

IN THE MATTER OF
DIANA LALCHAN, PHARMACIST

The Respondent

License No.: 18754

* BEFORE THE MARYLAND
* STATE BOARD OF
* PHARMACY

* Case No.: 16-051

* * * * *

ORDER

On or about June 19, 2020, the State Board of Pharmacy (the “Board”) notified Diana Lalchan, Pharmacist (the “Respondent”), **license number 18754**, of its intent to revoke her license based on violations of the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occupations (“Health Occ”) §§ 12-101 *et seq.* (2014 Repl. Vol. and 2018 Supp.) and the regulations adopted by the Board at Code of Md. Regs. (“COMAR”) 10.34.01 *et seq.*

The pertinent provisions of the Act are as follows:

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

- (a) "Convicted" defined. -- In this section, "convicted" includes a determination of guilt, a guilty plea, or a plea of nolo contendere followed by a sentence.
- (b) In general. -- 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:
 - ... (22) 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[.]

More than thirty (30) days elapsed since the Respondent was notified of the Board's charges and her opportunity to request a hearing, and the Respondent failed to request a hearing.

FINDINGS OF FACT

The Board finds the following facts:

1. At all times relevant hereto, the Respondent has been licensed to practice as a pharmacist in the State of Maryland. The Respondent was first licensed as a pharmacist in Maryland on or about June 16, 2008. The Respondent's license is scheduled to expire on September 30, 2021.

Complaint

2. On or about August 5, 2015, the Board received the Respondent's Application for Renewal of her pharmacist license. On her renewal, she answered "yes" to the following question:

Excluding minor traffic violations, are you currently under arrest or released on bond, or are there any current or pending charges against you in any court of law?

3. Based on the Respondent's answer, the Board initiated an investigation.

4. By email dated September 25, 2015, staff from the Board's Licensing Unit requested a detailed explanation for her "yes" answer. By email dated November 25, 2015, the Respondent submitted a letter from the Public Defender Service for the District of Columbia. The letter was signed by two attorneys who were representing the

Respondent in a criminal case pending at the time in the District of Columbia, which was the basis of the Respondent's "yes" answer on her application.

5. According to the letter, the Respondent was charged with "murder" in the District of Columbia Superior Court ("D.C. Superior Court"). The letter acknowledged that "Ms. Lalchan did shoot her husband" but claimed her act was one of self-defense.

6. By letter dated January 11, 2016, the Board requested documents from the D.C. Superior Court. On January 19, 2016, the Board received documents from the D.C. Superior Court. Included in the documents was a copy of the Criminal Division Complaint which states the following:

[The Respondent], within the District of Columbia, while armed with a firearm, and with the intent to kill another and to inflict serious bodily injury on another and with conscious disregard of an extreme risk of death or serious bodily injury to another, caused the death of [her husband] by shooting him with firearm on or about March 28, 2013, thereby causing injuries from which [her husband] died on or about March 28, 2013. (Second Degree Murder While Armed, in violation of 22 D.C. Code, Sections 2103, 4502 (2001 ed.))

7. The Board staff subsequently obtained certified court records from the D.C. Superior Court which revealed that following a jury trial, on or about March 28, 2019, in case number 2013 CF1 004987, the Respondent was found guilty of: (1) Voluntary Manslaughter while Armed and (2) Possession of a Firearm During the Commission of a Crime of Violence.

8. According to a press release by the United States Attorney's Office for the District of Columbia describing the verdict,

According to the government's evidence, on March 28, 2013, at approximately 12:05 a.m., Lalchan called 911 and reported that she had just shot her husband inside their apartment... Police found her husband, 36, lying on the floor, unconscious and unresponsive. [Her husband] was suffering from an apparent gunshot wound to the back of the head. The defendant was placed under arrest. A search of the residence revealed a semi-automatic handgun and three shell casings on the floor.

9. On or about September 6, 2019, the Respondent was sentenced to: ninety (90) months incarceration, to be followed by five (5) years supervised probation for Voluntary Manslaughter while Armed; and ninety (90) months incarceration, to be followed by three (3) years supervised probation for Possession of a Firearm During the Commission of a Crime of Violence.

10. The sentences were ordered to run concurrently.

CONCLUSIONS OF LAW

The Respondent's conduct, as described above generally, including being convicted of Voluntary Manslaughter while Armed and Possession of a Firearm During the Commission of a Crime of Violence, constitutes violations of the Act as cited above.

ORDER

Based on the foregoing, it is by the Board hereby:

ORDERED that the Respondent's license to practice pharmacy in the State of Maryland, license number 18754, is hereby **REVOKED**; and it is further

ORDERED that this document constitutes an Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. Code Ann., General Provisions, §§ 4-101 through 4-601 (Repl. Vol. 2014 & 2019 Supp.).

NOTICE OF RIGHT TO APPEAL


Pursuant to Health Occ. § 12-316, the Respondent has the right to take a direct judicial appeal. Any appeal shall be filed within thirty (30) days from the date of this Final Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 (2014 Repl. Vol. & 2019 Supp.); and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the Respondent files an appeal, the Board is a party and should be served with the court's process at the following address:

Deena Speights-Napata, M.A., Exec. Dir.
Executive Director
Maryland State Board of Pharmacy
4201 Patterson Avenue
Baltimore, Maryland 21215

At that point, the Administrative Prosecutor is no longer a party to this case and need not be served or copied.

8-21-2020
Date



Deena Speights-Napata, M.A., Exec. Dir.
on behalf of
Kevin Morgan, Pharm.D., Board President