

IN THE MATTER OF

\*

BEFORE THE MARYLAND STATE

EDMUND KASAITIS, P.D.

\*

BOARD OF PHARMACY

License No. 11121

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\* \* \* \* \*

**CONSENT ORDER**

**BACKGROUND**

The Maryland Pharmacy Act authorizes the Maryland State Board of Pharmacy to discipline a pharmacist who practices while under the influence of alcohol and/or is mentally incompetent. Md. Code Ann Health Occ. Art., §12-313(b)(4) and (20). Furthermore, the Board is authorized to take emergency action to summarily suspend the license of a pharmacist whose mental condition threatens the public health, safety, or welfare. Md. Code Ann., State Gov't Art., §10-226(c). This Consent Order has been issued in lieu of the summary suspension of the pharmacist's license held by Edmund Kasaitis, P.D. ("Respondent").

**FINDINGS OF FACT**

The Maryland State Board of Pharmacy ("Board") makes the following findings of fact:

1. The Board received a report that recently Respondent had abused alcohol and been terminated from his employment as a pharmacist due to his violation of a contract with his employer requiring that he refrain from abusing alcohol. The Board also received a report that Respondent had violated his contract with the PEAC Committee, a pharmacist rehabilitation committee authorized under the Maryland Pharmacy Act, Health

Occupations Article, §12-317(b), to provide "assistance to any pharmacist in need of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition." The PEAC concluded that Respondent was in violation of his contract with PEAC and also concluded that Respondent was not capable of making clear decisions or exercising good clinical judgment and thus may constitute a public health risk. These reports of the Respondent's alcohol abuse gave the Board cause to believe that the Respondent's mental condition may be endangering his patients.

2. Because of the Respondent's reported alcohol abuse and his violation of his contract with PEAC, the Board ordered that the Respondent submit to a psychiatric examination for the purposes of determining whether his mental condition impairs his ability to provide adequate professional care for his patients and whether his mental condition places his patients at any risk of harm. This Board-ordered psychiatric examination was authorized by the Maryland Pharmacy Act, Health Occupations Article, §12-320. The Board sought this information to determine whether summary suspension of Respondent's license under State Government Article §10-226(c) is necessary to protect the public health, safety and welfare. The Respondent then submitted to a psychiatric examination and released the results of that examination to the Board.

3. The results of the psychiatric examination indicated that Respondent can only safely practice pharmacy under certain specific restrictions and conditions of supervision. Specifically, the examining psychiatrist, Anthony Burlay, M.D., concluded that certain specified conditions on Respondent's practice are necessary to protect Respondent's patients.

## CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes that emergency action under State Government Article, §10-226(c) is warranted to protect the public health, safety, and welfare.

## ORDER

In accordance with Dr. Burlay's recommendations, the Board **ORDERS** that the Respondent's license be placed on **PROBATION**, subject to the following conditions, as further specified by the Board and agreed to by the Respondent, the costs of which are to be borne by the Respondent:

- 1) Supervision of his pharmacy practice by another pharmacist approved by the Board, which supervisor and pharmacy employer shall be given a copy of this Consent Order;
- 2) Random urinalysis on at least a weekly basis to be determined by the PEAC in its sole discretion;
- 3) Compliance with all treatment recommendations by a Board-approved psychiatrist, the frequency and nature of which treatment to be determined by the psychiatrist;
- 4) Baseline and periodic assessment of MCV (mean corpuscular volume) and/or GGT (gamma-glutamyl transferase) as recommended by the treating psychiatrist;
- 5) Monitored treatment with Antabuse as recommended by his treating psychiatrist;

6) Inpatient or intensive outpatient treatment as recommended by the treating psychiatrist;

7) Respondent shall enter into and abide by a contract with PEAC under terms to be determined by PEAC; and

8) Monthly reports shall be made to the Board by the Respondent's supervisor and treating psychiatrist and/or therapist approved by the treating psychiatrist concerning Respondent's clinical status and fitness to practice pharmacy; and be it further

