

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

STATE OF INDIANA,

Petitioner,

v.

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

Respondent.

FILED

SEP 21 1998

**HEALTH PROFESSIONS
BUREAU**

NOTICE OF HEARING TO REVIEW PROBATIONARY TERMS

Comes now the INDIANA BOARD OF PHARMACY, on its own motion and pursuant to IC 25-1-9-9(b) and hereby ORDERS Respondent, Katherine Wisniewski, R.Ph., to appear before the Board on October 19, 1998, at 11:00 a.m. in the Indiana Government Center South, Conference Center Room A, 302 W. Washington Street, Indianapolis, Indiana 46204.

The Board will review this case to determine if her probation should be modified or withdrawn, or if the Respondent's license should be summarily suspended due to her failure to comply with the terms in her probationary order. A copy of the Findings of Fact and Order of December 23, 1997, is attached herein and referenced as Exhibit "A".

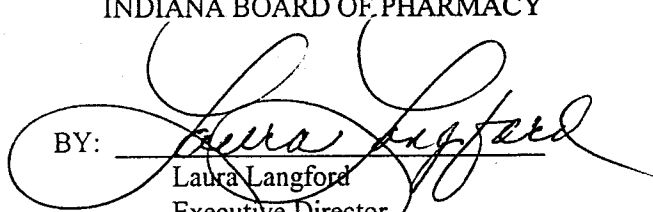
1. This notice is being provided to Respondent, Katherine Wisniewski, R.Ph., 2627 Castlewood Drive, Dyer, Indiana 46311 and counsel for Respondent, Susan W. Brooks, McCLURE McCLURE & KAMMEN, 235 North Delaware Street, Indianapolis, Indiana 46204.

2. This notice is being given to counsel for Petitioner, State of Indiana, Beth Anne Compton, Deputy Attorney General, Office of the Attorney General, 402 West Washington Street, 5th floor, Indianapolis, Indiana, 46204, telephone number (317) 233-2351.

3. The official cause no. of this action is 96 IBP 004.
4. This action is a disciplinary hearing to determine whether or not a disciplinary sanction should be imposed on the license of the Respondent.
5. The Board will be presiding as administrative law judge.
6. Kristen A. Burch, director of the board, may be contacted to obtain information concerning hearing schedules and procedures by mail in care of the Health Professions Bureau, 402 W. Washington street, Room 041, Indianapolis, Indiana 46204, or may be contacted by telephone at (317) 233-4403.
7. Any party may be advised and represented by counsel at the party's own expense.
8. A party who fails to attend or participate in a prehearing conference, hearing, or other later stage of this proceeding may be held in default or have the proceeding dismissed under section 24 of IC 4-21.5-3.
9. Pursuant to IC 4-21.5-34, this Board may afford parties the opportunity to informally settle matters; however, this section does not require any person to settle a matter under this agency's informal procedures.

All of which is ORDERED, ADJUDGED AND DECREED, this 21st day of
September, 1998.

INDIANA BOARD OF PHARMACY

BY: 

Laura Langford
Executive Director
Health Professions Bureau

cc: Katherine Wisniewski, R.Ph.
2627 Castlewood Drive
Dyer, IN 46311
CERTIFIED MAIL # Z 142 241 221
RETURN RECEIPT REQUESTED

Susan W. Brooks
McCLURE McCLURE & KAMMEN
235 North Delaware Street
Indianapolis, IN 46204

Beth Anne Compton
Deputy Attorney General
Office of the Attorney General
Indiana Government Center South, 5th floor
Indianapolis, IN 46204

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FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Indiana State Board of Pharmacy ("Board") held an administrative hearing on October 20, 1997, in Rooms 1 and 2 of the Conference Center, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana concerning Katherine Wisniewski's ("Respondent") Request to Reinstate her license.

The State of Indiana was represented by Andrew S. Peacock, Deputy Attorney General. Respondent appeared in person and was represented by her attorney, Susan Brooks of the law firm of McClure, McClure and Kammen in Indianapolis.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 4 to 0 with 1 abstention, issues the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent, who resides at 2627 Castlewood Drive, Dyer, Indiana 46311, is a licensed pharmacist in the State of Indiana holding suspended license number 26016812.

2. Respondent's license was suspended in December 1996 because she became unfit to practice due to physical or mental disability in violation of I.C. 25-1-9-4(a)(4)(C) and she diverted a legend drug in violation of I.C. 25-1-9-4(a)(8).

