

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

DEC 23 1996

**HEALTH PROFESSIONS
BUREAU**

FINDINGS OF FACT AND ORDER

The Indiana State Board of Pharmacy ("Board") met on November 18, 1996, in rooms 1 and 2 of the Conference Center, Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, to consider a proposed settlement concerning disciplinary charges against Katherine Wisniewski ("Respondent").

The proposed settlement resulted from a settlement conference held on November 18, 1996. The State of Indiana was represented during the settlement conference by Andrew S. Peacock. Respondent was present and was represented by Susan Brooks of the law firm McClure, McClure and Kammen in Indianapolis. Richard Waxman, R.Ph. presided over the settlement conference on behalf of the Board.

The Board, after considering the proposed settlement and taking official notice of its file in this case, by a vote of 5-0-1, with Mr. Waxman abstaining, issues the following Findings of Fact and Order:

FINDINGS OF FACT

1. 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.
2. Respondent's address is 2627 Castlewood Drive, Dyer, Indiana 46311.
3. Respondent is a duly licensed pharmacist in the State of Indiana holding license number 26016812.
4. Respondent received timely and proper notice of the State's Complaint in accordance with Ind. Code 4-21.5-3-8.
5. 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.
6. 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.
7. On March 7, 1996, Mr. Biggs interviewed Mr. Keen who indicated that Revco officials confronted Respondent on February 29, 1996, about medication shortages. Mr. Keen further stated that Respondent had given Revco officials a statement in which she admitted diverting medications from Revco for her own use and her husband's use.
8. On March 7, 1996, Mr. Biggs interviewed Respondent at her 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 most of the medications to her husband for him to use.

9. Revco records indicate that Respondent is responsible for the diversion of 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

10. Respondent told Mr. Biggs that she did not have any prescriptions for these medications. She stated that she did not monitor the exact numbers of medications she diverted, but she accepts responsibility for the quantity of medications determined by Revco. 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.

11. Respondent told Mr. 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.

12. Respondent's Indiana pharmacist's license was suspended on an emergency basis on March 11, 1996. Respondent's license has remained suspended by agreement since that date.

13. Pursuant to the Board's order, Respondent has undergone psychiatric and addictionology examinations. The results of those examinations indicate that Respondent suffers

from depression and codependency. Respondent is engaging in therapy to deal with those problems. Respondent has taken steps to end an abusive relationship which contributed to her instability and to the diversion of these medications.

ULTIMATE FINDINGS OF FACT

1. Respondent's conduct constitutes violation of Ind. Code 25-1-9-4(a)(4)(C), the practitioner has continued to practice although the practitioner has become unfit to practice due to physical or mental disability; and Ind. Code 25-1-9-4(a)(8), the practitioner has diverted a legend drug.

2. These violations warrant the imposition of disciplinary sanctions on Respondent's Indiana pharmacist's license.

ORDER

Based upon the above Findings of Fact, the Board issues the following Order:

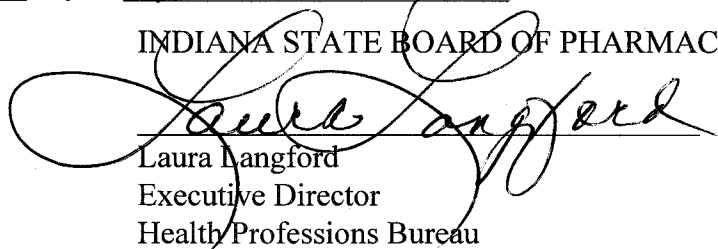
1. Respondent's Indiana license to practice pharmacy is **SUSPENDED INDEFINITELY** and Respondent shall not petition the Board for reinstatement of her license for a period of one year. Respondent shall be given credit for the period of time which she served on emergency suspension. Therefore, Respondent may not petition the Board for reinstatement of her Indiana pharmacist's license until March of 1997.

2. As conditions precedent to reinstatement, Respondent shall bear the burden of demonstrating that she is able to practice pharmacy with reasonable skill and safety to the public. Respondent shall:

- a. Provide the Board with the results of a second addictionology examination performed by Fred Frick, M.D. within 45 days of the date she petitions the Board for reinstatement of her pharmacist's license.
- b. Provide the Board with no fewer than two reports from her treating psychiatrist, Renee Hill, M.D.
- c. Provide the Board with monthly reports from her therapist.
- d. Provide the Board with the results of no fewer than three random urine drug screens.
- e. Provide the Board with verification of completion of no fewer than 15 hours of continuing pharmacy education.

SO ORDERED this 23rd day of December, 1996.

INDIANA STATE BOARD OF PHARMACY


Laura Langford
Executive Director
Health Professions Bureau

copies to:

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SENT CERTIFIED MAIL NO. P 087 398 177
RETURN RECEIPT REQUESTED.

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