

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	ORDER GRANTING
PROCEEDINGS AGAINST	:	INITIAL STAY OF SUSPENSION
	:	&
	:	IMPOSING ADDITIONAL LIMITATIONS
	:	
KENNETH J. HERRERA,	:	ORDER0020227
RESPONDENT.	:	

TO: KENNETH J. HERRERA	ATTORNEY MARIO MENDOZA
SOLDIERS GROVE, WI 54655	MURPHY DESMOND, S.C.
	33 E. MAIN ST., SUITE 500
	MADISON, WI 53703

On August 29, 2024, the Wisconsin Pharmacy Examining Board (Board) issued a Final Decision and Order (Order) suspending Respondent's license to practice pharmacy for an indefinite period. Respondent may be eligible for a stay of suspension upon completion of his fitness to practice evaluation with a Board approved psychiatrist or psychologist (evaluator). The Order further states that Respondent's license shall be limited in a manner to address any concerns the Board has with the conduct set out in the Order's findings of fact and to address any recommendations resulting from the assessment.

Respondent's fitness to practice evaluation and his eligibility for an initial stay of suspension has been reviewed pursuant to the Order. Based upon the information of record, including the recommendations of the evaluator, the following is entered:

ORDER

1. The suspension of Respondent's license to practice pharmacy (15146-40) is hereby STAYED.
2. The stay is continuous, contingent upon Respondent's compliance with the terms and conditions of the Order.
3. Respondent's license to practice pharmacy is further LIMITED as follows:
 - a. Beginning thirty (30) days from the date of this order, Respondent shall enter into, and shall continue, psychotherapy treatment with a treater acceptable to the Board or its designee (Treater). Respondent shall participate in, cooperate with, and follow all treatment recommended by Treater. The focus of this therapy should include those areas identified in the fitness to practice evaluation.

- b. Respondent shall immediately provide Treater with a copy of the fitness to practice evaluation as well as this Order and all other subsequent orders.
- c. Treater shall be responsible for coordinating Respondent's rehabilitation and treatment as required under the terms of this Order, and shall immediately report any relapse, violation of any of the terms and conditions of this Order, and any suspected unprofessional conduct, to the Department Monitor (See Paragraph 5, in Order). If Treater is unable or unwilling to serve as required by this Order, Respondent shall immediately seek approval of a successor Treater by the Board or its designee.
- d. Beginning ninety (90) days from the date of this Order, Respondent shall arrange for Treater to submit formal written reports to the Department Monitor on a quarterly basis, as directed by the Department Monitor. These reports shall assess Respondent's progress in psychotherapy treatment.
- e. Within one (1) year from the date of this Order, Respondent shall undergo an independent re-assessment of his progress in therapy with associated recommendations.
- f. Within ninety (90) days of the date of this order, Respondent shall at his own expense, undergo and complete an Alcohol and Other Drug Abuse (AODA) assessment with an evaluator pre-approved by the Board or its designee who has experience conducting these assessments:
 - i. Prior to the assessment, Respondent shall provide a copy of this Order to the Evaluator. Respondent shall provide the Department Monitor with written acknowledgment from the evaluator that a copy of this Order has been received by the evaluator. Such acknowledgment shall be provided to the Department Monitor prior to the assessment.
 - ii. Respondent shall provide and keep on file with the evaluator current releases complying with state and federal laws. The releases shall allow the Board, its designee, and any employee of the Department to obtain a copy of the assessment. Copies of these releases shall immediately be filed with the Department Monitor.
 - iii. Respondent shall identify and provide the Evaluator with authorizations to communicate with all physicians, mental health professionals, AODA providers or evaluators, and facilities at which Respondent has been treated or evaluated for any AODA issue or assessment.

- iv. Within fifteen (15) days of the completion of the evaluation, a written report regarding the results of the assessment shall be submitted to the Department Monitor at the address below. The report shall address whether the Respondent suffers from any condition(s) that may interfere with his ability to practice safely and competently and, if so, shall provide any recommended limitations for safe and competent practice.
 - v. The Board, or its designee, may impose additional limitations upon Respondent's license based on the results of the assessment and/or the Evaluator's recommendations.
 - vi. Respondent shall comply with the Evaluator's recommendations.
- g. Respondent shall report any arrest to the Department Monitor within 48 hours.
- h. Respondent shall comply with all conditions of his supervised release.
4. Respondent may petition the Board on an annual basis for modification of the terms of this Order, however, no such petition for modification shall occur earlier than following receipt of the reassessment in section (3)(e). Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stat. § 227.01(3)(a), and Respondent shall not have a right to any further hearings or proceedings on the denial.
 5. Respondent shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision, 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.
 6. After two (2) years of continuous, successful compliance, including at least six hundred (600) hours of approved pharmacy practice, the Respondent may petition the Board for return of full licensure. The Board may grant or deny any petition, in its discretion, or may modify this Order as it sees fit.
 7. Any requests, petitions, reports, and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

Department Monitor
Division of Legal Services & Compliance
Department of Safety and Professional Services
4822 Madison Yards Way, P.O. Box 7190
Madison, WI 53707-7190
Fax: (608) 266-2264
Telephone: (608) 267-3817

