

IN THE MATTER OF \* BEFORE THE MARYLAND  
STEPHEN KLEBROWSKI, P.D. \* STATE BOARD OF  
LICENSE NO. 07202 \* PHARMACY

\* \* \* \* \*

**CONSENT ORDER TERMINATING  
SUMMARY SUSPENSION**

**Background**

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occ. §§ 12-101, *et seq.*, (2005 Repl. Vol.), and the Maryland Administrative Procedure Act, Md. Code Ann., Health Occ. §§ 10-201 *et seq.*, the Board issued an Order for Summary Suspension dated November 6, 2007, in which it summarily suspended the pharmacist's license held by Stephen Klebrowski, P.D. (the "Respondent"). Specifically, the Board found reliable evidence demonstrated that the public health, safety or welfare imperatively required emergency action, pursuant to Md. Code Ann., State Gov't §10-226(c)(2)(2004 Repl. Vol.).

On December 19, 2007, the Board held a hearing before a quorum of the Board to allow the Respondent the opportunity to show cause why the Respondent did not pose an imminent threat to the health, safety and welfare of the public. In lieu of a continued summary suspension, the Respondent and the Board agreed to resolve the matter by way of this Consent Order with the terms contained herein.

**FINDINGS OF FACT**

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first licensed on January 29, 1970. The Respondent's license expires on May 31, 2008.

2. On or about February 15, 2007, the Respondent was convicted in the Circuit Court for Baltimore County, Maryland, of one count of unlawful distribution of Hydrocodone, a controlled dangerous substance, in violation of Md. Code Ann., Criminal Law Article § 5-602(1), and was sentenced to six months incarceration, all of which was suspended, ordered to serve six months of unsupervised probation, ordered to pay court costs, and issued a fine in the amount of \$15,000.

3. During the hearing held on February 15, 2007, the following statement of facts served as the basis for the Respondent's conviction:

Your Honor, thank you. Your Honor, on or about October 6<sup>th</sup> of 2006, officers of Baltimore County Police Department were made aware through the Rite Aid Pharmacy through Mr. (*sic*) John Moore regarding a discrepancy of one of the pharmacists, [the Respondent].

In reviewing [the Respondent's] records as a pharmacist (*sic*) at the Dundalk location of Right Aid (*sic*), it was determined that he had filled out a number of prescriptions done without a proper prescription, without other required paperwork.

The officers responded to, eventually, to Rite Aid Pharmacy for Lutherville for copies of records given by Rite Aid pharmacist. After conducting an investigation, the detectives discovered from a period of approximately November 1, 2004 through November 1, 2006, [the Respondent] had given over one thousand pills to a-a-another individual by the name of [Patient A].<sup>1</sup>

[Patient A] was a customer and patient of [the Respondent], who befriended him. While in the store on a number of occasions, he had, in fact, given him valid prescriptions for those prescriptions had been filled for various pain medications including Hydrocodine (*sic*).

There came a time in which [Patient A] came into the pharmacy without the proper prescription, on a number of those occasions [the Respondent] would, in fact, still fill the prescription or give him Hydrocodine (*sic*) without a prescription. At that time, [Patient A] would pay a co-pay, five dollar co-pay. [The Respondent] would, in fact, submit the proper paperwork for that to be reimbursed through the company.

Your Honor, on November 7, 2006, the detectives executed a search and seizure warrant on [the Respondent's] home. After conducting that search and seizure warrant

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<sup>1</sup> The name of the patient is confidential, however, the patient's identity was discoverable to the Respondent.

they advised [the Respondent] of his Miranda rights. He advised he understood the rights.

[The Respondent] stated that he knew [Patient A], the subject that came to Rite Aid Pharmacy where he worked for the past two years. He had provided Percocet, Oxycotin (*sic*) to help with pain and submitted fraudulent claims to the insurance company. [Patient A] had to pay the co-pay.

Detective Arseago asked if he knew he was defrauding them. Yes, he was sorry for the mistake. [The Respondent] was asked if there were any fraudulent claims or pills he had given to anyone else, he advised he had not given any to any other individuals.

If called to testify, witnesses from Rite Aid and the Baltimore County Police Department would identify [the Respondent] who, in fact, distributed Hydrocodine (*sic*) during the two-year period without the proper prescription or documentation to [Patient A], an individual not in way (*sic*) licensed to receive those. That would be the State's case at this time, Your Honor.

