

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
KIMBERLY PETERSON-KUEBLI, R.PH.,	:	
RESPONDENT.	:	

0004152

Division of Legal Services and Compliance Case No. 14 PHM 042

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

Kimberly Peterson-Kuebli, R.Ph.
W551 Malcove Ln.
Brodhead, WI 53520

Wisconsin Pharmacy Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition 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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Kimberly Peterson-Kuebli, R.Ph., (dob March 20, 1969) is licensed in the state of Wisconsin to practice pharmacy, having license number 12423-40, first issued on January 19, 1996 and current through May 31, 2016. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is W551 Malcove Lane, Brodhead, Wisconsin 53520.

2. At all times relevant to this proceeding, Respondent was employed as a managing pharmacist at a pharmacy located in Monroe, Wisconsin.

3. On August 27, 2008, Respondent's employer, a licensed pharmacist, unlawfully caused to be dispensed and aided in the distribution of 95 tablets of Fioricet® (acetaminophen-butalbital-caffeine) to an out-of-state customer through an internet prescription website.

4. The employer's conduct was part of a broad criminal scheme, of which Respondent was not aware.

5. Respondent, at her employer's direction, caused the medications to be dispensed without the customers having face-to-face, telephonic, or electronic-mail contact with a physician.

6. Respondent failed to report her employer's conduct to the Board.

7. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 450.10(1), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Kimberly Peterson-Kuebli, R.Ph., engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 10.03(7), by failing to report to the pharmacy examining board any pharmacy practice which constitutes a danger to the health, safety or welfare of a patient or public.

3. As a result of the above violations, Kimbelry Peterson-Kuebli, R.Ph., is subject to discipline pursuant to Wis. Stat. § 450.10(1)(b)1.

ORDER

1. The attached Stipulation is accepted.

2. Respondent Kimberly Peterson-Kuebli, R.Ph., is REPRIMANDED.

3. The license to practice pharmacy issued to Kimberly Peterson-Kuebli, R.Ph., (license number 12423-40) is LIMITED as follows:

- a. For a period of at least two (2) years, Respondent shall not be employed as a managing pharmacist.
- b. After two (2) years, and once each calendar year thereafter, Respondent may petition the Board to remove this limitation. Respondent's petition shall explain why she believes the limitation is no longer necessary. The petition may be accompanied by letters of support for the petition, evidence of coursework or any other materials Respondent deems relevant.

- c. The Board or its designee shall remove this limitation when the Board or its designee is satisfied that Respondent possesses the level of professional judgment necessary to carry out the responsibilities of a managing pharmacist.

4. Within ninety (90) days from the date of this Order, Kimberly Peterson-Kuebli, R.Ph., shall pay COSTS of this matter in the amount of \$800.00.

4. Petitions to the Board, evidence in support of a petition and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

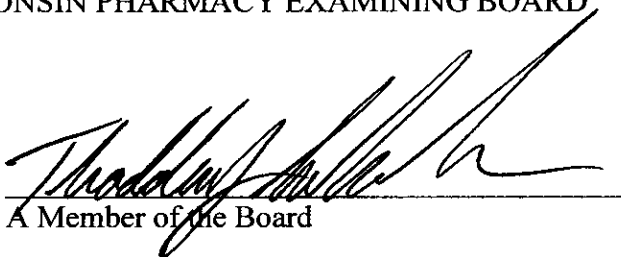
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of costs as ordered, Respondent's license (no. 12423-40) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs.

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

WISCONSIN PHARMACY EXAMINING BOARD

by:


A Member of the Board

7/22/15
Date

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KIMBERLY PETERSON-KUEBLI, R.PH.,
RESPONDENT.

:
:
:
:
:

STIPULATION

0004152

Division of Legal Services and Compliance Case No. 14 PHM 042

Respondent Kimberly Peterson-Kuebli, R.Ph., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Pharmacy Examining (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.

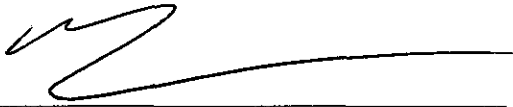
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the 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 Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such 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 a public record and will be published in accordance with standard Department procedure.

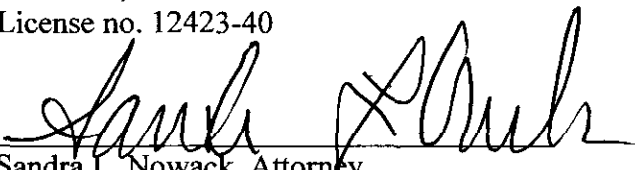
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



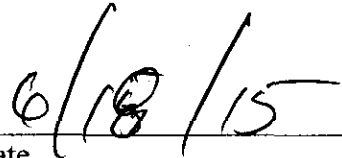
Kimberly Peterson-Kuebli, R.Ph., Respondent
W551 Malcove Ln.
Brodhead, WI 53520
License no. 12423-40



Date



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Fax (608) 266-2264
sandra.nowack@wisconsin.gov



Date