

IN THE MATTER OF
STEPHEN KLEBROWSKI, P.D.
LICENSE NO. 07202,
RESPONDENT

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHARMACY
*

* * * * *

CONSENT ORDER

Based on information received and a subsequent investigation by the Maryland State Board of Pharmacy (the "Board") and subject to the Md Code Ann. Health Occupations §12-101 et seq., (1994) (the "Act") the Board charged **Steven Klebrowski, P.D., License No. 07202** (the "Respondent"), with having violated certain provisions of the Act under §12-313 (b).

Specifically, the Board charged the Respondent with violation of the following provisions of §12-313(b) of the Act:

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 :

(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;

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

The Board has adopted COMAR 10.34.18 which requires that a licensee obtain and document continuing education credits.

BACKGROUND

On March 16, 1998 the Board notified the Respondent by way of a charging document and letter of procedure of the charges against the Respondent. The Board scheduled a case resolution of April 1, 1998 which was canceled due to the illness and

hospitalization of the Respondent. The Board notified the Respondent that the Board had re-scheduled the case resolution conference to June 18, 1998. On June 18, 1998 the case resolution panel met at the Board's offices to conduct the case resolution conference, however, the Respondent did not appear and at 9:30 a.m. the Respondent was telephoned at his residence. Upon learning that the Respondent would not be attending the case resolution conference on June 18, 1998, the Board notified the Respondent by letter that the hearing had been re-scheduled to August 19, 1998. The Respondent, the Board, and the Office of the Attorney General enter into this Consent Order to resolve the pending issues and to avoid further litigation.

FINDINGS OF FACT

The Board bases its charges on the following facts that the Board has cause to believe are true:

1. At all times relevant to the charges herein, Respondent was licensed to practice pharmacy in the State of Maryland and was practicing in Maryland as a pharmacist.

2. Respondent applied for renewal of his Maryland license to practice pharmacy with the State Board of Pharmacy on September 28, 1996.

3. Appended to Respondent's renewal form was the Continuing Education Record form. This form was filled out by Respondent. This form contains an attestation clause, wherein Respondent, under penalty of perjury, provided the information as true and correct.

4. Under COMAR 10.34.18.02 Requirements for Pharmacists

Practicing in Maryland, Respondent was required to "attest to the fact that the pharmacist has completed the continuing pharmaceutical education requirement on a verified form."

Respondent and all pharmacist licensees are required to retain the supporting documentation for four (4) years after the date of renewal for which the credits were used.

5. Respondent's renewal application additionally contained the statement "I hereby certify that I have earned the 30 hours of Continuing Education as required by the Maryland Board of Pharmacy." Respondent's signature and the date of the signature appear directly below and within the same section as this statement.

6. A pharmacist applying for renewal in Maryland and practicing in Maryland is required, upon request of the Board, to present valid documentation of the successful completion of 30 continuing education credits during the renewal period. See COMAR 10.34.18.02. A.

6. Respondent submitted his continuing education record form on which the Respondent indicated that he had completed 30.5 hours of continuing education credits in the renewal period. Respondent's continuing education credits were audited by the Board in or about March 1997.

7. The Board's March 1997 audit revealed that Respondent had a deficit in continuing education credits of 18.5 hours. Respondent was asked to submit the required documentation for his claimed continuing education credits. Further investigation by

the Board revealed that Respondent possessed documentation for 7.5 hours, four of the hours having been earned by the Respondent after the renewal period.

8. The renewal application places all licensees on notice concerning the use of continuing education credits with this language contained on the form:

*Continuing Education credits **MUST** be obtained during the renewal period. The authorizing signature and date on the certificate, or some other verification of the date the credits were earned is required to be within the renewal period.*

Respondent's signature and date of his signature appear just above this statement.

9. Respondent was faxed a copy of the continuing education form which he submitted with his renewal application. Respondent was asked to make contact with the indicated providers that Respondent did not have documentation for. Respondent contacted University Consultants. That provider faxed four certificates for 15.5 credits to the Board's office on September 26, 1997. All four of the certificates contained an authorizing date after the renewal period.

10. Respondent indicated to the Board on September 29, 1997 that he had no other documentation for the continuing education credits for the renewal period. Respondent stated that Power-Pak was unable to prepare a duplicate certificate and that the University of Colorado and Medicine in Print would be faxing certificates to the Board's office. A certificate from the University of Colorado was faxed to the Board's office on September 30, 1997. The certificate was for 2 credits with a

date indicating that they were earned during the renewal period.

