

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE</b>
<b>DANIEL J. BOCHICCHIO, M.D.,</b>	*	<b>MARYLAND STATE</b>
<b>Respondent.</b>	*	<b>BOARD OF PHYSICIANS</b>
<b>License Number D46256</b>	*	<b>Case Number 7718-0046A</b>

\* \* \* \* \*

**ORDER TERMINATING SUSPENSION AND IMPOSING PROBATION**

On October 17, 2017, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (“Board”) and Daniel J. Bochicchio, M.D. entered into a Consent Order.<sup>1</sup> 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 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 he was safe to return to the 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

---

<sup>1</sup> 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 defined 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).

practice of medicine. On August 5, 2019, the administrative prosecutor submitted a letter to Panel A in response to Dr. Bochicchio's petition to terminate suspension, recommending termination of the suspension and that Dr. Bochicchio be placed on probation for a minimum of five 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 finds that Dr. Bochicchio complied with the terms and conditions of his Consent Order and that Dr. Bochicchio is safe to return to the practice of medicine so long as certain safeguards are in place. Accordingly, Panel A will terminate the suspension of Dr. Bochicchio's license and place Dr. Bochicchio on probation for a minimum of five years with certain terms and conditions, including continued enrollment in MPRP and a prohibition on practicing general anesthesia or surgery or prescribing any Controlled Dangerous Substances ("CDS") for a minimum of one year. Panel A will also require MPRP to appoint a vocational monitor for any practice setting where Dr. Bochicchio is employed. It is thus, by Panel A, hereby:

**ORDERED** that the suspension and conditions of suspension imposed under the Consent Order, dated October 17, 2017, are **TERMINATED**; and it is further

**ORDERED** that Dr. Bochicchio is placed on **PROBATION**<sup>2</sup> for a minimum period of **FIVE YEARS**, subject to the following 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;

---

<sup>2</sup> If Dr. Bochicchio's license expires while Dr. Bochicchio is on probation, the probation period and any probationary conditions will be tolled.

(b) Dr. Bochicchio shall sign and update the written release/consent forms requested by the Board and MPRP, including release/consent forms to authorize 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 or conditions of the Participant Rehabilitation Agreement(s) or Participant Rehabilitation Plan(s) constitutes a violation of this Order;

(2) For a minimum of one year, Dr. Bochicchio is prohibited from practicing general anesthesia and surgery and from prescribing any CDS;

(3) 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, 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 the evaluation determines that Dr. Bochicchio is safe to resume the practice of general anesthesia and surgery and resume prescribing CDS, the prohibition from practicing general anesthesia and surgery and from prescribing CDS may be administratively terminated through an order of the disciplinary panel. If the evaluation determines that Dr. Bochicchio should not resume the practice of general anesthesia and surgery and resume prescribing CDS, the prohibition from practicing general anesthesia and surgery and from prescribing CDS will be continued; 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 probation and the minimum period of probation imposed by this Order 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 if Dr. Bochicchio allegedly fails to comply with any term or condition imposed by this Order Terminating Suspension and Imposing Probation, Dr. Bochicchio shall be given notice and an opportunity for a hearing. If the disciplinary panel determines 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; and if the disciplinary panel determines there is no genuine dispute as to a material fact, Dr. Bochicchio shall be given a show cause hearing before a disciplinary panel; and it is further

**ORDERED** that, after the appropriate hearing, if a disciplinary panel determines that Dr. Bochicchio has failed to comply with any term or condition imposed by this Order Terminating Suspension and Imposing Probation, a disciplinary panel may reprimand Dr. Bochicchio, place Dr. Bochicchio on probation with appropriate terms and conditions, or suspend with appropriate terms and conditions, or revoke Dr. Bochicchio's license to practice medicine in Maryland. A

disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon Dr. Bochicchio; and it is further

**ORDERED** that the effective date of the Order is the date the Order is signed by the Executive Director of the Board or her designee. The Executive Director or her designee signs the Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Order; and it is further

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

**ORDERED** that this Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

09/26/2019  
Date

***Signature on File***

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