

IN THE MATTER OF \* BEFORE THE STATE BOARD  
KENNETH C. KRUK, P.D. \* OF PHARMACY  
RESPONDENT \* CASE NUMBER: 11-072  
LICENSE NUMBER: 19723 \*

\* \* \* \* \*

**FINAL CONSENT ORDER**

The State Board of Pharmacy ("the Board") charged Kenneth C. Kruk, P.D. (the "Respondent"), D.O.B. 09/10/1984, license number: 19723 under the Maryland Pharmacy Act, Md. Health Occ. ("H.O.") Code Ann. §§ 12-101 *et seq.* (Repl. Vol. 2009 and Supp. 2011). Specifically, the Board charged the Respondent with violating the following provisions:

**H.O. § 12-313. Denials, reprimands, suspensions, and revocations.**

(b) *In general.* - Subject to the hearing provisions of § 12-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant for a pharmacist's license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:

- (22) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.
- (25) Violates any rule or regulation adopted by the Board.

The Board also charged the Respondent with violating the following:

**Code Md. Regs. Tit. 10 § 34.20:  
.01 Patient Safety and Welfare.**

B. A pharmacist may not:

(1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist;

(3) Engage in unprofessional conduct.

### **FINDINGS OF FACT**

The Board finds that:

1. On or about July 6, 2010, the Respondent was licensed to practice pharmacy in Maryland, having been issued license number: 19723.
2. At all times hereto, the Respondent was employed at Pharmacy A, a national retail chain.<sup>1</sup>
3. The Respondent is currently employed in a non-dispensing position.
4. The Respondent was employed at Pharmacy A from June 20, 2010 until February 23, 2011.
5. Pharmacy A is located in Baltimore County Maryland.
6. On or about February 25, 2011, the Board received a report of theft or loss of controlled substances (DEA Form 106) from the District Manager of Pharmacy A.
7. The DEA Form 106 submitted by Pharmacy A indicated that the Respondent had been terminated from Pharmacy A, for stealing various controlled substances from Pharmacy A.
8. DEA form 106 indicated that the Respondent had diverted 8 tablets of Amphetamine Salts 12.5 mg., 8 tablets of Amphetamine Salts 10 mg., 10 tablets

---

<sup>1</sup> In order to protect the confidentiality of Pharmacy A, the pharmacy's name has not been disclosed in this document. The Respondent is aware of the name of Pharmacy A.

of Amphetamine Salts 20 mg., 20 tablets of Endocet 5/325 mg., and 40 tablets of Endocet 10/650 mg.

9. On numerous occasions between January 2, 2011 and February 2011, the Respondent was observed by Pharmacy A loss prevention investigators and recorded by a video camera that had been placed in the pharmacy area, diverting from the pharmacy.
10. On or about February 23, 2011, the Respondent was confronted by a Pharmacy A loss prevention investigator. The Respondent admitted to the investigator, verbally and in writing that he had been diverting medication from Pharmacy A since November 2010.
11. On or about March 13, 2011, the Respondent was charged in the District court for Baltimore County with one (1) count of theft less than \$1000, in violation of Md. Crim. Law art. § 7-104.
12. On or about May 28, 2011, the Respondent was found guilty in the District Court for Baltimore County, Maryland, one (1) count of theft under \$1000, in violation of Md. Crim. Law art. § 7-104.
13. The Respondent appealed the decision rendered in the District Court to the Circuit Court of Baltimore County, Maryland.
14. On or about November 4, 2011, the Respondent appeared before the Circuit Court for Baltimore County, Maryland and pled guilty to an amended charge of theft under \$100, in violation of Md. Crim. Law art. § 7-104.
15. The Respondent was sentenced to probation before judgment and placed on supervised probation for a period of one (1) year.

16. The Respondent pled guilty to a crime involving moral turpitude.
17. The Respondent's conduct as set forth is a violation of H.O. § 12-313 (b) (22) and (25) and Code Md. Regs. tit. 10 § 34.20.01 B (1) and (3).

### CONCLUSION

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated H.O. §12-313 (b) (22) and (25) and Code Md. Regs. tit. 10 § 34.20.01 B (1) and (3).

