

IN THE MATTER OF \* BEFORE THE  
AARON KANAS, P.D. \* MARYLAND STATE  
LICENSE NO. 12963 \* BOARD OF PHARMACY  
Respondent \*

\* \* \* \* \*

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Social Pharmacy (the "Board") and subject to Health Occupations Article, Title 12, Annotated Code of Maryland (the "Act"), the Board charged Aaron Kanas, P.D. (the "Respondent"), with violations of §12-313. Specifically, the Board charged the Respondent with violation of the following provisions:

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, reprimand any licensee, place any licensee on probation; or suspend or revoke a license if the applicant or licensee:

- (21) 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;
- (23) Is disciplined by a licensing or disciplinary authority of any other 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;

Actions which would subject the Respondent to discipline in the State of Maryland would be the following violations of §12-313:

- (5) Submits a false statement to collect a fee;
- (6) Willfully makes or files a false report or record as part of practicing pharmacy;

- (16) Violates any provision of §12-509 of this title, which concerns the labeling requirements for prescription medicines.

The Respondent was given notice of the charges and the issues underlying those charges by letter and charging documents dated June 17, 1996. A prehearing conference on those charges was held on July 9, 1996 and was attended by Theodore Litwin, LLB, Melvin Rubin, P.D., members of the Board, Norene Pease, Executive Director of the Board, and Paul Ballard, Counsel to the Board. Also in attendance were the Respondent, who knowingly and voluntarily waived his right to an attorney, and the Administrative Prosecutor, Roberta L. Gill.

Following the prehearing conference, the parties and the Board agreed to resolve the administrative charges by way of settlement. The parties and the Board agreed to make the following Findings of Fact and Conclusions of Law.

#### FINDINGS OF FACT

1. At all times relevant to the charges herein, Respondent was licensed to practice pharmacy in the State of Maryland. The Respondent also was licensed by the Boards of Pennsylvania and New Jersey to practice pharmacy in those states. At all times relevant hereto, the Respondent worked as a pharmacist at pharmacies in Pennsylvania.

2. On May 28, 1987 the Respondent was arrested and charged with the following felonies involving the practice of pharmacy: Medicaid fraud, including the misrepresentation of the description of services, supplies or equipment dispensed; knowingly submitting

false information pertaining to medications dispensed; criminal conspiracy; and, misbranding, involving medications dispensed.

3. On November 3, 1988, the Respondent pled guilty to three counts of Medicaid fraud which involved knowingly submitting false information pertaining to medications dispensed to the Department of Public Welfare for the purpose of obtaining greater compensation than that to which the provider was legally entitled for furnishing services or merchandise under Medical Assistance. The Respondent also pled guilty to one count of conspiracy to commit Medicaid fraud.

4. On November 3, 1988 the Respondent was sentenced to three years probation, and ordered to pay a \$7500 fine to Dauphin (Pa.) County and to make restitution to the Office of the Attorney General in the amount of \$5000.

5. Based upon this conviction, on August 4, 1989 the Respondent and the State of New Jersey entered into a Consent Order, wherein the Respondent's "registration" was suspended for six months, with all but one month stayed.

6. Based upon this conviction, the Pennsylvania Board entered into a Consent Agreement and Order with the Respondent in August 1994 and October 1994, respectively, wherein the Respondent's Pennsylvania license was suspended for two years, which suspension was immediately stayed; the Respondent was placed on two years Probation with conditions.

7. Based upon this conviction, the Respondent was debarred from participating in the Medicaid program for five years. At the present time, the Respondent has been allowed to again participate in the program.

#### CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated §§12-313(21) and (23).

#### ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 13 day of August, 1996, by a majority of a quorum of the Board,

ORDERED that Respondent be placed on PROBATION subject to the following conditions:

1. The probation will be for a period of one year, effective as of the date of the Order;
2. Attend an Ethics Course approved by the Board and document completion of the course to the Board within the first six (6) months of the Probation; and
3. Submit quarterly reports to the Board, commencing September 1, 1996 detailing the Respondent's dispensing of drugs to Medicaid patients.

ORDERED that Respondent shall refrain from engaging in the conduct which led to the disciplinary action herein; and be it further

ORDERED that Respondent shall practice in accordance with the Maryland Pharmacy Act and in a competent manner; and be it further

ORDERED that if Respondent violates any of the foregoing conditions of probation, the Board, after notification of a hearing and determination of violation, may impose any further disciplinary sanctions it deems appropriate; and be it further

ORDERED that on or after the one year probationary period has ended, the Respondent may petition the Board to remove the conditions of probation and restore his license to practice pharmacy without conditions or restrictions, only after the Respondent has demonstrated to the Board that he has practiced pharmacy in compliance with the Act and with the conditions of probation; and be it further

ORDERED that in the event the Maryland Board of Pharmacy receives an unsatisfactory report which it believes in good faith to be accurate, or in the event that the Maryland Board of Pharmacy finds for any reason in good faith that Respondent has substantially violated any provision of Title 12 of the Health Occupations Article or regulations thereunder, the Board may take action, including but not limited to, revocation or suspension of the Respondent's license to practice pharmacy, after giving Respondent notice and an opportunity for a hearing, in accordance with the Administrative Procedure Act, State Government Article, §10-201 et seq.

ORDERED that for purposes of public disclosure, as permitted by §10-617(h), State Government Article, Annotated Code of Maryland, this document consists of the foregoing Findings of Fact, Conclusion of Law and Order.

8/13/96  
DATE

George A. Voxakis Pharm D  
George Voxakis, P.D.  
President  
State Board of Pharmacy

CONSENT OF AARON KANAS, P.D.

I, Aaron Kanas, P.D. by affixing my signature hereto, acknowledge that:

1. I am not represented by attorney and have knowingly and voluntarily waived my right to be so represented.

2. I am aware that without my consent, my license to practice pharmacy in this State cannot be limited except pursuant to the provisions of §12-313 of the Act and §10-201 et seq. of the Administrative Procedure Act (APA), Annotated Code of Maryland;

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

By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law and Order, provided the Board adopts the foregoing 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 §10-215 et seq. of the APA, and any right to appeal as set forth in §12-316 of the Act and §10-201 et seq. of the APA. I acknowledge that my failure to abide by the conditions

set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation, against my license to practice pharmacy in the State of Maryland.

7-30-96  
Date

Aaron Kanas  
Aaron Kanas, P.D.

STATE OF MARYLAND  
CITY/COUNTY OF BALT. :

I HEREBY CERTIFY that on this 30<sup>th</sup> day of July, 1996, A Notary Public of the State of Maryland and (City/County), BALT. MD., personally appeared AARON KANAS, P.D., License No. 12963 and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Jennifer D. Campion  
Notary Public

JENNIFER D. CAMPION  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires December 7, 1999

My Commission Expires:

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