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**STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD**

**IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST**

**BONNY M. KIMBALL, R.Ph.,
RESPONDENT.**

**ORDER DENYING
MODIFICATION
LS0810294PHM**

TO: Bonny M. Kimball
7130 Gladstone Dr.
Madison, WI 53719

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

The Pharmacy Examining Board considered this matter at its meeting on June 2, 2010.

BACKGROUND

On October 29, 2008, the Board issued a Final Decision and Order related to the disciplinary proceedings against Bonny M. Kimball, Pharmacist license #14533. Conditions and limitations are set forth in detail in such order. Specifically included in, but not limited to, such conditions and limitations are the following:

- Paragraph C.11: Within 24 hours of ingestion or administration, Respondent shall report to Treater and the Department Monitor all medications and drugs, over-the-counter or prescription, taken by Respondent, shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs, and shall provide the Department Monitor with a copy of the prescription. If Respondent has not provided a release as required by C.9 above, within 24 hours of a request by Treater or the Board or its designee, Respondent shall provide releases in compliance with state and federal laws. The releases shall authorize the person who prescribed, dispensed, administered or ordered the medication to discuss Respondent's treatment with, and provide copies of treatment records to, the requester.
- Paragraph C.13(a) requiring contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
- Paragraph C. 14: The Approved Program shall require the testing of urine specimens at a frequency of not less than 96 times per year for the first year of this Order. After the First year, the frequency may be reduced only up a determination by the Board or its designee after receiving a petition for modification s as required by D.4.

- Paragraph C.22: Respondent shall not be employed as or work in the capacity of a "pharmacist in charge" as defined in Wis. Admin. Code § Phar 1.02(9) while under the terms of this Order, except as otherwise allowed herein. Respondent may petition the Board for modification of this prohibition against practice as a pharmacist in charge pursuant to the terms of paragraph D.4. In addition to complying with the conditions of paragraph D.4., any such petition shall be accompanied by written request of the managing pharmacist, which shall include a complete work schedule of all pharmacists employed in the pharmacy indicating the proposed work schedule and supervision pattern for Respondent. The Board in its discretion may at any time modify any of the terms regarding practice by Respondent as a pharmacist in charge, including removal of authorization under this Order of Respondent to practice as a pharmacist in charge, as the Board deems appropriate in the circumstances. Grounds for modification or removal of the authorization to practice as a pharmacist in charge may include, but shall not be limited to, change in employer, managing pharmacist or residence address of the Respondent.
- Paragraph C. 24: It is Respondent's responsibility to arrange for written reports from supervisors to be provided to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's work performance, and shall include the number of hours of active pharmacist practice worked during that quarter.

On or about, March 22, 2010, Ms. Kimball petitioned the Board to modify the Order by reducing the number of drug screens from ninety-six (96) times per year to seventy-five (75) times per year and to grant twenty (20) pharmacist in charge hours per week. The Board considered such petition on April 7, 2010 and denied the Respondent's petition. An order was issued on April 20, 2010 denying the modifications requested and ordering the following:

1. Ms. Kimball shall submit documentation to the Board within 5 days explaining her missed calls to the approved drug and alcohol monitoring program.
2. Ms. Kimball shall submit copies to the Board within 24 hours of all prescriptions for medications which were active during the period of the Order.
3. Ms. Kimball shall immediately comply with all written work report requirements.

On or about April 27, 2010, Ms. Kimball responded to the order of April 20, 2010. However, she failed to comply with request numbers 2 and 3, by failing to provide copies of all active prescriptions during the period of the order and failing to provide written work reports from her part-time employment.

Based upon all the information of record, the Board orders the following:

ORDER

NOW, THEREFORE, IT IS ORDERED that Ms. Kimball's petition to reduce the number of drug screens per year to seventy-five (75), be and hereby is, Denied.

IT IS HEREBY FURTHER ORDERED that Ms. Kimball's petition to be allowed to work as a pharmacist in charge for twenty (20) hours, be and hereby is, Denied.

Dated this 17 day of June, 2010.

Pharmacy Examining Board

By: Jeanne Severson GS.
Jeanne Severson, R.Ph., Chairperson