

IN THE MATTER OF

DANIEL J. BOCHICCHIO, M.D.

Respondent

License Number: D46256

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BEFORE THE
MARYLAND STATE
BOARD OF PHYSICIANS
Case Number: 7720-0030

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TERMINATION ORDER

On October 17, 2017, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) and Daniel J. Bochicchio, M.D., entered into a Consent Order.¹ Under the terms of the Consent Order, Panel A suspended Dr. Bochicchio’s medical license and required him to enroll in the Maryland Professional Rehabilitation Program (“MPRP”). The Consent Order also provided that Dr. Bochicchio may petition Panel A to lift the suspension of his license if MPRP determined that he had complied with MPRP’s recommendations and requirements and that he was safe to return to practice of medicine. The Consent Order also provided that, if Panel A terminated the suspension, the Panel could impose conditions on Dr. Bochicchio’s return to practice.

On June 24, 2019, Dr. Bochicchio petitioned Panel A for the termination of his suspension. On July 16, 2019, MPRP provided a written update to Panel A on Dr. Bochicchio’s ongoing participation in and compliance with MPRP and endorsed Dr. Bochicchio’s return to the practice of medicine. On August 5, 2019, the administrative prosecutor submitted a letter to Panel A in response

¹ Under the pre-charge Consent Order, the Panel concluded that the public health, safety or welfare imperatively required emergency action, pursuant to Md. Code Ann., State Gov’t § 10-226 (c)(2)(i) (2014 Repl. Vol. & 2016 Supp.) and found violations of the following disciplinary grounds: unprofessional conduct in the practice of medicine; is professionally, physically, or mentally incompetent; is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as define in § 5-101 of the Criminal Law Article; willfully made or filed a false report or record in the practice of medicine, 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. *See* Md. Code Ann., Health Occ. § 14-404(a)(3)(ii), (4), (8), (11), and (21). The Panel concluded that the acts of diversion for which Dr. Bochicchio was disciplined for 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. § 14-404(a)(3)(ii), thereby subjecting him to discipline pursuant to Health Occ § 14-404(a)(21).

to Dr. Bochicchio's petition to terminate suspension, recommended termination of the suspension and that Dr. Bochicchio be placed on probation for a minimum of five (5) years subject to the terms and conditions proposed by MPRP. On September 11, 2019, Dr. Bochicchio and the administrative prosecutor appeared before Panel A for consideration of Dr. Bochicchio's petition.

Panel A determined that Dr. Bochicchio complied with the terms and conditions of his Consent Order and that Dr. Bochicchio was safe to return to practice medicine with certain safeguards in place. On September 26, 2019, Panel A issued an Order Terminating Suspension and Imposing Probation that terminated the suspension of Dr. Bochicchio's license and placed him on probation for a minimum of five (5) years, which included continued participation in MPRP² and prohibited him from practicing general anesthesia or surgery or prescribing any Controlled Dangerous Substances ("CDS") for a minimum of one (1) year. Panel A also determined that, after one year, Dr. Bochicchio shall be reevaluated by MPRP or its agents to determine whether he is safe to resume the practice of general anesthesia and surgery and resume prescribing CDS. If Dr. Bochicchio's evaluation determined that he was safe to resume the practice of general anesthesia and surgery and resume prescribing CDS, the prohibition on practicing general anesthesia and surgery and from prescribing CDS may be administratively terminated through an order of the disciplinary panel.

Dr. Bochicchio has been reevaluated by MPRP or its agents and has been determined safe to resume the practice of general anesthesia and surgery and resume prescribing CDS. It is thus hereby

ORDERED that the restriction from practicing general anesthesia and surgery and from prescribing any CDS imposed by the September 26, 2019 Order Terminating Suspension and Imposing Probation is TERMINATED; and it is further

² Panel A also required MPRP to appoint a vocational monitor for any practice setting where Dr. Bochicchio is employed.

ORDERED that the probation³ for a minimum period of five (5) years imposed by the September 26, 2019 Order Terminating Suspension remains in effect subject to the following remaining terms and conditions:

1. Dr. Bochicchio shall remain enrolled in MPRP as follows:

- (a) Dr. Bochicchio shall fully and timely cooperate and comply with all 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 with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP;
- (b) Dr. Bochicchio shall sign and update the written release/consent forms requested by the Board and MPRP, including release/consent forms to authorized MPRP to make verbal and written disclosures to the Board and to authorize the board to disclose relevant information from MPRP records and files in a public order. Dr. Bochicchio shall not withdraw his release/consent;
- (c) Dr. Bochicchio 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 Dr. Bochicchio's current therapists and treatment providers) verbal and written information concerning Dr. Bochicchio and to ensure that MPRP is authorized to receive the medical records of Dr. Bochicchio, including, but not limited to, mental health and drug or alcohol evaluation and treatment records. Dr. Bochicchio shall not withdraw his release/consent;
- (d) Dr. Bochicchio's failure to comply with any of the above terms or conditions including terms and conditions of the Participant Rehabilitation Agreement(s) or Participant Rehabilitation Plan(s) constitute a violation of this Order.

2. Dr. Bochicchio shall have a vocational monitor, appointed by MPRP, at each location where he practices medicine for the duration of probation; and it is further

ORDERED that Dr. Bochicchio shall not apply for early termination of probation; and it is further

ORDERED that, after Dr. Bochicchio has complied with all terms and conditions of

³ If Dr. Bochicchio's license expires while Dr. Bochicchio is on probation, the probation period and any probationary conditions will be tolled.

probation and the minimum period of probation imposed by the Order Terminating Suspension and Imposing Probation has passed, Dr. Bochicchio may submit to the Board a written petition for termination of probation. After consideration of the petition, the probation may be terminated through an order of the disciplinary panel. Dr. Bochicchio may be required to appear before the disciplinary panel to discuss his petition for termination. The disciplinary panel may grant the petition to terminate the probation, through an order of the disciplinary panel, if Dr. Bochicchio has complied with all probationary terms and conditions and there are no pending complaints relating to the charges; and it is further

ORDERED that this is a public document.

01/06/2021
Date

Signature on File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians