

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
KATHRYN A. ENDLE, R.Ph., : LS0906242PHM
RESPONDENT. :

[Division of Enforcement Case # 06 PHM 044]

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Kathryn A. Endle, R.Ph.
5485 Caddis Bend
Madison, WI 53711

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Pharmacy Examining Board
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Pharmacy Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Kathryn A. Endle, R.Ph., Respondent, date of birth December 2, 1970, is licensed by the Wisconsin Pharmacy Examining Board as a pharmacist in the state of Wisconsin pursuant to license number 12815, which was first granted June 26, 1998.
2. Respondent's address of record with the Department of Regulation and Licensing is 5485 Caddis Bend, Madison, WI 53711.
3. At the time of the events set out below, Respondent was employed as a pharmacist at Walgreens Pharmacy #03343 (Walgreens), 7810 Mineral Point Road, Madison, Wisconsin.
4. On June 23, 2006, a prescription for levofloxacin (Levaquin) 750 mg tabs was faxed to Walgreens. The prescription was entered into the system incorrectly by a pharmacy technician as levothyroxine .075 mg tabs and sent to a remote location in Green Bay for verification.
5. The pharmacist at the remote location checked and verified the prescription for levothyroxine. The verifying pharmacist failed to note that the drug had been entered incorrectly.

6. The prescription was subsequently filled at the Madison Walgreens and the wrong medication was dispensed to the patient by Respondent, who also failed to recognize the error on final verification, dispensing or consultation.

7. A proper consultation should have revealed the medication error.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 450.10 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent's conduct, as set out above, constitutes a violation of Wis. Stat. § 450.10(1)(a)6, and subjects Respondent to discipline pursuant to Wis. Stat. §§ 450.10(2).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, Kathryn A. Endle, R.Ph., is REPRIMANDED for the conduct set out above.

2. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing a forfeiture in the amount of \$250.00, pursuant to Wis. Stat. § 450.09(8).

2. Respondent shall, within 90 days from the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$450.00, pursuant to Wis. Stat. § 440.22(2).

3. Payment shall be mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264
Telephone: (608) 267-3817

4. In the event Respondent fails to timely submit any payment of the forfeiture as set forth above or fails to pay costs as ordered, Respondent's license SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

5. This Order is effective on the date of its signing.

Wisconsin Pharmacy Examining Board

By: Gregory C. Weber
A Member of the Board

6/24/09
Date

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
KATHRYN A. ENDLE, R.Ph., : LS _____ PHM
RESPONDENT. :

[Division of Enforcement Case # 06 PHM 044]

It is hereby stipulated and agreed, by and between Kathryn A. Endle, R.Ph., Respondent, and Sandra L. Nowack attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (file 06 PHM 044). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, she voluntarily and knowingly waives her rights, including the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided an opportunity to obtain advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, if any, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on this Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

Kathryn A. Endle, R.Ph.

Date

Respondent
5485 Caddis Bend
Madison, WI 53711

Sandra L. Nowack
Attorney for Complainant
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date