



STATE OF MARYLAND

DHMH

Department of Health and Mental Hygiene

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – John M. Colmers, Secretary

MARYLAND BOARD OF PHARMACY

4201 Patterson Avenue • Baltimore, Maryland 21215-2299

Donald W. Taylor, Board President - LaVerne G. Naesea, Executive Director

CERTIFIED MAILRETURN RECEIPT REQUESTED
ARTICLE #7008 3230 0001 0323 7007

June 1, 2010

Vidhyanand Mahase, Pharm.D.
3502 Tavenner Court
Olney, Maryland 20832

Re: Final Order of Revocation

Dear Mr. Mahase:

On February 25, 2010, the Board notified you of its intent to Revoke your Pharmacist License and informed you that you had 30 days from the date of receipt of the Notice to request a hearing in writing. More than 30 days has elapsed, and no request has been received. Therefore, the enclosed Final Order of Revocation is in effect.

Sincerely,

LaVerne G. Naesea,
Executive Director

Enclosure (copy to all cc's)

cc: John Nugent, Deputy Counsel
Linda Bethman, Assistant Attorney General
Board Counsel
Francesca Gibbs, Staff Attorney
Board Counsel
Kimberly France, Pharmacist Compliance Officer
Roberta Gill, Assistant Attorney General
Administrative Prosecutor
Gloria Toney Brown, Administrative Officer

IN THE MATTER OF	*	BEFORE THE
VIDHYANAND MAHASE, Pharm.D.,	*	STATE BOARD
a/k/a VICK MAHASE	*	OF
License No.: 17711	*	PHARMACY
Respondent	*	Case No. 09-034

* * * * *

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

On February 25, 2010, the Maryland Board of Pharmacy (the "Board"), notified Vidhyanand Mahase, Pharm.D., the Respondent, of its Intent to Revoke his pharmacist's 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) (2004 Repl. Vol.) and the Maryland Pharmacy Act, codified at Md. Health Occ. Code Ann. § 12-101, et seq., ("the Act") (2005 Repl. Vol. and 2007 Supp.).

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 provisions of § 12-313 the Act state:

(a) In this section, "convicted" includes a determination of guilt, a guilty plea, or a plea of nolo contendere followed by a sentence.

(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:

(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 [;].

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 September 13, 2005. The Respondent's license expired on September 30, 2009.

2. At all times herein, the Respondent was a dispensing pharmacist at the Safeway store in Silver Spring, Maryland, in Montgomery County.

3. On or about March 11, 2008, the Regional Pharmacy Manager of Safeway conducted a routine audit of the pharmacy where the Respondent worked, while the Respondent was out on medical leave. When she checked the CII scripts,¹ the Manager discovered the following:

A. She saw four prescriptions with two different sets of initials from a

¹Schedule II of Controlled Dangerous Substances ("CDS" or "CII") are the most addictive and habit-forming types.

couple of days before: three were for Oxycontin and one was for Percocet.² She later determined that the Respondent's initials were on those drugs, even though he was supposedly off work;

B. As a result, the Manager conducted a further investigation, which led to referring the matter to the Federal authorities, who set up surveillance;

C. As a result of the findings of gross irregularity in the CII's and the Respondent's role therein, the Manager requested that the Respondent meet with her, before he could return to work. The Respondent refused to do so and never returned to work. Consequently, he was terminated.

4. As a result of the referral to the Federal Authorities, the following occurred:

A. On 9/18/08, the Respondent signed a Plea Agreement in the United States District Court for the Eastern District of Virginia, Alexandria Division, whereby he agreed to waive indictment and to plead guilty to a single-count criminal information charging him with conspiracy to distribute oxycodone, also known as Oxycontin, in violation of Title 21, United States Code, Sections 841 (a) (1) and 846.³

B. The agreed Statement of Facts that comprised the Plea Agreement was as follows:

²Oxycontin is a controlled-release form of the narcotic painkiller oxycodone. It is prescribed for moderate to severe pain when continuous, around-the-clock relief is needed for an extended period of time. Percocet, a narcotic analgesic, is used to treat moderate to moderately severe pain. It contains two drugs-acetaminophen and oxycodone. Acetaminophen is used to reduce both pain and fever.

³§841:(a) Except as authorized by this subchapter, it shall be unlawful for any person knowingly or intentionally --

(1) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance;

§ 846 Any person who attempts or conspires to commit any offense defined in this subchapter shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

(1) From in or about October 2007, to in or about March 2008, within the Eastern District of Virginia and elsewhere, the defendant, Vidhyanand Mahase, a/k/a Vick Mahase, did unlawfully, knowingly, and intentionally combine, conspire, confederate, and agree together with others to unlawfully, knowingly, and intentionally distribute a mixture and substance containing a detectable amount of oxycodone, also known as "OxyContin," "Oxy," "O.C.," "Hillbilly Heroin," "Killer," and "Coffin," a Schedule II controlled substance, in violation of Title 2, United States Code, Sections 841(a) and 846.

