

IN THE MATTER OF

*

BEFORE THE

KIM HULKO, P.D.

*

STATE BOARD

License No.: 10047

*

OF PHARMACY

Respondent

*

Case No. 09-117

* * * * *

**FINAL ORDER OF REVOCATION
OF THE RESPONDENT'S PHARMACIST LICENSE**

On August 13, 2010, the Board of Pharmacy (the "Board"), notified Kim Hulko, P.D., the Respondent, of its Intent to Revoke his pharmacist license. The Notice also informed the Respondent that, unless he requested a hearing in writing within 30 days of receipt of said Notice, the Board would sign the Final Order herein, which was enclosed. More than 30 days has elapsed and the Respondent failed to timely request a hearing. Therefore, this revocation is final.

The basis for the Board's action was pursuant to the Administrative Procedure Act (the "APA"), Md. State Govt. Code Ann. § 10-226(c) (1) (2009 Repl. Vol.) and the Maryland Pharmacy Act, codified at Md. Health Occ. Code Ann. § 12-101, et seq., ("the Act") (2009 Repl. Vol.).

The pertinent provision of § 10-226(c)(1) of the APA states:

Revocation of suspension. (sic)—(1) Except as provided in paragraph (2) of this subsection, a unit may not revoke or suspend a license unless the unit first gives the licensee:

- (i) written notice of the facts that warrant suspension or revocation; and,
- (ii) an opportunity to be heard.

The pertinent provision of § 12-313 the Act states:

(b) 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:

(24) 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[;].

FACTS THAT WARRANT THE REVOCATION OF THE RESPONDENT'S LICENSE

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first licensed on August 5, 1983. The Respondent's license expires on January 31, 2011.

2. At all times relevant hereto, the Respondent was employed by a Safeway pharmacy in Colorado.

3. On September 11, 2009, the Respondent entered into a Stipulation and Final Agency Order with the State Board of Pharmacy of the State of Colorado wherein his Colorado pharmacist license was relinquished and canceled, with the full force and effect as a revocation. The Order further forbade the Respondent to work in any capacity for any prescription drug outlet, wholesale outlet, other outlet, and any other business requiring licensure or registration in the State of Colorado under the Pharmaceuticals and Pharmacists Act.

4. The basis for the Order was that the Respondent generated false prescriptions for Schedule II controlled substances for personal use, falsified pharmacy records and prescription labels and/or failed to generate labels for prescriptions he

dispensed from the pharmacy for a period of over a year.¹

5. On September 16, 2009, as a result of the above, the Board summarily suspended the Respondent's license. The Respondent failed to request a hearing.

6. As set forth above, the Respondent's license should be revoked.

CONCLUSIONS OF LAW

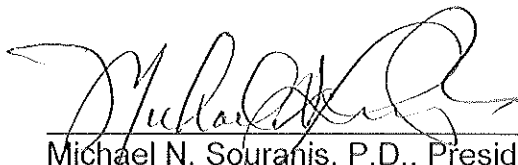
Based upon the foregoing Facts, the Board concludes that the Respondent violated its Act and that the revocation is warranted, pursuant to § 12-313 and § 10-226 (c) (1) of the APA.

NOTICE OF RIGHT OF APPEAL

In accordance with Md. Health Occ. Code Ann. § 12-316 (2009 Repl. Vol.) and the Administrative Procedure Act, Md. State Govt. Code Ann. § 10-201, *et seq.*, (2009 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 afocredited authority.

12-15-2010

Date



Michael N. Souranis, P.D., President
Board of Pharmacy

¹On December 28, 1994, the Respondent entered into a Stipulation and Final Agency Order with the Colorado Board after he diverted Tylenol #3, a Schedule III controlled substance. The Respondent's Colorado pharmacist license was suspended and the Respondent was placed on Probation with mandatory treatment for three years. In July 1987, the Respondent entered into a Consent Order with the Maryland Board in which he admitted to having used forged prescriptions on 18 occasions to obtain Percocet, a Schedule II controlled substance, from his employer for personal use and without paying for said Percocet. The Respondent temporarily surrendered his Maryland pharmacist license and he was subsequently placed on probation with counseling and monitoring.