

BEFORE THE INDIANA BOARD
OF PHARMACY
CAUSE NUMBER: 2004 IBP 0033

STATE OF INDIANA,)

Petitioner,)

v.)

KATHRYN T. WROBLEWSKI,)
LICENSE NUMBER: 67003506,)

Respondent.)

FILED

JUN 01 2005

HEALTH PROFESSIONS
BUREAU

FINAL ORDER AND APPROVAL

The Petitioner, the State of Indiana, by Shelley M. Johnson, Deputy Attorney General, Consumer Protection Division ("Petitioner"), the Respondent Kathryn T. Wroblewski, Pharmacy Technician, ("Respondent"), and her counsel, David Butterfield, Esq., entered into a Settlement Agreement, which purports to resolve all issues involved in the action by the Petitioner before the Indiana Board of Pharmacy ("Board") regarding Respondent's license, and which has been submitted to the Board for approval.

The Board, after reviewing the Agreement, now finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Board hereby incorporates the Agreement as if fully set forth herein and approves and adopts in full the Agreement as a resolution of this matter. The Board adopts the Agreement and enters this Agreed Order by a vote of 4-2-0.

FINDINGS OF FACT

1. Respondent's address, on file with the Board, is 208 Sharon Boulevard, Chesterton, Indiana 46304 and she is a licensed pharmacy technician in the State of Indiana holding license number 67003506.

2. Respondent worked as a pharmacy technician at CVS Pharmacy, 2004 N. Calumet Avenue, Valparaiso, Indiana 46383 from March 23, 1999 until June 29, 2004

3. On or about June 24, 2004, Anthanasios Tsagris ("Tsagris"), R.Ph., Pharmacy Manager, received a telephone call from Robert Taylor ("Taylor"), an Investigator from the Porter County Prosecutor's Office. Taylor informed Tsagris that the Respondent had been stealing generic Vicodin from the CVS Pharmacy on Calumet Avenue, according to an anonymous tip received by the Porter County Prosecutor's Office.

4. On or about June 24, 2004 and June 25, 2004, Tsagris informed both his District Manager and Loss Prevention Representative, Reggie Beal ("Beal"), of the information received from the Porter County Prosecutor's Office of the allegation that the Respondent had been diverting generic Vicodin.

5. On or about June 29, 2004, Tsagris and Beal confronted the Respondent about diverting generic Vicodin from CVS Pharmacy. The Respondent indicated that she took the generic Vicodin tablets and gave them to an individual that used to work for CVS Pharmacy. Respondent confessed, in writing, that she would divert 20-25 tablets twice per month from the months of October 2003 to April 2004. Respondent stated that she had diverted approximately three hundred fifty (350) generic Vicodin tablets from the pharmacy.

6. Respondent's signed written statement explained that she had diverted the generic Vicodin by placing the pills in an envelope while the pharmacist on duty went to the restroom. Respondent additionally signed a promissory note to CVS Pharmacy in the amount of three hundred twenty dollars (\$320.00) for the cost of the generic Vicodin.

7. Respondent's employment with CVS Pharmacy was terminated as a result of the above-described conduct on or about June 29, 2004.

CONCLUSIONS OF LAW

The conduct described above constitutes a violation of Indiana Code § 25-1-9-4(a)(1)(B), in that, the Respondent has engaged in fraud or material deception in the course of professional services or activities and Indiana Code § 25-1-9-4(a)(8), in that, the Respondent has diverted a legend drug.

ORDER

Therefore it is now **ORDERED**,

1. Respondent's Indiana pharmacy technician license is **INDEFINITELY SUSPENDED**. Respondent may not petition for reinstatement of her Indiana pharmacy technician license for period of two (2) years from the date of the execution of this Order.

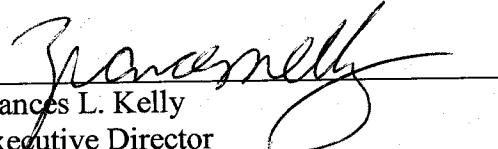
2. Violation of the resulting order, or otherwise reported non compliance with the statutes and regulations relating to the competent practice of pharmacy may result in the State independently, or at the request of the Board, requesting an emergency suspension of her license, pending a reinstatement of the initial action giving rise to this resolution, an Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to Indiana Code § 25-1-9-4(a)(10), any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

3. The Board will have continuing jurisdiction of this matter.

So ORDERED, ADJUDGED, DECREED, this 1 day of June 2005.

INDIANA BOARD OF PHARMACY

By:


Frances L. Kelly
Executive Director
Health Professions Bureau

copies to:

Kathryn T. Wroblewski
208 Sharon Blvd.
Chesterton, IN 46304
SENT CERTIFIED MAIL NO. 7002 2410 0002 4112 1902
RETURN RECEIPT REQUESTED.

David Butterfield, Esq.
11 Lincolnway
Valparaiso, Indiana 46383

Deputy Attorney General Shelley M. Johnson
Office of the Attorney General
402 West Washington Street, 5th Floor
Indianapolis, Indiana 46204-2770

BEFORE THE INDIANA STATE
BOARD OF PHARMACY
CAUSE NUMBER: 2004 IBP 0033

STATE OF INDIANA,

Petitioner,

v.

KATHRYN T. WROBLEWSKI,
LICENSE NUMBER: 67003506,

Respondent.

