STATE OF MARYLAND
DHMH
Maryland Department of Health and Mental Hygiene
4201 Patterson Avenue • Baltimore, Maryland 21215-2299
Parris N. Glendening, Governor - Georges C. Benjamin, M.D., Secretary

State Board of Pharmacy

November 27, 2000

TIME SENSITIVE MATERIAL
via CERTIFIED MAIL, RETURN RECEIPT
REQUESTED, ARTICLE # P 591 531 776

Jaspal Singh Kochhar, P.D.
9513 Fetlock Drive
Germantown, Maryland 20874

RE: Order of Revocation

Dear Mr. Kochhar:

Please find enclosed a copy of the Order of Revocation executed by the Board of Pharmacy on November 15, 2000. Your license to practice pharmacy in this State is revoked.

Because of the concerns you have raised, however, you are being given an opportunity to request a hearing on this matter if you wish to contest the Board's issuance of this Order. A hearing will be scheduled if one is requested in writing within 14 (fourteen) days of receiving this notice. Please send your written request to my attention at the Board office.

Sincerely,

Michelle Andoll
Pharmacist Compliance Officer

Enclosure

cc: James Anagnos, Administrative Prosecutor
Paul Ballard, Board Counsel
Timothy Paulus, Deputy Counsel
LaVerne G. Naesea, Executive Director
OAG Blue Book

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| **IN THE MATTER OF** | * | **BEFORE THE** |
| **JASPAL SINGH KOCHHAR, P.D.** | * | **MARYLAND STATE** |
| **LICENSE NO. 08257** | * | **BOARD OF PHARMACY** |

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## ORDER OF REVOCATION

Pursuant to MD. CODE ANN., STATE GOV'T ("State Government") § 10-226 (c)(1) (1999 Repl. Vol.), and the Maryland Pharmacy Act (the "Act"), codified at MD. CODE ANN., HEALTH OCC. ("Health Occupations") §§ 12-101 *et seq.*, the Maryland State Pharmacy Board (the "Board") hereby **REVOKES** the pharmacist license of **Jaspal Singh Kochhar, P.D.,** ("Respondent"),(D.O.B. 10/15/42), License No. 08257.

**FACTS THAT WARRANT THE REVOCATION OF RESPONDENT'S LICENSE**

1. At all times relevant, Respondent was licensed to practice pharmacy in the State of Maryland, being issued License No. 08257 by the Board on October 15, 1975.

2. At all times relevant, Respondent was employed as a pharmacist by Holy Cross Hospital, located in Silver Spring, Maryland.

3. Beginning in 1995 continuing until October 1996, Respondent removed prescription drugs from Holy Cross Hospital without having first received a written or oral prescription from an authorized prescriber.

4. One of the prescription drugs removed by Respondent was Klonopin, a Schedule IV controlled drug.

5. Respondent removed the prescription drugs from Holy Cross Hospital without recording their removal from the hospital pharmacy supply, thereby creating a shortage in the drug inventory.

6. On October 26, 1996, Respondent consented to a search of his work locker at Holy Cross Hospital and his automobile by the Montgomery County Police Department.

7. A search of Respondent's work locker revealed the presence of a brown bottle containing a white powder. The bottle and contents were submitted to the crime lab for analysis. The analysis of the white powder revealed that the powder is a legend drug, di-hydro ergotimine.

8. A search of Respondent's automobile, a 1992 Mitsubishi Diamante, revealed the following substances: Parafon (a prescription muscle relaxant), Naproxen (a prescription non-steriodal anti-inflammatory), Meclizine (a prescription antihistime), Compazine (anti-emetic prescription drug), Alprazolam (a Schedule IV benzodiazepine), and Trazodone (a prescription anti-depressant).

9. On October 25, 1996, the Montgomery County Police Department executed a search warrant at Respondent's residence, located at 19513 Fetlock Drive, Germantown, Maryland.

