

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

KATHERINE A. KEAVENY, R.PH.,
RESPONDENT.

:
:
:
:
:
:

FINAL DECISION AND ORDER

ORDER 0001470

[Division of Enforcement Case #11 PHM 011]

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

Katherine A. Keaveny, R. Ph.
3730 Lakeshore Drive
Chaska, MN 55318

Division of Enforcement
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

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

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 (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. Katherine A. Keaveny, R.Ph., ("Respondent") also known as Katherine A. Benson, was born on November 27, 1956 and is licensed to practice as a pharmacist in the State of Wisconsin (license #12511-40). This license was first granted on August 23, 1996.

2. Respondent's most recent address reported to the Wisconsin Pharmacy Examining Board is 3730 Lakeshore Drive, Chaska, Minnesota.

3. Respondent was also licensed to practice as a pharmacist in the State of Indiana, pursuant to license number 26021013A.

4. At all times relevant, Respondent was employed as a pharmacist at Kmart Pharmacy #7402, located at 3175 West 3rd Street, Bloomington, Indiana.

5. On April 1, 2010, Bloomington Police Department Officer Randall A. Keller ("Keller") was dispatched to Kmart located at 3175 West 3rd Street, Bloomington, Indiana to meet with Collin Newcomb, ("Newcomb") Kmart Loss Prevention Manager.

6. Newcomb stated to Keller that he had caught Respondent diverting drugs from the pharmacy and that it had been going on for approximately three months.

7. A security video footage showed that on March 31, 2010 at approximately 8:15 A.M., the Respondent took bottles of Hydrocodone from the pharmacy. Respondent removed the labels from the bottles, replaced the labels with a newly-made label, and then placed the bottles inside a FedEx box, which she then placed into a Kmart bag.

8. Newcomb stated that during the lunch hour at approximately 3:30 P.M., Respondent left Kmart and returned later with a large Hardee's restaurant bag. Respondent removed the food from the restaurant bag, took out the FedEx box containing the Hydrocodone bottles and placed the bottles inside the restaurant bag. Respondent then made a telephone call and left the pharmacy with the restaurant bag containing the Hydrocodone.

9. When Respondent returned to the pharmacy after lunch, she did not have the restaurant bag in her possession.

10. Newcomb stated to Keller that he only observed her taking two (2) bottles of Hydrocodone, however when confronted that date by Newcomb, Respondent admitted that she had stolen four (4) bottles on March 31, 2010.

11. Respondent admitted to giving the Hydrocodone to Phillippe C. Wilson, who lives with her and who would then sell the Hydrocodone to pay their rent.

12. Respondent admitted that the theft had been going on for approximately three (3) months and that the total dollar value of the thefts was approximately \$5,705.11.

13. Respondent provided Newcomb with a list of the stolen drugs which included the following:

a. Twenty-one bottles of 100 count Hydrocodone 3/325 valued at \$77.97 per bottle;

b. Six bottles of 500 count Hydrocodone 10/500 valued at \$345.97 per bottle;

- c. Six bottles of 100 count Hydrocodone .75/325 valued at \$51.29 per bottle;
- d. Two bottles of 100 count 10mg cyclobenzaprine valued at \$50.69 per bottle;
- e. One bottle of 50mg Ultram valued at \$168.97 per bottle;
- f. One bottle of 200mg/ml injectable testosterone valued at \$94.97 per bottle; and
- g. Four two-pack packages of 25mg erythromycin valued at \$54.97 per two-pack.

14. Hydrocodone, a legend drug, is a Schedule III controlled substance.

15. Cyclobenzaprine, generic Flexeril, is a legend drug.

16. Ultram, tramadol, is a legend drug.

17. Testosterone, a legend drug, is a Schedule III controlled substance.

18. Erythromycin is a legend drug.

19. Keller took Respondent into custody and transported her to the Bloomington Police Department for processing. Respondent was subsequently transferred to the Monroe County Jail booked on delivery of a controlled substance, a class B felony, and theft, a class C felony.

20. On April 8, 2010, a criminal information was filed with the Monroe Circuit Court under cause no. 53C03-1004-FB-00346 charging Respondent with one (1) count of possession of a controlled substance with intent to deliver, a violation of Ind. Code § 35-48-4-1(a)(2), a class B felony and one (1) count of theft, exerting unauthorized control over the property of Kmart, a violation of Ind. Code § 35-43-4-2(a), a class C felony.

21. On September 1, 2010, the Indiana authorities filed a disciplinary complaint against Respondent's Indiana pharmacist license.

22. On September 16, 2010, the Indiana Professional Licensing Agency ("IPLA") sent a notice to Respondent at her listed address informing her of the date, time, and place of the administrative hearing on the Complaint scheduled for October 4, 2010.

23. Pursuant to Ind. Code § 4-21.5-3-20, Respondent was provided adequate notice of the final hearing and failed to appear for the scheduled hearing in person or by counsel on October 4, 2010.

24. On October 4, 2010, the Board voted to issue a Notice of Proposed Default Order. The Notice of Proposed Default Order was mailed by certified and regular mail to Respondent at her address on file with IPLA on October 8, 2010.

25. Respondent failed to submit a written response within seven days as required by Ind. Code § 4-21.5-3-24.

26. On November 8, 2010, the Board voted, 6-0-0, to hold Respondent in default. On December 22, 2010, Respondent's Indiana pharmacist license was revoked.

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 the stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent's conduct, as described above, constitutes unprofessional conduct as defined by Wis. Admin. Code §§ Phar 10.03(1) and (17), and subjects Respondent to discipline pursuant to Wis. Stat. § 450.10(1)(b).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license of Katherine A. Keaveny, R.Ph., (license #12511-40) is **REVOKED**.
2. Within fourteen (14) days from the date of this Order, Respondent shall mail or physically deliver all indicia of licensure to the Department Monitor, at the address below.
3. Within ninety (90) days from the date of this Order, Respondent shall pay costs of the proceeding in the amount of THREE HUNDRED DOLLARS (\$300.00). Payment shall be made payable to the Wisconsin Department of Safety and Professional Services and mailed to:

Department Monitor
Division of Enforcement
Department of Safety and Professional Services
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

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

WISCONSIN PHARMACY EXAMINING BOARD

By: Gregory C. Weber
A member of the Board

4/4/12
Date