

BEFORE THE INDIANA STATE
BOARD OF PHARMACY
CAUSE NO.: 96 IBP 004

STATE OF INDIANA,

Petitioner,

v.

KATHERINE WISNIEWSKI, R.Ph.,
License No. 26016812,

Respondent.

FILED

SEP 16 1996

**HEALTH PROFESSIONS
BUREAU**

COMPLAINT

The State of Indiana ("Petitioner"), by counsel, Pamela Carter, Attorney General of Indiana, by Andrew S. Peacock, Deputy Attorney General, pursuant to Ind. Code 25-1-7-7(b), files its complaint against Katherine Wisniewski, R. Ph. ("Respondent"), and in support thereof alleges and states:

1. The Attorney General of Indiana is empowered to bring disciplinary complaints in the name of the State of Indiana before the Indiana State Board of Pharmacy ("Board") pursuant to Ind. Code 25-1-7-1 *et seq.*
2. The Board is charged with the duty and responsibility of regulating the practice of pharmacy in the State of Indiana pursuant to Ind. Code 25-26-13-4.
3. The Board is empowered to hold this disciplinary hearing pursuant to the authority of Ind. Code 25-1-9-4 and Ind. Code 4-21.5-3 *et seq.*
4. Respondent's address is 9311 W. 141st Street, Cedar Lake, Indiana 46303.

5. Respondent is a duly licensed pharmacist in the State of Indiana holding license number 26016812.

COUNT I

1. The Respondent was employed as a pharmacist by Revco Drugs (formerly Hook's Drugs Stores) for approximately five years. The Respondent worked as a "floating" pharmacist at several Revco pharmacies in Lake, Porter, LaPorte and Newton counties in Indiana.

2. On March 6, 1996, Steven Keen of Revco Drugs contacted Fred Biggs, a Pharmacy Board investigator, about the loss of medications from several Revco stores in northwest Indiana.

3. On March 7, 1996, Biggs interviewed Keen who indicated that Revco officials confronted Respondent on February 29, 1996 about medication shortages. Keen further stated that Respondent had given Revco officials a statement in which she admitted diverting medications from Revco for her own and her husband's use.

4. On March 7, 1996, Mr. Biggs interviewed Respondent at her Cedar Lake, Indiana, home. Respondent told Biggs that she started diverting Stadol nasal spray in July of 1995 and began diverting diet pills in September of 1995. She stated that she gave some of the medications to her husband for his use. Respondent acknowledged that she diverted the following medications:

<u>NAME</u>	<u>QUANTITY</u>
Fastin 30 mg capsules	150
Adipex-P 37.5 mg tablets	100
Stadol nasal spray units	80
Pondimin 20 mg tablets	200

Tenuate Dospan 75 mg tablets	100
Ionamin 30 mg capsules	700
Acetaminophen with codeine tablets	10

5. Respondent told Biggs that she did not have any prescriptions for these medications. She stated that she diverted medications from several stores because she worked as "floater" for Revco. She stated that she had diverted medications from two stores the previous week.

6. Respondent told Biggs that she diverted drugs at her husband's request and for emotional reasons that she could not identify. She indicated that she suffers from depression and that she had attempted suicide in May of 1995.

7. The conduct described above constitutes a violation of Ind. Code 25-1-9-4(a)(1)(B), the practitioner has engaged in fraud or material deception in the course of professional services or activities; Ind. Code 25-1-9-4(a)(4)(C) and (D), the practitioner has continued to practice although the practitioner has become unfit to practice due to physical or mental disability and addiction to, abuse of, or severe dependence upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely; and Ind. Code 25-1-9-4(a)(8), a practitioner has diverted a legend drug.

WHEREFORE, the Petitioner demands an order against the Respondent, Katherine Wisniewski, R.Ph. that:

1. Imposes appropriate discipline on the Respondent's Indiana pharmacy license;
2. Directs the Respondent to immediately pay all costs incurred in the prosecution of this case;
3. Provides such further relief as the Board deems just and proper in the premises.

Respectfully Submitted,

PAMELA CARTER
Attorney General of Indiana

By: Andrew S. Peacock

Andrew S. Peacock
Deputy Attorney General
Atty. No.: 15808-49

CERTIFICATE OF SERVICE

I certify that a copy of the above "Complaint" has been served upon the party and counsel of record listed below, by United States mail, first class postage prepaid, on this 16th day of September, 1996:

Katherine Wisniewski, R.Ph.
9311 W. 141st Street
Cedar Lake, Indiana 46303

Susan Brooks
McClure, McClure & Kammen
235 North Delaware Street
Indianapolis, Indiana 46204

By: Andrew S. Peacock
Andrew S. Peacock
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