

State of Maryland Department of Health and Mental Hygiene

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June 11, 1998

Mohammad Hussain
8313 Marketree Court
Gaithersburg, Maryland 20879

By First Class & Certified Mail P 591 531 760
Return Receipt Requested

Dear Mr. Hussain:

The Board of Pharmacy held a hearing on June 10, 1998 and subsequently voted to execute and continue the enclosed Summary Suspension Order. The Order requires that you return your license to practice pharmacy, including wallet and display licenses. Please call the Board offices if you have any questions.

Very truly yours,

Norene F. Pease
Executive Director

cc: Lisa Hall
Assistant Attorney General
Paul Ballard,
Assistant Attorney General
Tim Paulus,
Deputy Attorney General

4201 Patterson Avenue - Baltimore, Maryland 21215-2299 - (410) 764-4755
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Healthy People in Healthy Communities

IN THE MATTER OF
MOHAMMAD HUSSAIN, P.D.
LICENSE NO. 11704,
RESPONDENT

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHARMACY

* * * * *

ORDER FOR SUMMARY SUSPENSION OF LICENSE TO PRACTICE PHARMACY

Pursuant to Md. Code Ann., State Gov't, §10-226 (c) (2) (1995), the Maryland State Pharmacy Board (the "Board") hereby suspends the license to practice pharmacy previously issued to **Mohammad Hussain, P.D.**, (the "Respondent"), License No. 11704, under the Maryland Pharmacy Act, Md. Code Ann., Health Occ. §12-101 et seq. (1994) (the "Act"). This Order is based on the following information, which the Board has reason to believe is true:

BACKGROUND

1. At all times relevant, Respondent was licensed to practice pharmacy in the State of Maryland.
2. The Respondent was charged by criminal indictment and found guilty by a jury in the U.S. District Court for the District of Maryland in criminal case no. 97-CR-475-ALL with conspiracy, wire fraud, aiding and abetting, and selling sample drugs.
3. The Respondent owned and operated a pharmacy located at 8309 Grubb Road in Silver Spring, Maryland, trading under the name "Rock Creek Pharmacy."
4. Under Count One it was alleged that between on or about May 1995 and until on or about October 1996 that the Respondent did unlawfully, willfully, and knowingly combine, conspire and agree with other persons to: (a) alter, mutilate, destroy, obliterate, and remove the whole and part of the labeling of, and to do other acts with respect to a prescription drug, while such article is held for sale after shipment in interstate commerce and which results in

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such article being misbranded, with the intent to defraud and mislead the FDA, insurance companies, and consumers in violation of 21 U.S.C. Section 331(k) and 333(a)(2); and (b) to sell and offer to sell prescription drugs subject to Title 21, United States Code Section 353(b), which had been purchased by a private hospital within the meaning of Title 21, United States Code Section 353(c)(3)(A)(ii), with the intent to defraud and mislead the FDA, insurance companies, and consumers, in violation of 21 U.S.C. Sections 331(t) and 333(a)(2).

5. The conspiracy involved the receipt by the Respondent of prescription drugs from a licensed pharmacist. Those drugs were stolen from a private hospital. Those prescription drugs were originally labeled in packaging which contained the lot number and expiration dates for the prescription drugs. These prescription drugs were then removed from their original packaging and placed in new packaging. The new packaging did not contain information regarding the lot number and expiration dates. This served to misbrand the drugs which is a violation under 21 U.S.C. Sections 331 and 352(a), (c) and (f). This conspiracy deprived the true owners of their property and the manner of new packaging was done to avoid detection by the FDA, consumers, and insurance companies.

6. The Respondent did not keep records of the source of the stolen prescription drugs and he would later sell the misbranded drugs to customers without informing them that the prescription drugs were misbranded or stolen. Additionally, the Respondent caused the transmittal to customers' insurance companies claims for payment of the stolen and misbranded prescription drugs.

7. The Respondent paid the pharmacist cash for receipt of the stolen prescription drugs.

8. The Respondent was found guilty of Count 1.

9. Under Count Two the Respondent was indicted for violation of 21 U.S.C. Sections 331(a) and 333(a)(2) which state in pertinent part: "to introduce, and deliver for introduction into interstate commerce, prescription drugs that were misbranded, with the intent to defraud and mislead the FDA, insurance companies, and consumers."

10. It was alleged that the Respondent did "receive in interstate commerce prescription drugs that were misbranded, and to deliver and to proffer delivery of misbranded prescription drugs for pay and otherwise, with the intent to defraud and mislead the FDA, insurance companies, in violation of 21 U.S.C. Section 331(c) and 333(a)(2).

