

IN THE MATTER OF * **BEFORE THE**
NICHOLAS LOUKAS, Pharm.D. * **STATE BOARD**
Respondent * **OF PHARMACY**
License No.: 19727 * **Case No. 21-137**

* * * * *

FINAL ORDER

On January 12, 2022, the State Board of Pharmacy (the "Board") hereby notified **NICHOLAS LOUKAS, Pharm.D.**, (the "Respondent"), License No.: 19727, of the Board's intent to **REVOKE** his license to practice as a pharmacist, pursuant to the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occ. §§ 12-101 *et seq.* The basis for the Board's action was pursuant to the following provisions of the Act and COMAR:

Health Occ. §12-313 (b)

(23) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

(24) Violates any rule or regulation adopted by the Board [;].

COMAR § 10.34.10.01. 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

BACKGROUND

1. At some of the times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent's Pharmacist License No. 19727 was first issued on July 6, 2010. The license expired in 2013.

2. By document received by the Board on October 27, 2015, the Respondent submitted an "Application for Pharmacist Licensure Reinstatement," hereinafter "Reinstatement Application."

3. In Section 4 of that Reinstatement Application, the Respondent answered "no" to the following questions:

- A. Has any state licensing or disciplinary board (including Maryland) or any similar agency in the Armed Forces, denied your application for a license, reinstatement or renewal, or taken any formal disciplinary action against any registration or license held by you? Such actions include, but are not limited to, reprimand, suspension, or revocation.
- B. Has any state licensing or disciplinary board (including Maryland) or similar agency in the Armed Forces, filed any complaints or charges against you or investigated you for any reason?
- C. Has your employment by any pharmacy, clinic, healthcare practice, or wholesale drug distributor been terminated for disciplinary reasons?
- D. Have you committed a criminal act for which you pled guilty or nolo contendere...or for which you were convicted or received probation before judgment?
- E. Excluding minor traffic violations, are you currently under arrest or released on bond or are there any current or pending charges against you in any court of law?

- F. Have you committed an offense involving alcohol or controlled substances to which you pled guilty or nolo contendere, or for which you were convicted or received probation before judgment?
- G. Has your ability to practice pharmacy been affected by the use of any type of drug or alcohol?

4. The Respondent signed his name to a statement under these answers which stated "I affirm that the information I have given in answer to these questions is true and correct to the best of my knowledge and belief..."

5. However, by Final Adjudication and Order Before the State Board of Pharmacy of the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs (Pennsylvania Board), signed June 11, 2014, the Pennsylvania Board denied the Respondent's application for a license transfer to practice pharmacy in Pennsylvania. The basis of the denial is as follows:

6. The Pennsylvania Board denied a transfer of license to Pennsylvania on a provisional basis on October 31, 2013, because of a "lack of good moral and professional character based on the drug charges from New Jersey and Pennsylvania and also because of his addiction issues." By letter dated November 19, 2013, the Applicant appealed the provisional denial and requested a hearing, which was held on January 21, 2014.

7. On May 28, 2013, the Applicant submitted a reciprocal application from the State of Maryland to practice pharmacy in Pennsylvania, which the Pennsylvania Board provisionally denied, as stated above, which was appealed. At the time of the hearing, the Applicant held an expired license to practice pharmacy in Maryland.

8. In its Denial of the Application, the Pennsylvania Board found that the Applicant suffered from anxiety and depression and began abusing drugs and alcohol, and he officially resigned from his position at the pharmacy where he practiced due to his depression and addiction issues in August 2011. The Applicant attended a 30-day inpatient program in the winter of 2011 but relapsed into abusing drugs one month after leaving the inpatient facility.

9. In March 2012, the Applicant was charged with Driving Under the Influence and Possession of Prescription Legend Drugs¹, a felony in the State of New Jersey, and on April 30, 2012, was placed on pre-trial intervention by the New Jersey courts for a period of one year.

10. In July 2012, the Applicant was arrested and charged with attempting to acquire controlled substances by fraud in Pennsylvania, and in October 2012, he entered inpatient treatment for his addiction issues in New Jersey, which he successfully completed in February 2013.

11. On March 7, 2013, the Applicant pled guilty to two counts of misdemeanor Possession of a Controlled Substance stemming from the July 2012 charges and was placed on probation for 24 months.

12. In March 2013, the Applicant contacted the Pennsylvania Pharmacist Assistance program to help with obtaining his Pennsylvania license.

¹ A legend drug is a drug approved by the U.S. Food and Drug Administration that can be dispensed to the public only with a prescription from a medical doctor.

13. On April 24, 2013, the Applicant's pre-trial intervention in New Jersey was extended for an additional 12 months beginning on April 29, 2013.

14. The Applicant participated in the Pennsylvania Pharmacist Assistance program by submitting to random drug screenings, attending weekly Alcoholics Anonymous and Narcotics Anonymous meetings, and attending weekly 12-step meetings. Since his enrollment into that program, the Applicant had been compliant with his monitoring program, including 19 out of 19 negative urine drug screens and one negative hair analysis. The Applicant also attended individual and group therapy. The Pennsylvania Board found that the Applicant had not worked as a pharmacist since March 2012.

15. The Pennsylvania Board further found that the Applicant's license should be denied until he has "at least three years of sustained sobriety from his addiction before he can be considered not to be a threat to the health and safety of the...Commonwealth."

16. As set forth above, the Respondent, in responding to questions on his October 20, 2015 Maryland reinstatement license application about license denial, disciplinary actions, employment, and drug abuse, deliberately answered each pertinent question falsely and thereby obtained his reinstated license by deceit or fraud, in violation of § 12-213 (b) (1).