)
)
)
)
)
)
)
)
)
)
)

FILED

APR 13 2005

HEALTH AND HUMAN SERVICES
BUREAU

AGREEMENT

The Petitioner, the State of Indiana, by Shelley M. Johnson, Deputy Attorney General, Consumer Protection Division ("the Petitioner"), and the Respondent, Kathryn Wroblewski, Pharmacy Technician ("the Respondent"), and her counsel, David Butterfield, hereby execute this Agreement to a disposition of the disciplinary complaint filed on August 31, 2004. This Agreement is subject to the review and approval of the Indiana State Board of Pharmacy ("the Board") pursuant to Indiana Code §25-14-1 et seq. and the Administrative Orders and Procedures Act, Indiana Code § 4-21.5-3 et seq.

Whereas, the Respondent is a licensed Pharmacy Technician in the State of Indiana with license number 67003506 and is subject to the jurisdiction and regulation of the Board;

Whereas, on August 31, 2004, an administrative disciplinary complaint was filed against the Pharmacy Technician's license of Respondent;

Whereas, Respondent worked as a pharmacy technician at CVS Pharmacy, 2004 N. Calumet Avenue, Valparaiso, Indiana 46383 from March 23, 1999 until June 29, 2004

Whereas, on or about June 24, 2004, Anthanasios Tsagris, R.Ph., Pharmacy Manager,

received a telephone call from Robert Taylor, Investigator from the Porter County Prosecutor's Office. Mr. Taylor informed Mr. Tsagris that the Respondent had been stealing generic Vicodin from the CVS Pharmacy on Calumet Avenue, according to an anonymous tip received by the Porter County Prosecutor's Office.

Whereas, on or about June 24, 2004 and June 25, 2004, Mr. Tsagris informed both his District Manager and Loss Prevention Representative, Reggie Beal of the information received from the Porter County Prosecutor's Office of the allegation that the Respondent had been diverting generic Vicodin.

Whereas, on or about June 29, 2004, Mr. Tsagris and Mr. Beal confronted the Respondent about diverting generic Vicodin from CVS Pharmacy. The Respondent indicated that she took the generic Vicodin tablets and gave them to an individual that used to work for CVS Pharmacy. Respondent confessed in writing that she would divert 20-25 tablets twice per month from the months of October 2003, to April, 2004. Respondent stated that she had diverted approximately three hundred and fifty (350) generic Vicodin tablets from the pharmacy.

Whereas, Respondent's signed written statement explained that she had diverted the generic Vicodin by placing the pills in an envelope while the pharmacist on duty went to the restroom. Respondent additionally signed a promissory note to CVS Pharmacy in the amount of three hundred and twenty dollars \$320.00 for the cost of the generic Vicodin.

Whereas, Respondent was terminated from CVS Pharmacy as a result of the above-described conduct on or about June 29, 2004.

Whereas, this matter was set for hearing before the Board on April 11, 2005; and

Whereas, the Respondent and Petitioner wish to resolve this matter without a hearing and have reached a resolution.

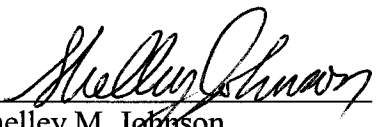
It is now therefore agreed by Respondent, Respondent counsel and the Petitioner as follows:

1. The Board has jurisdiction over the Respondent and the subject matter in this disciplinary action commenced on August 31, 2004.
2. The parties execute this Agreement voluntarily.
3. Respondent and Petitioner voluntarily waive their rights to a public hearing on the Complaint, and all other proceedings in this action to which either party may be entitled by law, including judicial appeal or review.
4. Respondent and Petitioner hereby agree that the Respondent's Indiana Pharmacy Technician's license is **INDEFINITELY SUSPENDED**. Respondent may not petition for reinstatement of his Indiana Pharmacy Technician's license for period of two (2) years from the date of the execution of this Order.
5. Petitioner agrees that the terms of this Agreement will resolve any and all outstanding claims or allegations or potential claims or allegations relating to disciplinary action against Respondent's license for the period between March 23, 1999 and the date of the Final Order.
6. Respondent has carefully read and examined this agreement and fully understands its terms and that, subject to a final order issued by the Board, this Agreement is a final disposition of all matters and not subject to further review.
7. Respondent further understands that:
 - a. information received by any other regulatory agency that indicates non-compliance with the statutes or regulations regarding the competent practice as a pharmacy technician; or
 - b. a violation of the Final Order,

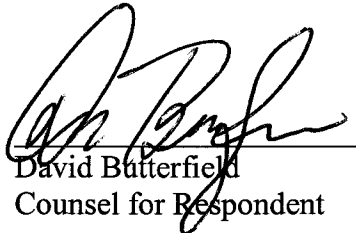
may result in the State requesting an emergency suspension of Respondent's license, pending a reinstatement of the initial action giving rise to this resolution, an Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to Indiana Code § 25-1-9-4(a)(10), any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

8. The parties agree to the continuing jurisdiction of the Board.

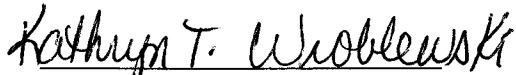
4/13/05
Date


Shelley M. Johnson
Deputy Attorney General

4/8/05
Date


David Butterfield
Counsel for Respondent

4/8/05
Date


Kathryn T. Wroblewski

STATE OF INDIANA)
COUNTY OF Porter) SS:

Before me a Notary Public for said County and State, personally appeared Kathryn T. Wroblewski
and David Butterfield and being first duly sworn by me upon his/her oath, says that the
facts alleged in the foregoing instrument are true.

Signed and sealed this 8th day of April, 2005

Marilyn S Morgan
Signature

Marilyn S Morgan
Printed

My Commission Expires: May 4, 2008

County of Residence: Porter