

IN THE MATTER OF * **BEFORE THE**
VENKATA MANNAVA, P.D. * **STATE BOARD**
License No. 19517 * **OF**
Respondent * **PHARMACY**
* **Case No.: 2016-007**

* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to Md. Health Occ. Ann. §§12-101, *et seq.* (2014 Repl. Vol. II) (the "Act"), on December 16, 2015, the Board notified **VENKATA MANNAVA, P.D** (the "Respondent"), that it intended to revoke his license due to a violation of the Act. On March 30, 2016, a Case Resolution Conference was held with the Respondent, who was represented by Counsel, members of the Board, along with Board Counsel, and the Administrative Prosecutor in order to determine whether the matter could be resolved. As a result, the following settlement was reached.

The Board based its Notice on the following:

Md. Code Ann. State Gov't ("S.G.") § 10-226 (c) (1) (2014 Repl. Vol. II).

S.G. § 10-226:

- (c) (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.

H.O. § 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 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[;].

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was licensed to practice as a pharmacist in Maryland. The Respondent was first licensed on December 22, 2009. The Respondent's license expires on October 31, 2017. The Respondent also held licenses in several other jurisdictions, including the District of Columbia and New Jersey.

2. At all times relevant herein, the Respondent practiced as a pharmacist at Pharmacy A in Washington, D.C.¹

3. On March 5, 2014, in the United States District Court for the District of Columbia, an Agreed Statement of Facts in Support of a Guilty Plea was filed, wherein the Respondent pled guilty to the following facts, *inter alia*:

¹The identity of any individual or facility is confidential.

A. Dispensing Oxycodone² through fraudulent prescriptions:

- (1) Individual A was arrested on October 31, 2011 at Pharmacy A where the Respondent worked in D.C. while he was waiting to pick up prescriptions for Oxycodone, a Schedule II Controlled Substance, which he had presented in the names of five different people. All the prescriptions had been forged in the name of Physician A and were written on prescription forms that had been discontinued by Physician A's office six years previously;
- (2) Following the arrest of Individual A, the Drug Enforcement Administration's (DEA) Tactical Drug Diversion Task Force began an investigation that revealed that Individual A had passed similar forged prescriptions in Physician A's name in other pharmacies in Virginia and Maryland, all for OxyContin;
- (3) DEA investigators discovered that Individual A had presented a total of 631 prescriptions between December 2010 and October 2011, all for OxyContin, all with the forged name of Physician A, all on prescriptions that had been discontinued by Facility A six years before October 2011, but

²Oxycodone is used to relieve moderate to severe pain. It belongs to the group of medicines called narcotic analgesics (pain medicines). Oxycodone acts on the central nervous system (CNS) to relieve pain. The extended release form is known as OxyContin.

all of which had been filled by the Respondent at Pharmacy A;

- (4) The Respondent at Pharmacy A dispensed over 145,400 Oxycodone pills, 132,320 containing 30 mg of Oxycodone each, and 9120 pills containing 20 mg each;
- (5) Each had been paid for in cash, in amounts totaling \$211,829.74;
- (6) On December 8, 2011, law enforcement officials interviewed the Respondent after learning that he had filled all the prescriptions presented by Individual A. The Respondent admitted he never verified the prescriptions with Physician A—never called him. He claimed that he spoke to an employee there to ask what the prescriptions looked like but admitted that he did not ask if any of the prescriptions presented to him were patients of Physician A or if Physician A had signed and issued any of the prescriptions presented to him;
- (7) The manager of Facility A asserted the following: no such verification call was ever received for any of the prescriptions; Physician A had retired from the practice six years before the issuance of the first prescription presented; and, that Facility A had ceased using the prescriptions which

listed Physician A's name on the forms immediately thereafter. She stated that Physician A's name was forged. Physician A, who was interviewed later, also asserted that his signature was forged;

- (8) Individual A stated that he paid cash to the Respondent for all 631 prescriptions and none was paid for or reimbursed by health care insurance. Individual A further explained that he presented the prescriptions, usually 7-10 or more than a dozen at a time, each week, between December 2010 and October 2011 and that Individual A would bring several thousands of dollars in cash to pay for each batch of prescriptions;
- (9) The Respondent told law enforcement that the first time Individual A presented him with a prescription for OxyContin and told him he wanted to pay cash, the Respondent called Pharmacy A's owner and was told to charge Individual A \$350 per prescription, which is what happened;
- (10) The scheme came to light when an employee of Pharmacy A went to Facility A to determine whether an alternative medication could be written for its patients due to a shortage of OxyContin. It was then that it was discovered that the prescriptions were fraudulent. The police were alerted and

the next time Individual A came to Pharmacy A, he was arrested.

