

IN THE MATTER OF  
RAJAT KUMAR, P.D.  
APPLICANT

\* BEFORE THE STATE  
\* BOARD OF PHARMACY  
\* EXAMINERS  
\* CASE NUMBER: 07-050

\* \* \* \* \*

**FINAL ORDER OF DENIAL OF LICENSE TO PRACTICE PHARMACY**

The State Board of Pharmacy ("the Board") notified **Rajat Kumar, P.D.**, ("the Applicant"), D.O.B. **12/24/64**, of the Board's intent to **DENY** his application for licensure to practice pharmacy under the Maryland Pharmacy Act ("the Act"), Md. Health Occ. Code Ann. ("H.O.") § 12-101 *et seq.* (2005 Repl. Vol. and 2006 Supp.).

The pertinent provisions state:

**§ 12-302. Qualifications of applicants.**

- (a) To qualify for a license, an applicant shall be an individual who meets the requirements of this section.
- (b) The applicant shall be of good moral character.

**§ 12-313. Denials, reprimands, suspensions, and revocations – Grounds.**

(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, 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 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;

### FINDINGS OF FACT<sup>1</sup>

The Board finds that:

1. On or about December 17, 2005, the Board received the Applicant's application for a license to practice pharmacy in Maryland.<sup>2</sup>

2. The Applicant is licensed to practice pharmacy in the State of Connecticut.

3. On his application for licensure, the Applicant answered "Yes" to question number 1:

"Have you ever voluntarily surrendered your pharmacy license or any pharmacist registration issued by a federal or state controlled substance authority?"

4. On his application for licensure, the Applicant answered "Yes" to question number 4:

"Have you been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentence was imposed, suspended, expunged, or whether you were pardoned from any such offense?"

5. On his application for licensure, the Applicant answered "Yes" to question number 5:

"Are you presently or have you within the past five years participated in a chemical substance rehabilitation program?"

6. A subsequent investigation revealed the following:

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<sup>1</sup> The statements made herein with respect to the Applicant's conduct are intended to provide the Applicant with notice. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Applicant.

<sup>2</sup> The Applicant submitted an application for Transfer of Pharmaceutic Licensure through the National Association of Boards of Pharmacy.

## FACTS PERTAINING TO THE APPLICANT'S ARREST AND CONVICTION

7. On or about October 16, 2001, the Applicant was arrested by the Monroe Police Department ("MPD"), located in Monroe, Connecticut. The Applicant's arrest occurred after MPD received a report from the Applicant's employer, Brooks Pharmacy ("Brooks") that the Applicant had taken narcotics from Brooks.

8. Prior to his arrest, the Applicant had been a pharmacist at Brooks.

9. Prior to his arrest, the Applicant was observed on a Brooks' surveillance camera removing controlled substances from the pharmacy area.

10. When he was arrested, the Applicant had 700 hydrocodone tablets in his possession.

11. In a written statement dated November 2, 2001, the Applicant admitted that he had taken hydrocodone from Brooks in October 2001.

12. The Applicant also admitted that he had taken hydrocodone from Brooks on other occasions.

13. The Applicant further admitted that he had taken approximately 1000 to 1500 tablets per month from Brooks.

14. On or about March 22, 2002, the Applicant pled guilty in the Connecticut Superior Court to one count of larceny in the 4<sup>th</sup> degree, in violation of Conn. Gen. Stat. § 53a-125.

15. The Applicant received a three hundred and sixty (360) day suspended sentence. The Applicant was also placed on probation for a period of three (3) years (a copy of the court action in *State of Connecticut v Rajat Kumar, CR01-073698-* is attached hereto and incorporated herein as **Exhibit A**).

**FACT PERTAINING TO DISCIPLINARY ACTION TAKEN AGAINST APPLICANT'S  
CONNECTICUT LICENSE**

16. On or about November 6, 2001, the Applicant entered into a settlement agreement with State of Connecticut Board of Pharmacy ("the Connecticut Board").

17. The Connecticut Board indefinitely suspended the Applicant's license to practice pharmacy (a copy of the Settlement Agreement Concerning Pharmacist License of Rajat Kumar, *In the Matter of Rajat Kumar*, Docket No. 01-1216 dated December 12, 2001 is attached hereto and incorporated herein as **Exhibit B**).

18. The Connecticut Board's suspension of the Applicant's license was based on allegations that the Applicant diverted drugs for his own use.

19. On or about June 5, 2005, the Connecticut Board reinstated the Applicant's license and placed the Applicant's license on a probationary status for five (5) years (a copy of the Settlement Agreement Concerning Pharmacist License of Rajat Kumar, *In the Matter of Rajat Kumar*, Docket No. 01-1216, dated June 24, 2005 is attached hereto and incorporated herein as **Exhibit C**).

20. On or about January 25, 2006, the Connecticut Board notified the Applicant of the immediate suspension of his license for failing to comply with the probationary terms of his June 24, 2005 settlement agreement (a copy of the Notice of Immediate Suspension and the Complaint, *In the Matter of Rajat Kimar*, Docket No. 0648 is attached hereto and incorporated herein as **Exhibit D**).

21. On or about June 26, 2006, the Applicant entered into a second a settlement agreement with the Connecticut Board. The Applicant's license was reinstated and his license was placed on probation for a period of five (5) years a copy

of the Settlement Agreement dated June 28, 2006, *In the Matter of Rajat Kimar*, Docket No. 0648 is attached hereto and incorporated herein as **Exhibit E**.

22. The allegations as set forth above indicate that the Applicant lacks good moral character and also constitute grounds for denial of the Applicant's application for a license to practice pharmacy, pursuant to H.O. §12 302 (a) and (b).

23. The action taken by the Connecticut Board constitute disciplinary action by a licensing or disciplinary authority for acts that are grounds for disciplinary action and constitute grounds for denial of the Applicant's application for a license to practice pharmacy under H.O. §12 313 (b) (22) and (24).

### CONCLUSIONS

Based on the foregoing Findings of Fact, the Board concludes that the Applicant's lacks good moral character and, therefore, fails to meet the qualifications for a license to practice under H.O. § 12-302 (a) and (b). The Board also concludes that the Applicant's guilty plea and conviction, as set forth above, is a violation of H.O. §12-313-(b) (24).

### ORDER

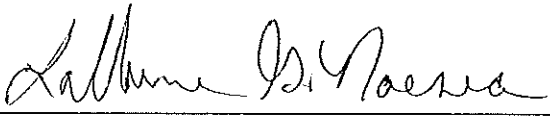
Based on the foregoing Findings of Fact and Conclusions of Law, it is this 8<sup>th</sup> day of April 2009, that the majority of the Board hereby:

**ORDERED** that the application of Rajat Kumar, to practice pharmacy is hereby **DENIED**; and it is further

**ORDERED** that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. § 10-617(h) (2005 Repl. Vol. and 2008 Supp.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to whom the Board is obligated to report; and be it further

**ORDERED** that this Order is a public document pursuant to Md. State Govt. Code Ann. §§ 10-601 *et seq.* (2005 Repl. Vol.).

April 8, 2009  
Date

  
LaVerne G. Naesea, Executive Director  
Maryland Board of Pharmacy

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Md. Health Occ. Code Ann. §12-316 (2005 Repl. Vol. and 2008 Supp.), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of your receipt of this Order and shall be made as provided for judicial review of a final decision in the Md. State Govt. Code Ann. §§ 10-201 *et seq.* (2005 Repl. Vol. and 2008 Supp.), and Title 7, Chapter 200 of the Maryland Rules.