4. During the time that the Respondent was providing Patient A Hydrocodone without a prescription, he was actively employed and practicing as a pharmacist for Rite Aid. The Respondent was terminated from Rite Aid in October 2006. Upon his termination, the Respondent gave a written statement to officials at Rite Aid confirming that he knowingly and repeatedly refilled a patient's prescriptions for Hydrocodone without a valid prescription and without contacting the patient's physician.

5. Between November 2004 and November 2006, the Respondent illegally dispensed to Patient A approximately 4,090 doses of the above narcotics and fraudulently billed Patient A's insurer for the prescriptions he dispensed without authorization.

6. On August 24, 1998, the Respondent was disciplined by the Board for submitting a false renewal application regarding the completion of required continuing education credits. The Respondent was placed on probation for 12 months and ordered to pay a fine of \$2,050.

**CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Board finds that the Respondent violated Md. Code Ann., Health Occ. §§ 12-313(b)(2),(6),(7), (15), (16), (22) and (24) .

**ORDER**

Based on agreement of the parties, it is this 6th day of February, 2008, by an affirmative vote of the Board, hereby

**ORDERED** that the Respondent's license be SUSPENDED for at least ONE YEAR, beginning November 6, 2007; and be it further,

**ORDERED** that during the suspension period, the Respondent shall:

1. Submit to monthly random urine screenings to be ordered by the Board and conducted at a CLIA-certified laboratory; and
2. Successfully complete a total of 3 continuing education credits focusing on drug addiction and drug-seeking behaviors;
3. Successfully complete a continuing education course on ethics; and be it further,

**ORDERED** that the Respondent may petition the Board to lift the suspension no earlier than November 6, 2008, provided that the Respondent has fully complied with all conditions during the suspension period; and be it further,

**ORDERED** that, upon the Board's lifting of the suspension, the Respondent shall be placed on PROBATION for at least THREE (3) YEARS, during which time the Respondent shall be subject to the following terms and conditions:

1. The Respondent may not function as a pharmacy manager, supervisor or in any other managerial/supervisory capacity;

2. The Respondent shall provide a copy of this Consent Order to any and all pharmacy employers prior to commencing employment and shall insure that the attached verification form is completed by the employer and returned to the Board prior to commencing employment;

3. The Respondent shall insure that his pharmacy employer(s) submit to the Board quarterly employer reports; and be it further,


**ORDERED** that the Respondent may petition the Board for release from probation after three (3) years provided that he has been fully compliant with the terms of probation and no complaints have been filed against him; and be it further,

**ORDERED** that in the event the Board finds for any good faith reason that the Respondent has violated any of the conditions of probation herein, or in the event that the Board finds for any good faith reason that the Respondent has committed a violation of Title 12 of the Health Occupations Article or regulations adopted thereunder, the Board may take further disciplinary action against the Respondent, after notice and a hearing in accordance with the Maryland Pharmacy Act and the Administrative Procedure Act; and be it further,

**ORDERED** that the Respondent shall bear the expenses associated with this Order; and be it further,

**ORDERED** that this document constitutes a formal disciplinary action of the Maryland State Board of Pharmacy and is therefore a public document for purposes of public disclosure, pursuant to the Public Information Act., State Gov't § 10-611 *et seq.* and COMAR 10.34.01.12.

2/6/08  
Date

  
David Chason, R.Ph.  
Secretary, Board of Pharmacy

CONSENT

By signing this Consent, I hereby consent to the foregoing Findings of Fact and Conclusions of Law, and agree to be bound by the foregoing Consent Order and its conditions.

1. By this Consent, I submit to the foregoing Consent Order as a resolution of this matter. By signing this Consent, I waive any rights I may have had to contest the findings of fact and conclusions of law contained in this Consent Order.

2. I acknowledge the validity of this Consent Order as if it were made after a hearing in which I would have had the right to counsel, to confront witnesses on my own behalf, and to all other substantial procedural protections provided by law.

3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

4. I acknowledge that, by entering into this Consent Order, I am waiving my right to appeal any adverse ruling of the Board that might have followed an evidentiary hearing.

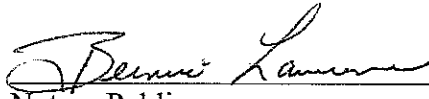
5. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

1-14-08  
Date

Stephen C. Klebrowski  
Stephen Klebrowski

STATE OF MARYLAND  
COUNTY/CITY OF Baltimore :

I hereby certify that on this 17<sup>th</sup> day of January, 2008, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared Stephen Klebrowski, and made an oath in due form that the foregoing Consent was his voluntary act and deed.

  
Notary Public  
My commission expires: 10/24/2011