(11) Individual A subsequently pled guilty to conspiracy to distribute and cause the dispensing of controlled substances involving the 631 forged prescriptions at Pharmacy A. He agreed to cooperate against others involved in the conspiracy, including the Respondent, for filling them without verifying the validity of the prescriptions. He presented fake drivers' licenses in the names of the persons listed on the various prescriptions and he paid cash. He would call ahead to tell the Respondent how many prescriptions he would bring and the Respondent would tell him how much cash to bring. Individual A said he never kept receipts because he sold the pills at considerable profit;

(12) Five weeks following the arrest of Individual A, the Respondent stated that he filled the prescriptions bought in by Individual A for about 100 different people because he had the drivers' licenses of the patients to match the prescriptions;

B. Engaging in a scheme to defraud Medicaid and other insurers

(13) The Respondent with his employer and other employees of Pharmacy A's chain engaged in a scheme to defraud

insurers by billing prescription insurance programs for prescription refills when its customers did not request prescription refills;

- (14) Pharmacy A's chain billed prescription insurance programs for refills on the first available date that a program authorized a payment. These refills were often filled and billed without the customer's knowledge. The chain did not reverse the claims for payment for some of the high dollar medication submitted to prescription insurance programs when its customers did not receive the refills which the customer never requested in the first place. The scheme generated a significant amount of revenue for Pharmacy A's chain and its owner. Although the pharmacy technicians did the actual billing for the fraudulent refills, the Respondent's name was listed as the authorized filler with his knowledge.

4. On June 16, 2015, the Respondent pled guilty to both counts of the criminal indictment. Because he had cooperated with the Federal government in explaining how the billing scheme was carried out, he was sentenced to three years' Probation with restitution of \$4,729,789, at a rate of \$100 per month, six months home detention by special radio technology, and must attend mental health counselling.

5. The Board finds that there are certain mitigating factors in this case, such as the Respondent's lack of financial motivation in engaging in the misconduct, the relationship with his employer/visa sponsor, and his cooperation with law enforcement.

6. By pleading guilty to conspiracy to commit health care fraud and by dispensing oxycodone through fraudulent prescriptions, the Respondent violated H.O. §12-313 (22) of the Act.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated §12-313 (22) of the Act.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 18th day of May 2016, by a majority of a quorum of the Board,

ORDERED that the Respondent's license shall be suspended for one year and that suspension shall be immediately Stayed;

ORDERED that the Respondent shall be placed on Probation for three years, subject to the following conditions:

1. Within the first year of Probation, the Respondent shall take and pass a Board-approved healthcare ethics course and document same to the Board;
2. Within the first year of Probation, the Respondent shall take and

pass a Board-approved course focusing on a pharmacist's corresponding responsibility in dispensing controlled dangerous substances, and document same to the Board;

3. Within the first year of Probation, the Respondent shall take and pass the Multistate Pharmacy Jurisprudence Examination (MPJE) and document same to the Board;
4. The Respondent shall provide a copy of the Consent Order to the Respondent's pharmacy employer;
5. The Respondent shall ensure that his pharmacist supervisor submits to the Board on a quarterly basis employer reports of the Respondent's status;
6. The Respondent may not petition the Board for early termination of Probation;
7. The Respondent shall bear the costs of complying with the Consent Order.

ORDERED that the Consent Order is effective as of the date of its signing by the Board; and be it

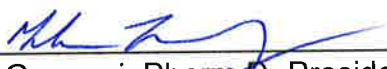
ORDERED that, should the Board receive a report that the Respondent has violated the Act or, if the Respondent violates any conditions of this Order, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or

revocation. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order shall be on the Respondent to demonstrate compliance with the Order or conditions; and be it

ORDERED that the Respondent shall practice in accordance with the laws and regulations governing the practice pharmacy in Maryland; and be it further

ORDERED that, at the completion of the Probation, the Respondent may petition to have the conditions of Probation removed, provided that he has complied with them and has no new complaint;

ORDERED, that for purposes of public disclosure, as permitted by Md. General Provisions. Code Ann. §§ 4-101, *et seq.* (Repl. Vol. 2014), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order, and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.



Mitra Gavvani, Pharm.D. President
State Board of Pharmacy

CONSENT OF VENKATA MANNAVA, P.D.

I, Venkata Mannava, P.D., acknowledge that I am represented by counsel, Jason M. Kalafat and Korla B. Stanton, and have consulted with counsel before entering into 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 the Board that might have followed after any such hearing.

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

05-12-2016

Date

VS Mannava

Venkata Mannava, P.D.

STATE OF District of Columbia:

CITY/COUNTY OF Washington _____:

I HEREBY CERTIFY that on this 12th day of May _____ 2016, before me, Kerri Castellini _____, a Notary Public of the foregoing State and (City/County),
(Print Name)
personally appeared Venkata Mannava, P.D., License No. 19517, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.



Kerri M. Castellini
Notary Public

My Commission Expires: 10-14-17