17. Subsequently, by Order dated March 9, 2016, the Pennsylvania Board granted the Applicant, with the recommendation of the Pennsylvania Pharmacist Assistance program, a license, with Probationary Terms, including he shall be permitted to sit for the MJPE examination and upon passing the examination, a license to practice pharmacy shall be

issued, which license shall then immediately be placed on probation for a term of no less than THREE YEARS. He was to be placed on a monitoring program by the Pharmacist Assistance program and a Nurse Peer Assistance Program, have a mental and/or physical evaluation assessing his fitness to practice pharmacy, abstain from use of controlled substances, including alcohol, submit to random, unannounced, and observed drug testing, and be subject to workplace monitoring.

18. By Order dated May 14, 2019, the Pennsylvania Board issued a Final Order Reinstating the Respondent's License and terminating probation.

19. On October 19, 2020, the Pennsylvania Board issued an Order of Temporary Suspension and Notice of Hearing to the Respondent. The basis for the Temporary Suspension is as follows: On July 22, 2020, in the Court of Common Pleas of Northampton County on the criminal docket, the Respondent was charged with the following:

- A. One Count of Burglary (Felony);
- B. Three Counts of Criminal Mischief (Misdemeanor);
- C. One Count of Theft by Unlawful Taking (Misdemeanor);
- D. Two Counts of Possessing an Instrument of Crime (Misdemeanor);
- E. One Count of Possession of a Controlled Substance (Ungraded Misdemeanor);
- F. Three Counts of Discharging a Firearm.

20. The above Counts were a result of the following: On July 21, 2020, at approximately 11:46 p.m., Bethlehem Police Patrol units were dispatched to an area

pharmacy² for a report of a burglar alarm where, upon arrival, units observed damage to the front window to the pharmacy. Patrol units also observed a sedan driving away from the area.

21. A traffic stop was conducted on the sedan at approximately 11:50 p.m., and the driver, and sole occupant and owner of the vehicle, was identified as the Respondent. A black 9mm handgun was observed in plain view along with a flannel patterned shirt. A later search of the vehicle yielded a facemask. While securing and searching the scene, patrol officers located 9mm shell casings inside the pharmacy in the area of the damaged window. Patrol officers also located a suspected bullet hole in a cabinet and an unshot 9mm round on the floor near the cabinet. Patrol officers noted silver spray paint painted on the pharmacy front door and nearby security camera.

22. While interviewed, shards of bloody glass fell from the Respondent's footwear.

23. The owner of the pharmacy stated that the Respondent used to be employed by the pharmacy.

24. Reviewed security camera footage showed an individual approach the pharmacy, spray paint the pharmacy door and one security camera, fire one round from a dark-colored handgun into the glass window, use his body to force his way through the broken glass, move towards a black cabinet, fire the dark-colored handgun multiple times at the black cabinet, remove pill bottles from the cabinet shelf, store the bottles inside a red and black colored bag, and flee out the rear of the pharmacy.

² Names of individuals or facilities are confidential.

25. The Respondent's clothing, when stopped by the Patrol units, along with the flannel patterned shirt and facemask found in his car, were consistent with the clothing worn by the individual in the security camera footage. A black and red colored bag, consistent with the bag seen in the security camera footage, was in close proximity to where the Respondent was pulled over by Patrol officers. A search of that bag yielded eight bottles of Alprazolam³ (one of which was empty), a can of silver spray paint, and various hand tools consistent with tools used to commit burglaries.

26. It was further determined that the individual seen in the security footage was wearing moccasins and blue swim shorts, which the Respondent was wearing when apprehended. Ballistic testing conducted on the bullet and casings found at the pharmacy matched the handgun found in the Respondent's car. Blood samples taken from the Respondent matched the blood collected within the pharmacy. The glass recovered from the Respondent's shoes matched the front window glass from the pharmacy.

27. On August 28, 2020, the Respondent, present with defense counsel, waived the Preliminary Hearing and his Criminal Trial was set for November 2021.

28. On November 16, 2020, the Respondent and the Pennsylvania Board entered into a Consent Order which stipulated as "facts" the above recitation of the criminal charges filed against him as well as the bases for those charges found in the Temporary Suspension. The Respondent agreed to have his Pennsylvania license revoked.

29. As set forth above, the Respondent was disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any

³ Alprazolam, also known by the brand name Xanax, treats anxiety and panic disorder.

state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes in violation of §12-313 (b) (23).

30. The disciplinary action under the Board's disciplinary statutes includes, but is not limited to, the following:

Health Occ. §12-313 (b)

(24) Violates any rule or regulation adopted by the Board;

COMAR § 10.34.10.01. 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.

31. The Respondent violated the Act and regulations of the Board.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. §§12-313 (b) (23) and (24) and COMAR §10.34.10.01 B. (1) and (3).

ORDER

As set forth above, the Board hereby orders that the license to practice as a pharmacist in Maryland held by **NICHOLAS LOUKAS, Pharm.D., License No.: 19727**, the Respondent, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* (2019 Repl. Vol. and 2021 Supp.).

9/21/22
Date

Jennifer Hardesty
Jennifer Hardesty, Pharm.D., President
State Board of Pharmacy

NOTICE OF RIGHT OF APPEAL

In accordance with §12-316 of the Act and Md. Code. Ann., State Government §§10-201 *et seq.*, (2021 Repl. Vol.), you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the aforecited authority.