

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

KATHERINE D. LINDBERG, R.Ph.,
RESPONDENT.

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FINAL DECISION AND ORDER

ORDER 0007582

Division of Legal Services and Compliance Case No. 20 PHM 044

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

Katherine D. Lindberg, R.Ph.
La Crescent, MN 55947

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 Katherine D. Lindberg, R.Ph., (Year of Birth 1989) is licensed in the state of Wisconsin as a pharmacist, having license number 17498-40, first issued on July 15, 2014, and current through May 31, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in La Crescent, Minnesota 55947.
2. At all times relevant to this proceeding, Respondent was employed as a pharmacist at a pharmacy in La Crosse, Wisconsin (Pharmacy).
3. On December 24, 2019, the Pharmacy dispensed the wrong medication to Patient A and, as a result, Patient A had to be hospitalized for accidental benzodiazepine poisoning.

4. Patient A was prescribed Dexamethasone Suspension (Decadron 1mg/mL) to be taken daily for seven days beginning on December 25, 2019.

5. In preparing to fill the prescription, a Pharmacy technician pulled one box containing Dexamethasone Suspension and inadvertently pulled two boxes of Diazepam Solution. Both medications were manufactured by the same manufacturer, and both were located next to each other on the same shelf in the Pharmacy.

6. Contrary to Pharmacy policy, the technician scanned the box containing Dexamethasone Suspension three times, rather than scanning each box separately, and attached the labels to the medication.

7. Respondent, the reviewing pharmacist, only checked one of the three boxes, the box containing Dexamethasone Suspension, for accuracy and did not check the contents of the other two boxes before dispensing the medication.

8. Patient A received approximately 45mg of Diazepam Solution in two doses on December 25 and 26, 2019.

9. In response to the Pharmacy's suggested corrective action, Respondent completed the following continuing education (CE) courses provided by trc healthcare, who is accredited by the Accreditation Council for Pharmacy Education:

- a) March 11, 2020: *Medication Error Prevention* for two (2) credit hours.
- b) March 30, 2020: *Preventing Medication Errors in High-Risk Patients and Situations* for one (1) credit hour.

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

CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 450.10, 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, Respondent engaged 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, within the meaning of Wis. Admin. Code § Phar 10.03(2).

3. By the conduct described in the Findings of Fact, Respondent failed to perform a final check of accuracy and correctness, including verifying the drug product was correct, as required for any prescription drug product dispensed, within the meaning of Wis. Admin. Code § Phar 7.07(1).

4. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 450.10(1)(b)1.

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. The Board recognizes and accepts the successful completion of the above-described CE credit hours as the equivalent of the education it would have otherwise ordered. The above-described CE credit hours may not be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$426.00.

5. Payments of costs (made payable to Department of Safety and Professional Services) shall be submitted 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) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dspsmmonitoring.wi.gov>.

6. In the event Respondent violates any term of this Order, Respondent's license (license number 17498-40), or Respondent's right to renew her license, 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.

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

WISCONSIN PHARMACY EXAMINING BOARD

By:  _____ Date 9/2/2021
A Member of the Board

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KATHERINE D. LINDBERG, R.PH.,
RESPONDENT.

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STIPULATION

ORDER 0007582

Division of Legal Services and Compliance Case No. 20 PHM 044

Respondent Katherine D. Lindberg, 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.

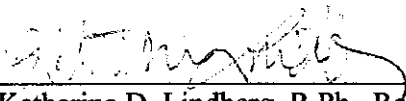
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Pharmacy Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent 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.



Katherine D. Lindberg, R.Ph., Respondent
La Crescent, MN 55947
License No. 17498-40

8-2-21

Date



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

8/2/2021

Date