11. Respondent's total documented earned continuing education credits for the renewal period is 9.5 hours. Respondent has a deficit of 20.5 continuing education credits for the renewal period.

12. Under COMAR 10.34.18.07 D falsifying a continuing education record is grounds for disciplinary action under Health Occupation Article §12-313 (b) (1) and (2). If found to be guilty as described herein, Respondent may be subjected to a monetary penalty of not less than \$500 and not more than \$5,000 under COMAR 10.34.11.04 D.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that the Respondent failed to obtain the required continuing education credits during the renewal period, for which the Board finds that the Respondent violated §12-313 (b) (24) by his failure to obtain the required continuing education credits during the renewal period and failing to maintain the supporting documentation which is based on Respondent's violation of COMAR 10.34.18. By submitting the continuing education form containing false information, and for attempting to obtain licensure renewal, and obtaining licensure renewal without the requisite continuing education credits, the Respondent has violated §12-313 (b) (1).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 24th day of AUGUST, 1998, by a majority of the Board, hereby

ORDERED that Respondent be and is hereby placed on **PROBATION** for a period of **twelve (12) months** under the following conditions;

a) Respondent shall earn and submit documentation for the successful completion of **61.5** continuing education credits, which includes Respondent's deficit of **20.5** credits for the previous renewal period;

b) Respondent shall earn the credits in (a) above in addition to the continuing education credits which must be earned by the Respondent during the current renewal period;

c) Respondent shall take and successfully pass a Board-approved course in ethics of three credits, these credits to be counted toward the 61.5 credits in (a) above;

d) Respondent's continuing education forms shall be audited for the next two renewal periods;

e) Respondent shall pay a monetary penalty in the amount of \$2,050.00 (two thousand fifty dollars). The monetary penalty is to be paid by the Respondent prior to the end of the probationary period.

ORDERED that Respondent may **Petition** the Board for termination of Probation after six months from the effective date

of this Order. A pre-requisite of Respondent's Petition from Termination of Probation is his successful completion of the probationary conditions as described herein.

ORDERED, that the Respondent shall petition the Board for termination of Probation at the conclusion of the 12 months of Probation imposed by this Order; and it is further

ORDERED that Respondent shall immediately notify the Board in writing of any change in his residential and/or business address; and it is further

ORDERED that in the event the Board finds for any reason in good faith the Respondent has substantially violated any provision of Title 12 of the Health Occupations Article, Maryland Annotated Code or the regulations thereunder, or if the Respondent violated any of the foregoing Consent Order conditions, the Board, *after notification to the Respondent, and an opportunity to be heard*, may take immediate action or impose any lawful disciplinary sanction it deems appropriate, including but not limited to revocation or suspension of Respondent's licensee to practice pharmacy; and be it further

ORDERED that the conditions of the Consent Order be, and the same hereby are, effective as of the date of the Board's execution on this Order; and be it further

ORDERED that for purposes of public disclosure, as permitted by §10-617 (h), Md. Code Ann. State Government (1994), this document constitutes the Board's Findings of Fact, Conclusions of Law, and Order, resulting from formal disciplinary

proceedings.

8/24/98

Date

David Russo

David Russo, P.D., M.B.A.
President

CONSENT of Steven Klebrowski, P.D.

I, Steven Klebrowski, P.D., by affixing my signature hereto, acknowledge that:

1. I am aware that I have the right to have an attorney to consult with me, whether or not I have chosen to seek the assistance of an attorney.

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 §12-315 of the Act and §10-201 et seq. of the Administrative Procedure Act, Md Code Ann. State Government.

3. I am aware that I am entitled to a formal evidentiary hearing before the Board or an Administrative Law Judge.

4. I understand that by agreeing to enter into this Consent Order I cannot challenge the Findings of Fact and Conclusions of Law in any future hearing before the Board.

By this Consent Order, I hereby consent and submit 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 §10-201 et seq. of the Administrative Procedure Act except in 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, after an opportunity to be heard, suffer disciplinary action, including revocation of my license to practice pharmacy in the State of Maryland.

8/17/98

DATE

Steven Klebrowski

Steven Klebrowski, P.D.

STATE OF MARYLAND

CITY/COUNTY OF:

I HEREBY CERTIFY that on this 17th day of August, 1998, a Notary of the State of Maryland and (City/County), Baltimore, personally appeared STEVEN KLEBROWSKI, P.D. License No. 7202 07202, 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 WITNESS my hand and notarial seal.

Michael J. Maglieri

Notary Public

My commission expires:

2/1/02