ORDERED, that six months following the effective date of his Consent Order, Respondent may petition the Board to release him from probation or to modify the terms of the probation. Any such petition must be endorsed by PEAC and Dr. Burlay or another evaluating psychiatrist approved by the Board prior to the Board's consideration of Respondent's petition, which petition may be accepted or rejected at the Board's sole discretion; and be it further

ORDERED, that the terms of this Consent Order do not preclude the Board from taking any further disciplinary action relating to Respondent's potential violations of the Maryland Pharmacy Act; and be it further

ORDERED, that the terms of this Consent Order do not preclude the Board from summarily suspending Respondent's license as warranted by facts or circumstances of which the Board is not presently aware; and be it further

ORDERED, that this Consent Order constitutes a final order of the Board and is a public document subject to inspection by members of the public upon request, which Consent Order may 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; and be it further

ORDERED, that if Respondent fails to abide by the terms of this Consent Order and/or otherwise appears to be a danger to himself or to 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; and be it further

ORDERED, that if the Board summarily suspends Respondent's license to practice pharmacy, the Board shall then give Respondent immediate notice of the summary suspension and an opportunity to be heard within thirty (30) days of requesting a hearing.



David Russo, P.D., President  
Board of Pharmacy

8/19/28  
Date

### CONSENT

I, EDMUND KASAITIS, have read this Consent Order and acknowledge that;

1. I am aware that without my consent, my license to practice pharmacy in this State cannot be limited, except pursuant to the provisions of §10-201 et. seq. of the administrative Procedure Act, State Government Article Annotated Code of Maryland.

2. I am aware that I am entitled to a formal evidentiary hearing before the Board.

3. By this Consent Order, I hereby admit the truth of the Findings of Fact, and accept and submit to the Foregoing Order and its conditions.

4. I acknowledge the validity of this Order as if made after a 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 and I waive any appeal right under Maryland Code Annotated, State Government Article §10-222.

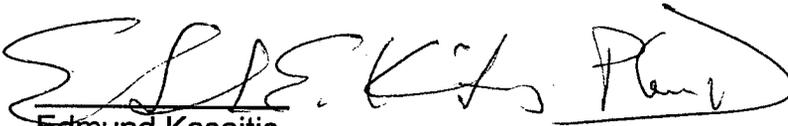
5. I hereby consent and submit to the foregoing Findings of Fact, Conclusion of Law and Order provided the Board adopts the foregoing Final consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in §12-315 of the Act and §10-201 et. seq. of the Administrative Procedure Act except on connection with any alleged violation of this Order. I acknowledge that by failing to abide by the conditions set forth in this Order, I may suffer disciplinary action.

6. I understand that this Consent Order is a public document, disclosable under §10-617(h) of the State Government Article, Annotated Code of Maryland.

7. I sign this Order after having an opportunity to consult with an attorney, whether or not I have done so, and without reservation, and I fully understand its meaning.

8. I further acknowledge that this Agreement provides that in the event that the Board receives information that I am not complying with the conditions of this Consent Order or that indicates I appear to be a danger to myself or others, the Board may summarily suspend my license to practice pharmacy **WITHOUT PRIOR NOTICE AND WITHOUT A PRIOR OPPORTUNITY TO BE HEARD.** I acknowledge that should the

Board take such action, I will then be given immediate notice of the summary suspension and an opportunity to be heard within thirty (30) days of my requesting a hearing.

  
Edmund Kasaitis 8/27/98  
Date

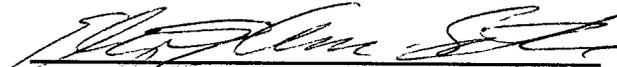
**NOTARY**

**STATE OF MARYLAND**

Baltimore COUNTY

I HEREBY CERTIFY that on the 27 day of August,  
before me, a Notary Public of the State and City aforesaid, personally appeared **Edmund Kasaitis, P.D.**, and made oath in due form of law that the execution of the foregoing Disposition Agreement is his voluntary act and deed.

As witness my hand and notarial seal.

  
Notary Seal

ELIZABETH ANN SCHECHTER  
NOTARY PUBLIC  
STATE OF MARYLAND  
MY COMMISSION EXPIRES 7-21-02

My Commission expires on \_\_\_\_\_