

IN THE MATTER OF
HYACINTH O. UCHE, P.D.
LICENSE NO. 11960

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BEFORE THE
STATE BOARD
OF PHARMACY
Case Number: 01-099

Respondent

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CONSENT ORDER

The Maryland Board of Pharmacy (the "Board") hereby charged **Hyacinth O. Uche, P.D.** (the "Respondent"), **D.O.B. 08/24/1945, License Number 11960**, with violating the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 12-101 et seq. (2000 Repl. Vol. and 2003 Supp.). Specifically, the Board charged the Respondent with violating the following provisions of H.O. 12-313:

(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, 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.

FINDINGS OF FACT¹

The Board finds that:

1. The Respondent is and at all times relevant to these charges was, licensed to practice pharmacy in the State of Maryland. The Respondent was initially issued a license to practice pharmacy on February 21, 1990.

2. On or about December 18, 2002, the Respondent was indicted in the Circuit Court for Baltimore City in *State of Maryland v. Hyacinth Uche, Criminal Case No. 102352035* to one (1) count Felony Medicaid Fraud, in violation Article 27 § 230 C (1), four (4) counts of Felony Theft, in violation Article 27 § 342, and three (3) counts of Felony Insurance Fraud, in violation of Article 27 § 403 (2). [A copy of the Indictment in the matter of *State of Maryland v. Hyacinth Uche* Criminal Case No. 102352035, is attached hereto and incorporated herein as **Exhibit A**].

3. On October 2, 2003, the Respondent pled guilty before the Honorable Thomas J.S. Waxter in the Circuit Court for Baltimore City, to one (1) count of Felony Medicaid Fraud, in violation of Article 27 § 230 C (1) and three (3) counts of Felony Insurance Fraud, in violation of Article 27 § 403(2). [A copy of the Docket Entries and the Statement of Facts in *State of Maryland v Hyacinth Uche* Case No. 102352035, are attached hereto and incorporated herein as **Exhibit B**].

4. On October 2, 2003, the Respondent was also sentenced by Judge Waxter to five (5) years with all but six (6) months on home detention and a three (3)

¹ The statements made herein with respect to the Respondent's conduct are intended to provide the Respondent with notice of the alleged charges. 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 Respondent.

years of supervised probation. Furthermore, the Respondent paid \$25,000.00 in restitution.

5. The Respondent was convicted of crimes involving moral turpitude.
6. The Respondent was convicted of a felony.

CONCLUSIONS OF LAW

The Board finds that the Respondent violated Md. Health Occ. Code Ann. §§ 12-313 (a) and (b) (21).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 2nd day of DECEMBER 2004, the Board, by a majority of the quorum of the Board, hereby

ORDERED that the Respondent license is hereby **SUSPENDED** for a period of **THREE (3) YEARS**, commencing on April 1, 2004; and be it further

ORDERED that the Respondent shall return his wallet and display licenses to the Board, within ten days (10) days of the date of this Order; and be it further

ORDERED that prior to reinstatement of the Respondent's license to practice pharmacy, the Respondent must submit to the Board satisfactory completion of the following:

- a. Multistate Pharmacy Jurisprudence Examination ("MPJE"), with a passing score of 75% or higher;
- b. Reinstatement examination administered by the Board, with a passing score of 75% or higher;
- c. Board-approved ethics course; and
- d. 15 continuing education credits per licensure year (August to August);

ORDERED that upon any reinstatement, the Respondent shall be placed on probation for eighteen (18) months, with at least one condition being that the Respondent shall not have a substantial ownership interest in a pharmacy nor shall the Respondent practice in a pharmacy in which a family member has a substantial ownership interest;

ORDERED that if the Respondent violates any of the terms or conditions of this Consent Order, including conditions as set forth herein, then the Board, after a determination of violation and notice, and an opportunity for a hearing, may impose any other disciplinary sanctions it deems appropriate, including suspension or revocation, said violation being proved by a preponderance of evidence; and be it further

ORDERED that the Respondent shall practice pharmacy in accordance with the Maryland Pharmacy Act, and in a competent manner; and be it further

ORDERED that in the event the Board finds that the Respondent has violated any provision of Title 12 of the Health Occupations Article, Annotated Code of Maryland or the regulations therein, the Board, after notification to the Respondent, and an opportunity for a hearing, may take immediate action and may impose any lawful disciplinary sanctions it deems appropriate, including but not limited to revocation or suspension of the Respondent's pharmacy license; and be it further

ORDERED that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. § 10-617(h) (1999 Repl. Vol.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order, and that the Board may also disclose to any national reporting bank to whom the Board is mandated to report; and be it further


ORDERED that the conditions of this Consent Order be, and the same is hereby, effective as of the date of this Order; and be it further

ORDERED that this is a **FINAL ORDER** and, as such, is a public document pursuant to Md. State Govt. Code Ann. §§ 10-611 et seq. (1999 Repl. Vol. and 2003 Supp.).

ORDERED that the Respondent shall be responsible for all costs incurred under this Consent Order; and be it further

IT IS SO ORDERED THIS 2nd **DAY OF** DECEMBER, 2004.

12/2/04
Date


Melvin N. Rubin, P.D., President
State Board of Pharmacy

CONSENT OF HYACINTH O. UCHE, P.D.

I, **Hyacinth O. Uche, P.D., License Number 11960**, by affixing my signature hereto, acknowledge that:

1. I have had the opportunity to consult with counsel before signing this document.

2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to Md. Health Occ. Code Ann. § 12-315 (2000 Repl. Vol.) and Md. State Govt. Code Ann. §§10-201 et seq. (1999 Repl. Vol. and 2003 Supp.) and Code Md. Regs. tit. 10, § 34.01.


3. I acknowledge the validity of this Consent Order as if entered after a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by law.

4. I voluntarily enter into and consent to the foregoing Findings of Fact, Conclusions of Law and Order, provided that the Board adopts the foregoing Consent Order in its entirety. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a fully evidentiary hearing, as set forth above, and any right to appeal this Consent Order or as set forth in § 12-316 of the Act Md. State Govt. Code Ann. §§10-201 et seq. (1999 Repl. Vol. and 2003 Supp.).

5. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, and, following proper procedures, I may suffer disciplinary action, which may include revocation of my license to practice pharmacy in the State of Maryland.

6. I sign this Consent Order without reservation as my voluntary act and deed. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Order.

11/12/04
Date


Hyacinth O. Uche, P.D.

NOTARY

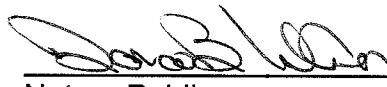
STATE OF Maryland

~~CITY/COUNTY OF~~ _____

I HEREBY CERTIFY THAT on this 12th day of November, 2004, before me, a Notary Public for the State of Maryland and the ~~City/County~~ aforesaid, personally appeared **Hyacinth O. Uche**, license number: 11960, and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

My Commission Expires: May 1 2007



Notary Public

