line extending to the right.

David E. Bakken, Ph.D