

IN THE MATTER OF	*	BEFORE THE
DANIEL J. BOCHICCHIO, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D46256		Case Number: 2218-0014A
* * * * *	*	* * * * *

**CONSENT ORDER**

Disciplinary Panel A ("Panel A") of the Maryland State Board of Physicians (the "Board") voted to summarily suspend the medical license of Daniel Bochicchio, M.D., (the "Respondent"), License Number D46256, pursuant to Md. Code Ann., State Govt § 10-226(c)(2)(i) (2014 Repl. Vol. & 2016 Supp.) concluding that the public health, safety or welfare imperatively requires emergency action.

Panel A also voted to charge the Respondent under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. II §§ 14-404(a)(3)(ii) - Is guilty of unprofessional conduct in the practice of medicine; (4) - Is professionally, physically, or mentally incompetent; (8) - Is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article; (11) - Willfully makes or files a false report or record in the practice of medicine; and (21) - Is disciplined by a licensing or disciplinary authority or convicted or disciplined by any branch of the United States uniformed services or the Veterans' Administration for an act that would be grounds for disciplinary action under this section. (2014 Repl. Vol. & 2016 Supp.).

Prior to the issuance of an Order of Summary Suspension and charges, the Respondent agreed to enter into the following Consent Order, consisting of Findings of Fact, Conclusions of Law, Order and Consent.

## **FINDINGS OF FACT**

Disciplinary Panel A finds:

1. At all times relevant, the Respondent was and is licensed to practice medicine in Maryland. The Respondent was initially licensed to practice medicine in Maryland on June 22, 1994. His license is scheduled to expire on September 30, 2018.
2. The Respondent is board-certified in anesthesiology.
3. From October 2016 to June 2017, the Respondent was employed at a federal facility (the "Facility") in a state other than Maryland.
4. In June 2017, the Facility terminated the Respondent for diverting for his own use a quantity of a Controlled Dangerous Substance. The Respondent obtained the drug by misrepresentation. Specifically, the Respondent falsely entered patient information and a specific quantity of the drug to be used in a medical procedure.
5. The Respondent has been indicted in federal court on several counts of obtaining the drug by misrepresentation, fraud, deception and subterfuge.<sup>1</sup>

## **CONCLUSIONS OF LAW**

Based on the foregoing facts, Disciplinary Panel A concludes that the public health, safety or welfare imperatively require emergency action in this case, pursuant to Md. Code Ann., State Gov't § 10-226 (c)(2)(i) (2014 Repl. Vol. & 2016 Supp.). Panel A also concludes that the Respondent is guilty of unprofessional conduct in the practice of medicine; is professionally, physically, or mentally incompetent; is addicted to, or

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<sup>1</sup> To maintain confidentiality, specific information regarding the Respondent's conduct will not be referenced in this document. The Respondent may obtain from the Administrative Prosecutor documents related to these instances.

habitually abuses, any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article; willfully made or filed a false report or record in the practice of medicine, in violation of Md. Code Ann., Health Occ. II § 14-404(a)(3(ii), (4), (8) and (11), respectively; and was disciplined by any branch of the United States uniformed services or the Veterans' Administration for an act that would be grounds for disciplinary action under this section. The acts of diversion for which the Respondent was terminated by the federal Facility, would, if committed in Maryland, constitute unprofessional conduct in the practice of medicine, in violation of Md. Code Ann., Health Occ. II. § 14-404(a)(3)(ii), and subject him to discipline pursuant to Health Occ. II § 14-404(a)(21) (2014 Repl. Vol. & 2016 Supp.).

#### **ORDER**

It is, on the affirmative vote of a majority of the quorum of Board Disciplinary Panel A, hereby:

**ORDERED** that the Respondent's license to practice medicine is **SUSPENDED**, subject to the following terms and conditions:

1. The Respondent shall enroll in the Maryland Professional Rehabilitation Program ("MPRP"). Within **5 business days**, the Respondent shall contact MPRP to schedule an initial consultation for enrollment. Within **15 business days**, the Respondent shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP. The Respondent shall fully and timely cooperate and comply with all of MPRP's referrals, rules, and requirements, including but not limited to, the terms and conditions of the Participant Rehabilitation Agreement(s) and Participant Rehabilitation

Plan(s) entered into with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and toxicology screenings as directed by MPRP;

2. The Respondent shall sign and update the written release/consent forms requested or required by the Board and MPRP. The Respondent shall sign the release/consent forms to authorize MPRP to make verbal and written disclosures to the Board, including disclosure of any and all MPRP records and files possessed by MPRP. The Respondent shall also sign any written release/consent forms to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities (including all of the Respondent's current therapists and treatment providers) verbal and written information concerning the Respondent and to ensure that MPRP is authorized to receive the medical records of the Respondent, including, but not limited to, mental health and drug or alcohol treatment records;

3. The Respondent shall be responsible for ensuring that any treatment provider(s) submit written reports to the MPRP and to the Board at least once every three (3) months regarding his attendance, progress, payment of fees, and recommendations as to the continuation, frequency, and/or termination of treatment. The Respondent shall sign any consent forms required to authorize Disciplinary Panel A and the MPRP to receive written reports from his treating mental health and health professionals or any treatment providers.

**AND IT IS FURTHER ORDERED** that if and when the MPRP finds that the Respondent is safe to practice medicine and if the Respondent has complied with conditions above, the Respondent may petition the Reinstatement Inquiry Panel to lift

the suspension of the Respondent's license. Upon reinstatement, Disciplinary Panel A may impose conditions on the Respondent's return to practice; and it is further

**ORDERED** that if the Respondent allegedly fails to comply with any terms or conditions of this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings. If there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board or Panel A; and it is further

**ORDERED** that if, after the appropriate hearing, the Board or Panel A determines that the Respondent has failed to comply with any term or condition of this Consent Order, the Board or Panel A may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice medicine in Maryland. The Board or Panel A may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent; and it is further

**ORDERED** that the Respondent shall comply with the Maryland Medical Practice Act, Md. Code Ann., Health Occ. §§ 14-101—14-702, and all laws and regulations governing the practice of medicine in Maryland; and it is further

**ORDERED** that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

**ORDERED** that, unless stated otherwise in the order, any time period prescribed in this order begins when the Consent Order goes into effect. The Consent Order goes

into effect upon the signature of the Board' s Executive Director, who signs on behalf of Panel A; and it is further

**ORDERED** that this Consent Order is a public document pursuant to Md. Code Ann., Gen. Prov. §§ 4–101 *et seq.* (2014 Vol. & 2016 Supp.)

10/17/2017  
Date

Christine A. Farrelly  
Christine A. Farrelly  
Executive Director  
Maryland State Board of Physicians

### **CONSENT**


I, Daniel J. Bochicchio, M.D., acknowledge that I was represented by counsel before entering this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of 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 the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this

Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of a disciplinary panel of the Board that I might have filed after any such hearing.

I sign this Consent Order after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of the Consent Order.

10/12/17  
Date

  
Daniel J. Bochicchio, M.D.  
Respondent


**NOTARY**

STATE OF MARYLAND  
CITY/COUNTY OF Baltimore

I HISEBY CERTIFY that on this 12<sup>th</sup> day of October 2017, before me, a Notary Public of the foregoing State and City/County, personally appeared Daniel J. Bochicchio, M.D., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed. *mmr*

AS WITNESSETH my hand and notarial seal.



  
Notary Public  
Matthew Lee Davis