(2) During the period of the defendant's involvement in the conspiracy, that defendant was employed as a pharmacist for a Safeway Grocery Store pharmacy. In his capacity as a licensed pharmacist, the defendant was approached by coconspirator 1 ("CC-1") who offered to pay the defendant to fill fraudulent prescriptions for OxyContin, which the defendant knew were fraudulent.

(3) The defendant agreed to accept from CC-1 approximately \$300 per prescription for filling the prescriptions the defendant knew were fraudulent. From in or about October 2007, through in or about December 2007, CC-1 provided the defendant with approximately three to four fraudulent prescriptions for OxyContin tablets at least one to two times per week, which the defendant would fill for \$300 per prescription. The fraudulent prescriptions were most often for 80 milligram tablets of OxyContin, although sometimes they were for 40 milligram tablets of OxyContin.

(4) When CC-1 provided the defendant with the fraudulent prescriptions, CC-1 also provided photocopies of various individuals' insurance cards along with photocopies of those individuals' identification cards. CC-1 instructed the

defendant to fraudulently bill the insurance companies on behalf of the individuals whose medical and identification information he provided for the fraudulent prescriptions, filled by defendant, which the defendant did.

(5) In addition, on some occasions, CC-1 would provide the defendant blank prescriptions, which the defendant would fraudulently write for Oxycontin tablets and then fill for CC-1.

(6) During this period, the defendant often spoke on the phone with coconspirator 2 ("CC-2") and coconspirator 3 ("CC-3"), both of whom helped to arrange the times for CC-1 to drop-off the fraudulent prescriptions, and the times for CC-1 to pick up the Oxycontin tablets. CC-1 explained to the defendant that the CC-2 and CC-3, with whom CC-1 lived, sold the OxyContin tablets that the defendant provided from the fraudulent prescriptions to other coconspirators. The coconspirators that purchased the OxyContin tablets from CC-2 and CC-3, and occasionally CC-1, distributed them in Prince William and Stafford Counties, within the Eastern District of Virginia, and elsewhere.

(7) In or about December 2007, CC-1 stopped paying defendant \$300 per fraudulent prescription filled by defendant. The defendant pressured CC-1, CC-2, and CC-3 for payment and threatened to stop filling the fraudulent prescriptions unless he was paid. On or about the night of January 2, 2008, CC-1 and five other individuals confronted the defendant with guns in the parking lot of the Safeway at which the defendant was a pharmacist. CC-1 hit the defendant with the butt of his gun and told the defendant that if he didn't continue to fill the fraudulent prescriptions, CC-1 knew where the defendant and his wife lived.

(8) From in or about January 2008, through in or about April 2008, when the defendant was resigned from his position as a pharmacist at Safeway, the defendant continued to fill fraudulent prescriptions for OxyContin for CC-1 approximately two or three times per week. During this time period, the defendant was paid only \$150 per fraudulent prescription that he filled for CC-1.

(9) The defendant was personally involved in the distribution of, or it was reasonably foreseeable to the defendant that his coconspirators distributed in furtherance of the conspiracy, at least 3235 tablets of 80 milligram OxyContin and 1,520 tablets of 40 milligram OxyContin, which converts to at least 1,000 kilograms but less than 3,000 kilograms of marijuana.

(10) The actions of the defendant, as recounted above, were in all respects knowing and deliberate, and were not committed by mistake, accident, or other innocent reason.

5. The Respondent's description of the confrontation in the parking lot was found to be perjury.

6. As a result of the above, the Respondent was sentenced to 78 months incarceration, a \$100 fine, and three years of supervised probation.

7. As set forth above, the Respondent pled guilty to a felony and a crime of moral turpitude, in violation of the Act.

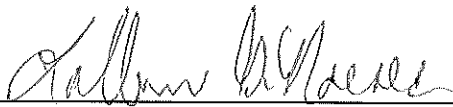
CONCLUSIONS OF LAW

Based upon the foregoing Facts, the Board concludes that the Respondent violated its Act and that the revocation is warranted, pursuant to § 12-313 (a) and (b) (22) and § 10-226 (c) (1) of the APA.

NOTICE OF RIGHT OF APPEAL

In accordance with Md. Health Occ. Code Ann. § 12-315 (2005 Repl. Vol.) and the Administrative Procedure Act, Md. State Govt. Code Ann. § 10-201, *et seq.*, (2004 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 aforecited authority.

Date June 1, 2010



LaVerne G. Naesea, Executive Director
Board of Pharmacy