

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF	:	ORDER REINSTATING STAY OF
DISCIPLINARY PROCEEDINGS AGAINST	:	SUSPENSION AND
	:	IMPOSING LIMITATIONS
	:	
KATHRYN LINDEMANN, R.PH.,	:	ORDER0006078
RESPONDENT.	:	

TO: KATHRYN LINDEMANN RPH
9508 S WASHINGTON AVENUE
MARSHFIELD, WI 54449

ATTORNEY KRISTEN NELSON
GIMBEL, REILLY, GUERIN & BROWN LLP
330 E KILBOURN AVENUE, SUITE 1170
MILWAUKEE, WI 53202

On February 27, 2019, the Wisconsin Pharmacy Examining Board ("Board") issued a Final Decision and Order ("Order") suspending Respondent's pharmacist license (#11521-40) for a period of three years. Respondent was granted an immediate stay of the suspension, and her license was limited by certain terms and conditions including, but not limited to, completion of an evaluation by a pre-approved psychiatrist or psychologist experienced in evaluating whether a health care professional is fit for practice ("Evaluator").

On August 1, 2019, the Board removed the stay of suspension based on the results of a fitness for practice evaluation conducted by an Evaluator. Respondent may petition the Board or its designee for reinstatement of the stay upon successful completion of a comprehensive neuropsychological evaluation, as recommended by the Evaluator in their May 24, 2019 report, and the Board has considered the results and any appropriate limitations on the Respondent's license.

On September 24, 2020, the Board considered Respondent's petition for reinstatement of the stay of suspension and the results of a comprehensive neuropsychological evaluation dated July 7, 2020. Based upon the information of record, the Board finds and makes the following:

ORDER

1. The suspension of Respondent's pharmacist license (#11521-40) is hereby STAYED. Respondent's May 24, 2019 and July 7, 2020 evaluation reports indicate to the satisfaction of the Board that Respondent is able to practice with reasonable skill and safety of patients and the public, and does not suffer from any condition which prevents Respondent from practicing in that manner.

2. The stay is continuous, contingent upon Respondent's compliance with the terms and conditions of this order and the Final Decision and Order dated February 27, 2019.

3. The Board deems the following conditions and limitations necessary for Respondent to comply with the recommendations of the May 24, 2019 and July 7, 2020 evaluation reports, and to address the Board's concerns related to the conduct set out in the Order's Findings of Fact. Respondent's pharmacist license is hereby LIMITED as follows:

A. Within 30 days from the date of this order, Respondent shall provide proof to the Department Monitor that she has begun or continued treatment with a psychotherapist, whose credential is in good standing, to address the issues identified in the Order, and in the May 24, 2019 and July 7, 2020 evaluation reports. Respondent shall immediately provide the psychotherapist with these documents and a release authorizing the psychotherapist to discuss the progress of Respondent's treatment with the Board, its designee, and the Department Monitor.

i. The frequency of sessions shall be determined by the psychotherapist. Therapy shall continue until the psychotherapist provides written confirmation that the treatment goals have been met and the Department Monitor confirms that this requirement has been terminated.

ii. The psychotherapist shall submit quarterly reports as directed by the Department Monitor. It is Respondent's responsibility to ensure the reports are submitted when due. The psychotherapist shall immediately report any unprofessional conduct or suspected violation of this Order.

iii. After the timely submission of four (4) consecutive satisfactory treatment reports, and with a written recommendation from the psychotherapist expressly supporting the request, Respondent may submit a request for termination of this limitation.

B. Within 30 days from the date of this order, Respondent shall provide proof to the Department Monitor that she has begun or continued psychiatric treatment with a psychiatric treatment provider, whose credential is in good standing, to address the issues identified in the Order, and in the May 24, 2019 and July 7, 2020 evaluation reports. Respondent shall immediately provide the psychiatric treatment provider with these documents and a release authorizing the psychiatric treatment provider to discuss the progress of Respondent's treatment with the Board, its designee, and the Department Monitor.

i. The frequency of sessions shall be determined by the psychiatric treatment provider. Treatment shall continue until the psychiatric treatment provider submits written confirmation that the treatment goals have been met and the Department Monitor confirms that this requirement has been terminated.

ii. The psychiatric treatment provider shall submit quarterly reports as directed by the Department Monitor. It is Respondent's responsibility to ensure the reports are submitted when due. The psychiatric treatment provider shall immediately report any unprofessional conduct or suspected violation of this Order.

iii. After the timely submission of four (4) consecutive satisfactory treatment reports, and with a written recommendation from the psychiatric treatment provider expressly supporting the request, Respondent may submit a request for termination of this limitation.

C. Respondent shall not practice as a pharmacist in any capacity other than in the presence of another licensed pharmacist with an unencumbered credential.

i. Respondent shall practice only in a work setting pre-approved by the Board or its designee. Requests for preapproval must be accompanied by a current job description, and the name and contact information of Respondent's supervisor.

ii. It is Respondent's responsibility to arrange for written reports from her supervisor to be provided to the Department Monitor on a quarterly basis, beginning 90 days after commencing employment as a pharmacist. These reports shall assess:

- a. Respondent's work performance,
- b. Provide an opinion as to Respondent's ability to engage in safe pharmacy practice,
- c. Any other information the Board or its designee requests.

iii. After the timely submission of four (4) consecutive satisfactory work reports, and with a written recommendation from Respondent's supervisor expressly supporting the request, Respondent may submit a request for termination of this limitation.

D. Within ninety (90) days from the date of this Order, Respondent shall successfully complete three (3) hours of education on the topic of controlled substances.

i. Each course attended in satisfaction of this requirement must be pre-approved by the Board or its designee. Respondent shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the course(s) from the Board or its designee.

ii. Respondent must take and pass any exam offered for the courses.

iii. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor.

iv. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or the Department, and may not be used in future attempts to upgrade a credential in Wisconsin.

4. Respondent shall be responsible for all costs and expenses incurred in conjunction with the psychiatric treatment and psychotherapy, and any other expenses associated with compliance with the terms of this order. Being dropped from a program for non-payment is a violation of this order.

5. In the event that Respondent violates any term of this order, Respondent's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has provided proof, which is determined by the Board or its designee to be sufficient, that Respondent is in compliance with the terms of this 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. Any requests, petitions, reports, and other information required by this order shall be mailed, emailed, faxed, or delivered to:

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
<https://dpsmonitoring.wi.gov>

7. All other terms and conditions of the Final Decision and Order dated February 27, 2019 remain in full force and effect.

8. This Order is effective the date of its signing.

WISCONSIN PHARMACY EXAMINING BOARD

By: Philip Tsapkin c.p. 10/20/2020
A Member of the Board Date