

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
DEBORAH A. KENT, R.PH., :
RESPONDENT. :

0005384

Division of Legal Services and Compliance Case No. 16 PHM 135

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

Deborah A. Kent, R.Ph.
137 Wayne Trail
Medford, WI 54451

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 Deborah A. Kent, R.Ph. (dob June 20, 1957) is licensed in the state of Wisconsin to practice pharmacy, having license number 16175-40, first issued on November 2, 2010, and current through May 31, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 137 Wayne Trail, Medford, Wisconsin 54451.

2. At all times relevant to this proceeding, Respondent was employed as a pharmacist at a pharmacy (Facility) located in Medford, Wisconsin.

3. On June 16, 2016, a Facility staff reported sterile components used in the chemotherapy preparation process had been removed from their package, assembled and then placed in a clean (non-sterile) plastic bag for later use, and that Respondent failed to adhere to USP 797 regulations for garbing and infection prevention in the Facility.

4. On June 17, 2016, Respondent acknowledged she had been the lead pharmacist in the Facility, who was the primary resource and trainer for USP 797 regulations and ongoing compliance.

5. Respondent explained each step of the process of entering or re-entering the Facility based on USP 797 guidelines with particular emphasis on hand hygiene and garbing practices.

6. However, Respondent admitted of reusing masks, changing them depending on the circumstances; reusing her hat; reusing a cloth gown which was laundered internally, throughout the day; reusing her booties; and reusing single use sterile gloves.

7. Respondent explained she needed to balance keeping costs down with quality. As Respondent was in and out of the area frequently, she would be wasting a great deal of supplies and that she was trying to decrease costs.

8. Respondent failed to adhere to USP 797 regulations, in spite of knowing its requirements.

9. 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, Deborah A. Kent, R.Ph., engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 10.03(2), by engaging in any pharmacy practice which constitutes a danger to the health, welfare, or safety of patient or public, including but not limited to, practicing in a manner which substantially departs from the standard of care ordinarily exercised by a pharmacist which harmed or could have harmed a patient.

3. As a result of the above violations, Deborah A. Kent, R.Ph., is subject to discipline pursuant to Wis. Stat. § 450.10(1)(b)1.

ORDER

1. The attached Stipulation is accepted.
2. Respondent Deborah A. Kent, R.Ph., is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Deborah A. Kent, R.Ph., shall pay COSTS of this matter in the amount of \$797.00.

4. 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. In the event that Respondent violates any term of this Order, Respondent's license (no. 16175-40) to practice pharmacy in the state of Wisconsin may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN PHARMACY EXAMINING BOARD

by: Th Schumacher (D) _____
A Member of the Board

7/20/17
Date

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DEBORAH A. KENT, R.PH.,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

0005384

Division of Legal Services and Compliance Case No. 16 PHM 135

Respondent Deborah A. Kent, 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.

Deborah A Kent
Deborah A. Kent, R.Ph., Respondent
137 Wayne Trail
Medford, WI 54451
License no. 16175-40

6.29.2017
Date

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

7-10-17
Date