3. Respondent testified that she had an abusive husband and most of the drugs she diverted were for her husband's use.

4. Respondent testified that she will be divorcing her husband in February 1998.

EXHIBIT

A

5. Respondent has been diagnosed as having a bi-polar disorder and is taking lithium to treat that condition.

6. Respondent is also being treated by a psychiatrist, Dr. Renee Hill, who reports in a letter dated June 6, 1997, that:

Kathy has been cooperative with all treatment recommendations, is continuing to take Wellbutrin for treatment of her depression and is having a good response to this medication. She has successfully separated from her husband, and is starting a new life. She has found other employment and reports that she is very happy with her new job.

Kathy has had three (3) random urine drug screens to date with no evidence of her abusing addictive substances.

7. Respondent is working at the New Horizons Computer Learning Center in Chicago as a full-time computer instructor.

8. Respondent has completed 18 hours of continuing pharmacy education concentrating in the fields of drug abuse and care and treatment of patients with HIV.

9. Dr. Fred Frick, a certified addictionologist, recommended in a letter dated February 26, 1997, that Respondent's license be reinstated on probationary status.

10. Respondent has demonstrated to the Board that she is able to practice with reasonable skill and safety to the public provided she complies with the probationary terms below.

CONCLUSIONS OF LAW

1. "The board may reinstate a license which has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter." I.C. 25-1-9-11.

2. Because the Respondent has established that she may practice with reasonable skill and safety to the public if she complies with the terms of her probation, she qualifies for reinstatement of her license on probation.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Board issues the following Order:

1. The Respondent's license is reinstated and placed on INDEFINITE PROBATION. Respondent may not petition to have the probationary order withdrawn until after five years from the date of this Order.

2. Respondent must pass the practical and law exam as provided for in 856 IAC 1-3.1-1 before reinstatement of her license as a pharmacist.

3. The Respondent's practice of pharmacy shall be governed by the following TERMS AND CONDITIONS:

a) Respondent shall keep the Board apprised in writing of the following:

- 1) Current residence, mailing address, and residential telephone number.
- 2) Place of employment, employment phone number, and name of supervisor.
- 3) Occupation and work schedule, including number of hours worked per week.

b) Respondent shall cause her employer to submit quarterly reports to the Board indicating her professional competence, sense of responsibility, work habits, mental attitude, and ability to work with others.

c) Respondent is required to attend psychological counseling sessions every other week until her counselor notifies the Board in writing that counseling is no longer necessary or helpful. Respondent will cause her counselor to submit quarterly reports to the Board regarding her progress.

d) Respondent shall immediately notify the Board in writing of any relapse within 72 hours.

e) Respondent shall undergo quarterly random urine drug screens at her expense and have reports submitted directly to the Board.

f) Respondent shall annually provide the Board with a standing order from a physician for random urine tests.

g) Respondent shall submit a copy of any prescription she receives for personal consumption to the Board.

h) Respondent shall not be a qualifying pharmacist during the period of probation.

i) Respondent shall personally appear before the Board on a quarterly basis.

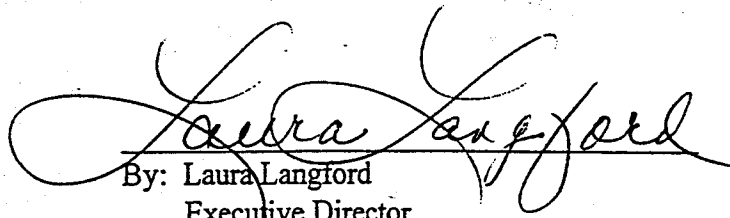
j) Respondent must remain current with her continuing education.

k) Respondent must present a copy of this order to any prospective employer hiring her as a pharmacist. If Respondent is hired as a pharmacist, her employer must sign a copy of this order and return it to the Board.

l) A violation of these terms of probation will subject the Respondent's license to summary suspension.

SO ORDERED, this 19th day of Dec. 1997.

INDIANA STATE BOARD OF PHARMACY


By: Laura Langford
Executive Director
Health Professions Bureau

Copies to:

Katherine Wisniewski, R.Ph.

2627 Castlewood Drive

Dyer, Indiana 46311

SENT CERTIFIED MAIL NO. P 394 920 291

RETURN RECEIPT REQUESTED

Respondent

Susan W. Brooks

McClure, McClure & Kammen

235 North Delaware Street

Indianapolis, Indiana 46204

Counsel for Respondent

Beth Compton

Deputy Attorney General

Indiana Government Center South

Fifth Floor

Indianapolis, Indiana 46204-2770

Attorney for the State of Indiana

168160