10. As a result of the search of Respondent's residence, numerous controlled drugs, sixty-three bags of prescription drugs,

and durable medical goods were discovered and seized. The results of the search were placed in three large suitcases. One hundred sixty-three different prescription drugs, some of which were present in varying strengths, were seized along with syringes, chem strips, and one touch strips. The estimated wholesale price of the drugs and durable medical goods was $64,000.00.

11. Respondent provided the Montgomery County Police Department with a written statement, wherein he admitted taking approximately 300 to 400 tablets of Klonopin, as well as other pharmaceuticals, from Holy Cross Hospital.

12. On December 2, 1996 the Board, pursuant to State Government § 10-226 (c)(2) (1995 Repl. Vol.), voted to summarily suspend the pharmacy license of the Respondent, finding that the public health, safety, and welfare required such an action.

13. On December 9, 1996, an Order for Summary Suspension of License to Practice Pharmacy was issued by the Board.

14. On June 10, 1997, Respondent entered into a plea agreement in the case of United States of America v. Jaspal Kochhar, United States District Court for the District of Maryland, Case No. DKC 97-236. A copy is attached hereto as Exhibit A, and is incorporated by reference.

15. Respondent agreed to plead guilty to one count of unlawful sale of drugs purchased by a hospital with the intent to

defraud or mislead in violation of 21 U.S.C. §§ 331(t) and 353(c)(3)(A).

16. On April 14, 2000, Respondent entered his guilty plea before the Honorable Deborah K. Chasanow. Judge Chasanow imposed upon Respondent a sentence of five months imprisonment, and upon release from imprisonment, a term of one year of supervised probation. A copy of the Judgment is attached hereto as Exhibit B, and is incorporated by reference.

17. By removing the pharmaceuticals from the hospital pharmacy without a prescription, Respondent violated Health Occupations § 12-313(b)(2)(fraudulently or deceptively uses a license), and Health Occupations § 12-313(b)(14)(Without first having received a written or oral prescription for the drug from an authorized prescriber, dispenses any drug for which a prescription is required).

18. By removing the pharmaceuticals from the hospital pharmacy without recording the removal of the drugs, thereby creating a shortage in the drug inventory of the hospital pharmacy, Respondent violated Health Occupations § 12-313(b)(7)(willfully fails to file or record any report that is required by law).

19. By removing pharmaceuticals from the hospital and concealing them, Respondent violated Health Occupations § 12-313(b)(2)(fraudulently or deceptively uses a license).

20. By pleading guilty to one count the unlawful sale of drugs purchased by a hospital with the intent to defraud or mislead, Respondent violated Health Occupations § 12-313(b)(21)(is convicted 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).

21. Respondent's conduct, as described above in ¶¶ 1 through 20, warrants the revocation of Respondent's license under that Act and State Government § 10-226(c)(1)(1999 Repl. Vol.).

**CONCLUSIONS OF LAW**

The Board finds that the Respondent has violated §§ 12-313(b)(2),(7),(14), and (21) of the Maryland Pharmacy Act.

**ORDER**

Based on the foregoing Facts that Warrant Revocation of Respondent's License and Conclusions of Law, by a unanimous vote of a quorum of the Board present, it is hereby

**ORDERED** on this __15__ day of ___November__ 2000, by the Board, that the license of Respondent, Jaspal Singh Kochhar, to practice pharmacy in the State of Maryland, be and is hereby **REVOKED**; and be it further

**ORDERED**, upon presentation of this Order of Revocation, Respondent shall immediately deliver to the Board, through the Board's Executive Director, Laverne Naesea, the display, renewal

certificate, and wallet-sized license to practice pharmacy previously issued by the Board; and be it further

**ORDERED** that this is a final Order of the Board, and as such is a public document pursuant to the Maryland Public Information Act, codified at State Government §§ 10-611 *et seq.*

11-15-00
Date

Stanton G. Ades, P.D.
President, Maryland State Board of Pharmacy

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Health Occupations § 12-316, you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty days of your receipt of this Order, and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, codified at State Government §§ 10-201 *et seq.*, and Title 7, Chapter 200 of the Maryland Rules.