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 28<sup>th</sup> day of NOVEMBER 2012, by a majority of the Board hereby:

**ORDERED** that Respondent shall be placed on **PROBATION** for a period of at least two (2) years subject to the following conditions:

1. Within the first ninety (90) days of his probationary period, the Respondent shall write an article that focuses on effective coping mechanisms for handling personal and professional stressors. At the Board's discretion, the article may be published anonymously in the Board's newsletter.
2. On a monthly basis, the Respondent shall submit to Board-ordered urine screening. The urine screenings shall be conducted on a random basis and shall be performed at a CLIA certified laboratory. The Respondent shall submit to urinalysis within 24-hours of being instructed to by the Board.
3. The Respondent agrees to submit to direct observation urine collection screening.

4. All urine screening results shall be negative for drugs. Any positive results for prescription drugs shall be corroborated by Respondent submitting proof of a valid prescription.
5. The Respondent shall attend weekly support group meetings.
6. The Respondent shall provide the Board with quarterly reports from his employer. The first report shall be due no later than ninety (90) days from the effective date of this Consent Order. Subsequent reports shall be due on a quarterly basis thereafter.
7. In the event that the Respondent changes positions to a dispensing role, or any capacity in which the Respondent has access to controlled substances, the Respondent shall immediately notify the Board, in writing, prior to commencing the new position.
8. The Respondent shall provide the Board with the name and address of his current employer and any subsequent employer.
9. The Respondent shall provide his employer with a copy of this Consent Order and the Respondent shall provide the Board proof that he has done so; and it is further

**ORDERED** that the Board may amend probationary conditions relating to substance abuse monitoring if the Respondent transitions into a dispensing role or has access to controlled substances; and it is further

**ORDERED** that after the completion of one (1) year of his probationary period, the Respondent may file a written petition to the Board for modification of his probationary status and the modification of any conditions or restrictions that resulted

from this disciplinary action, provided that Respondent has fulfilled all the terms and conditions set forth herein, is not in violation of this Order, and there are no outstanding complaints against the Respondent; and it is further

**ORDERED** that at the end of the Respondent's probationary period, the Respondent shall file a written petition to the Board for termination of the probationary status and the removal of any conditions or restrictions that resulted from this disciplinary action, provided that Respondent has fulfilled all the terms and conditions set forth herein, is not in violation of this Order, and there are no outstanding complaints against the Respondent; and it is further

**ORDERED** that if the Respondent fails to make any such petition, then the probationary period status shall continue indefinitely, subject to the conditions set forth in this Order; and it is further

**ORDERED** that if the Board determines that the terms or conditions of this Order have not been successfully completed, the Board may modify the terms and conditions of Respondent's probation, upon notice to the Respondent; and it is further

**ORDERED** that if the Respondent violates any of the terms of this Order, the Board, after notice and a hearing, and a determination of violation, may impose any other disciplinary sanctions it deems appropriate, said violation being proved by a preponderance of evidence; and it is further

**ORDERED** that Respondent shall be responsible for all costs incurred under this Order; and it is further

**ORDERED** that the effective date of this Order is the date that it is signed by the Board; and it is further



**CONSENT OF KENNETH C. KRUK, P.D.**

I, Kenneth C. Kruk P. D. by affixing my signature hereto, acknowledge that:

1. I am represented by Carolyn Jacobs, Esquire.

2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to Md. Health Occ. Code Ann. § 12-315 (Repl. Vol. 2009) and Md. State Govt. Code Ann. §§ 10-201 *et seq.* (Repl. Vol. 2009).

3. I acknowledge the validity and enforceability of this Consent Order as if entered after a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by law. I am waiving those procedural and substantive protections.

4. I voluntarily enter into and consent to the foregoing findings of fact, conclusions of law, and order and agree to abide by the terms and conditions set forth herein, as a resolution of the Board's case, based on the findings set forth herein.

5. I waive my right to contest the findings of fact and conclusions of law, and I waive my right to a full evidentiary hearing, and any right to appeal this Consent Order as set forth in Md. Health Occ. Code Ann. §12-315 (Rep. Vol. 2009) and Md. State Govt. Code Ann. §§ 10-201 *et seq.* (Rep. Vol. 2009).

6. I acknowledge that by failing to abide by the terms and conditions set forth in this Consent Order, and, following proper procedures, I may be subject to disciplinary action, which may include revocation of my license to practice pharmacy in the State of Maryland.



7. I sign this consent order, without reservation, as my voluntary act and deed. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this order.

11/27/12  
Date

[Signature]  
Kruk C. Kruk, P.D.

**NOTARY**

STATE OF Maryland  
CITY/COUNTY OF Harford

I hereby certify that on this 27 day of NOV., 2012, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared Kenneth C. Kruk, P.D. and made oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

[Signature]  
Notary Public

My Commission Expires: April 2, 2016

