

IN THE MATTER OF
MOSHIN NAEEM, R.PH.

RESPONDENT

LICENSE NO.: 23822

*** BEFORE THE**
*** MARYLAND BOARD**
*** OF PHARMACY**
*** Case No.: 24-096**

* * * * *

FINAL ORDER OF REVOCATION OF PHARMACY LICENSE

The Maryland Board of Pharmacy (“the Board”) notified **MOSHIN NAEEM, R.Ph.** (“the Respondent”), License Number 23822, of the Board’s intent to **REVOKE** his license to practice as a pharmacist in the State of Maryland, pursuant to the Maryland Pharmacy Act (“the Act”), Md. Code Ann., Health Occ. §§ 12-101 *et seq.* (2021 Repl. Vol. & 2023 Supp.).

The Notice also informed the Respondent that, unless he requested a hearing in writing within thirty (30) days of receipt of said Notice, the Board would sign the Final Order, which was enclosed. More than thirty (30) days have elapsed, and the Respondent failed to timely request a hearing. Therefore, this revocation is final.

The Board bases its action on the Respondent’s violation of the following provisions of the Act:

§ 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;
- (24) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes[.]

FINDINGS OF FACT

1. The Respondent was first licensed to practice as a pharmacist in Maryland on or about December 2, 2015. The Respondent's license expired on March 31, 2023 and is currently listed as "non-renewed."

2. In a letter dated September 29, 2023, the U.S. Department of Health and Human Services Office of Inspector General ("the OIG") informed the Board that, effective 20 days from the date of the letter, the OIG will exclude the Respondent from participation in all Federal health care programs due to his convictions in the United States District Court, Southern District of Florida. In the letter, the OIG requested that the Board investigate the matter and pursue sanctions in accordance with State law and policy.

3. In response, the Board initiated an investigation, which revealed the following:

Criminal Convictions

4. On or about January 9, 2023, in the United States District Court, Southern District of Florida, case number 0:21-CR-60186, the Respondent pleaded guilty to and

was convicted of one count of Conspiracy to Pay Health Care Kickbacks, a felony in violation of 18 U.S.C § 371. In the Factual Proffer for this case, the Respondent agreed that if the case were to proceed to trial, the government would prove beyond a reasonable doubt that (1) he entered into an agreement with a co-conspirator who agreed to provide him “with Medicare and Medicaid beneficiary information in exchange for 50% of the net profits that [the Respondent] would collect from those beneficiaries for filled prescriptions,” and (2) pursuant to this agreement, between January and May 2018, the co-conspirator provided the Respondent with beneficiary information which the Respondent used to bill Medicare and Medicaid for prescriptions, and the Respondent, through a pharmacy he owned and operated, paid the co-conspirator approximately \$210,000 in exchange for the information. On January 9, 2023, the Court sentenced the Respondent to 33 months’ imprisonment (commencing on February 10, 2023), to be followed by a three-year term on supervised release. The Court ordered that the Respondent abide by a number of conditions while on supervised release, including “Health Care Business Restriction: The defendant shall not own, directly or indirectly, or be employed, directly or indirectly, in any health care business or service, which submits claims to any private or government insurance company, without the Court’s approval.”

5. On or about January 9, 2023, in the United States District Court, Southern District of Florida, case number 0:22-CR-60203, the Respondent pleaded guilty to and was convicted of one count of Conspiracy to Distribute and Dispense a Controlled Substance, a felony in violation of 21 U.S.C § 846. In the Plea Agreement the Respondent executed in this case, he admitted that he knowingly and willfully

participated in a conspiracy to dispense and distribute at least 375 grams of oxycodone. In the Agreed Factual Basis for Guilty Plea in this case, the Respondent agreed that, if the case were to go to trial, the government would prove beyond a reasonable doubt that (1) he and his co-conspirators, through a pharmacy that the Respondent co-owned and operated as the Pharmacist-in-Charge, dispensed oxycodone 30mg pills to individuals with obviously illegitimate prescriptions starting in March 2021 “because they ([the Respondent] and his co-conspirators) received substantial amounts of cash for doing so,” and, (2) more specifically, that he is responsible for unlawfully dispensing and distributing at least 12,494 pills of oxycodone 30mg to five individuals with prescriptions he knew were not legitimate for approximately \$96,600 in cash. On January 9, 2023, the Court sentenced the Respondent to 78 months’ imprisonment (77 months to run concurrently with the sentence in 21-CR-60186, commencing on February 10, 2023) to be followed by a three-year term on supervised release with several conditions including the “Health Care Business Restriction.”

State of Florida Department of Health

6. On or about March 10, 2023, the State of Florida Department of Health issued an emergency order suspending the Respondent’s license to practice as a pharmacist in the State of Florida due to the Respondent’s criminal convictions.

7. On or about March 16, 2023, the State of Florida Department of Health filed an Administrative Complaint with the Florida Board of Pharmacy requesting that it issue an order imposing disciplinary penalties in response to the Respondent’s criminal convictions.

State of Florida Board of Pharmacy

8. On or about March 29, 2023, the Respondent executed and filed a document titled “Voluntary Relinquishment of License” with the State of Florida Board of Pharmacy in which the Respondent, to avoid further administrative action in the case (case number 2023-07080), agreed, *inter alia*, to voluntarily relinquish his license to practice as a pharmacist in the State of Florida and to never reapply for licensure in the state.

9. On or about July 14, 2023, the State of Florida Board of Pharmacy approved the Respondent’s Voluntary Relinquishment of License and issued a Final Order for Disciplinary Relinquishment of License.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. § 12-313(b)(22) and/or (24).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 21st day of August 2024, by a majority of the quorum of the Board hereby

ORDERED that the license to practice pharmacy in the State of Maryland issued to the Respondent, **MOSHIN NAEEM**, is hereby **REVOKED**; and it is further

ORDERED that the Respondent shall return to the Board all Maryland pharmacy licenses within ten (10) days of the date of this Order; and it is further

ORDERED that the effective date of this Order is the date that it is signed by the Board; and it is further

ORDERED that this document constitutes a formal disciplinary action of the Board and this Order is final and a public document pursuant to Md. Code Ann., Gen. Prov. § 4-101 *et seq.* & § 4-333 (2019 Repl. Vol. & 2023 Supp.).

8/21/2024
Date _____
Deann Gehr
Kristopher Rusinko, Pharm.D.
President, Maryland Board of Pharmacy
1 reason

NOTICE OF RIGHT TO APPEAL

Pursuant to Health Occ. § 12-316, you have a right to take a direct judicial appeal of this decision. A Petition for Judicial Review must be filed within thirty (30) days of service of this Order and shall be made as provided for judicial review of a final decision in Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2021 Repl. Vol. & 2023 Supp.) and Title 7, Chapter 200 of the Maryland Rules.