

State of Maryland Department of Health and Mental Hygiene

Parris N. Glendening, Governor - Martin P. Wasserman, M.D., J.D., Secretary



State Board of Pharmacy

October 26, 1998

TIME-SENSITIVE MATERIAL: IMMEDIATE ATTENTION REQUIRED
HAND DELIVERY

Mr. Edmund Kasaitis, P.D.
741 Old Herald Harbor Road
Crownsville, Maryland 21032

RE: License #11121

Dear Mr. Kasaitis:

Enclosed is the Board of Pharmacy's Order of Summary Suspension immediately suspending your license to practice pharmacy. The Board has taken this action in response to your failure to abide by the terms of the Consent Order you signed on August 27, 1998. Under the terms of the Board's Order, you have the right to request a hearing before the Board to show cause why the summary suspension of your license should be lifted. At such a hearing you would be entitled to present witnesses and documentary evidence on your behalf. You would also have the right to cross-examine witnesses presented by the State and make objections to evidence introduced by the State. Any request for a hearing must be made in writing and addressed to the Board.

You are strongly urged to retain an attorney to assist you in this matter. Should you or your attorney have any questions regarding the enclosed Order of Summary Suspension, please contact Paul Ballard, Assistant Attorney General and Counsel to the Board. Mr. Ballard can be reached by telephone at 410-767-6918.

Under the terms of the Order of Summary Suspension, you are required to immediately return your renewal certificate and display license to the Board's offices.

Sincerely,

Handwritten signature of Norene F. Pease.

Norene F. Pease
Executive Director

4201 Patterson Avenue - Baltimore, Maryland 21215-2299 - (410) 764-4755
Fax (410) 358-6207 - TDD (800) 542-4964 - Maryland Relay Service (800) 735-2258

Healthy People in Healthy Communities

Enclosure

cc: Paul J. Ballard, Assistant Attorney General, Board Counsel
Dave Denoyer, Pharmacist Compliance Officer
Timothy J. Paulus, Assistant Attorney General and
Deputy Counsel, Department of Health and Mental Hygiene

IN THE MATTER OF * BEFORE THE MARYLAND STATE
EDMUND KASAITIS, P.D. * BOARD OF PHARMACY
License No. 11121 *

* * * * *

ORDER OF SUMMARY SUSPENSION

BACKGROUND

On August 27, 1998, Edmund Kasaitis, P.D. ("Respondent"), agreed to a Consent Order with the Maryland State Board of Pharmacy ("Board"). The Consent Order was issued due to the Respondent's alcohol dependence and in accordance with the recommendations of the Respondent's examining psychiatrist, Anthony Burlay, M.D.¹ The Consent Order subjected Respondent's license to certain probationary conditions, including supervision, therapy, random urinalysis, monitoring by PEAC, and monthly reporting to the Board by the Respondent's supervisor and therapist. (See attached Consent Order).

The Consent Order provided that "if Respondent fails to abide by the terms of this Consent Order and/or otherwise appears to be a danger to himself or others, then the Board may, without prior notice and without an opportunity for Respondent to be heard, summarily suspend Respondent's license to practice pharmacy" but "shall then give Respondent immediate notice of the summary suspension and an opportunity to be heard within (30) thirty days of requesting a hearing." (See Consent Order, p. 5).

¹The Board had ordered that Respondent be examined under authority of the Maryland Pharmacy Act, Health Occupations Article, §12-320, due to reports of alcohol abuse.

The Board has not received the monthly reports from the Respondent's supervisor and therapist as required under the Consent Order. In addition, on October 8, 1998, the Board received a letter from Patricia Tommasello, PEAC Coordinator, in which she informed the Board that Respondent had not met with PEAC and had failed to inform PEAC of the Consent Order. Ms. Tommasello also informed the Board that Respondent had not forwarded any urine screens to PEAC during the period of the Consent Order. On October 21, 1998, the Board met to discuss the issue of Respondent's non-compliance with the probationary conditions of his Consent Order. The Board voted to summarily suspend Respondent's license for his failure to abide by the terms and conditions of the Consent Order.

FINDINGS OF FACT

1. On August 27, 1998, the Respondent entered into a Consent Order with the Board. As part of that Consent Order, Respondent was required to comply with certain probationary conditions, including supervision, therapy, random urinalysis, monitoring by PEAC, and monthly reporting to the Board by the Respondent's supervisor and therapist. (See attached Consent Order).
2. Respondent has failed to enter into a contract with PEAC following the issuance of the Consent Order and has failed to abide by the terms of the previous PEAC contract as required by the Consent Order, page 4, probationary condition number 7.
3. Respondent has failed to provide urine screens to the PEAC as required by the Consent Order, page 3, probationary condition number 2.

4. Respondent has failed to provide monthly reports to the Board from his supervisor and therapist as required by the Consent Order, page 3, probationary condition number 4.

5. Absent assurances that Respondent is complying with his treatment program for alcohol dependence, is submitting urine screens to PEAC, and is working under supervision in accordance with the Consent Order's conditions of probation, the Respondent's practice of pharmacy places himself and others in imminent danger.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact which indicate that Respondent has failed to abide by the terms of the Consent Order and that Respondent's practice of pharmacy presents an imminent danger to himself and others, the Board concludes that emergency action is necessary under State Government Article, §10-226(c) to protect the public health, safety, and welfare.

ORDER

Based on the foregoing findings of fact and conclusions of law, it is hereby ORDERED, that Respondent's license to practice is summarily **SUSPENDED**; and be it further

ORDERED, that immediately upon receipt of the Order of Summary Suspension, the Respondent shall return both his renewal certificate and his display license to the Board's office.

ORDERED, that Respondent may request an opportunity to be heard regarding the summary suspension, which hearing shall be granted within thirty days of the Board's receipt of Respondent's written request; and be it further

ORDERED, that this Order of Summary Suspension constitutes a final order of the Board and is a public document under State Government Article, §10-611, et seq., subject to inspection by members of the public upon request, which Order of Summary Suspension may also be shared by the Board with other licensing boards and otherwise published or disseminated consistent with Board policy regarding the dissemination and publication of Board orders.

10/27/99
Date

W. Irving Lottier, Jr.
W. Irving Lottier, Jr.
Secretary, Board of Pharmacy