11. Under Count Two the Criminal Indictment alleges that the Respondent did: "alter, mutilate, destroy, obliterate, and remove the whole and part of the labeling of, and to do other acts with respect to a prescription drug, while such article is held for sale after shipment in interstate commerce and which results in such article being misbranded, with the intent to defraud and mislead the FDA, insurance companies, and consumers in violation of 21 U.S.C. Section 331(k) and 333(a)(2)."

12. Factually the conspiracy under Count Two involved Pharmacist A obtaining prescription drugs unlawfully and providing the prescription drugs to Pharmacist B. Under the scheme the Respondent would pay cash for the prescription drugs in order to conceal the nature of the transactions.

13. These prescription drugs were likewise removed from their original packaging and placed in packaging without identification of the expiration date or lot number. The original package contained this information. This act caused the prescription drugs to be misbranded which is a violation under 21 U.S.C. Sections 331 and 352(a), (c) and (f).

14. On or about February 10, 1997 Pharmacist A had a telephone conversation with the Respondent in which a transaction was discussed which involved the unlawful obtainment of pharmaceuticals.

15. On or about February 10, 1997 Pharmacist B delivered stolen pharmaceuticals to a person for the purpose of delivery to the Respondent.

16. The Respondent was found guilty of Count Two.

17. Under Count Three the Respondent "knowingly and willfully devised and intended to devise a scheme and artifice to defraud insurance companies; and to obtain from them money and property by means of false and fraudulent pretenses, representations, and promises, well knowing that the pretenses, representations, and promises would be and were false..."

18. Part of Respondent's scheme was to cause claims for payments to be made to insurance companies for prescriptions and refills of prescriptions which were not authorized by a physician or other licensed medical provider.

19. The Respondent additionally caused claims for payments to be made to insurance companies for quantities greater than authorized by the medical provider.

20. On or about December 21, 1995, the Respondent caused the transmittal of claims via electronic transmission in Silver Spring, Maryland to Parsippany, New Jersey a claim for reimbursement which included 24 Rowasa for Patient 1 knowing that this quantity had not been authorized by a physician or other licensed medical provider.

21. The Respondent was found guilty of Count Three.

22. Count Four states that the Respondent on or about January 8, 1997 caused the electronic transmittal from Silver Spring, Maryland to Parsippany, New Jersey a claim for

reimbursement which included a refill for an antibiotic for Patient 2 which had not been authorized by a physician or other licensed medical provider.

23. The Respondent was found guilty of Count Four.

24. Under Count Six the Respondent was alleged to have sold a quantity of Pepcid 40 mg on or about March 30, 1996 to Patient 3 which constituted a drug sample. Respondent caused a claim for reimbursement to be sent to PCS Health Systems, Inc.

25. The Respondent was found guilty of Count Six.

26. The Respondent was found guilty of Counts 1, 2, 3, 4, and 6 which constitute violations under 18 U.S.C. 371; 18 U.S.C. 1343 and 1342; 21 U.S.C. 331(a), (c), (k) and (t); 21 U.S.C. 333(a), (b)(1); 18 U.S.C. 2 and 18 U.S.C. 2(6).

27. The Respondent's conduct, as described above in ¶¶ 2 through 26 of misbranding prescription pharmaceuticals, conspiracy, wire fraud, aiding and abetting, the refill of pharmaceuticals without a valid prescription, and the selling of sample drugs to consumers, poses great risk of imminent harm to the citizens of the State of Maryland and warrants emergency action.

CONCLUSIONS OF LAW

Based upon the foregoing, the Board finds that the public health, safety and welfare imperatively requires emergency action pursuant to Md. Code Ann., State Gov't §10-226 (c) (2) (1995).

ORDER

It is therefore, this 11 Day of June 1998, by the State Pharmacy Board,

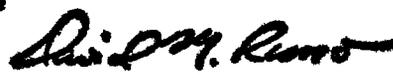
ORDERED, that pursuant to the authority granted the Board of Md. Code Ann., State Gov't § 10-226 (c) (2) (1995), the license of the Respondent, Mohammad Hussain (No. 11704), to practice pharmacy in the State of Maryland, be and is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED, upon presentation of this Order for summary suspension, Respondent shall immediately deliver to the Board, through the Board's executive director or its designee, the display, renewal certificate, and wallet-sized license to practice pharmacy previously issued by the Board' and be it further

A show cause hearing was held on **June 10, 1998 at 1:00 p.m.** at 4201 Patterson Avenue, Baltimore, Maryland 21215 at which the Respondent was given an opportunity to be heard on the issues limited to those raised in this order, that is, regarding the Respondent's fitness to practice pharmacy and the danger to the public. Respondent did not attend the hearing.

6/11/98

DATE

David Russo, P.D., M.B.A.
President, Board of Pharmacy