

IN THE MATTER OF

*

BEFORE THE MARYLAND STATE

RICHARD A. KOFF, M.D.

*

BOARD OF PHYSICIANS

APPLICANT

*

CASE NUMBER: 2221-0111A

* * * * *

**FINAL ORDER OF DENIAL OF APPLICATION FOR LICENSURE UNDER
THE MARYLAND MEDICAL PRACTICE ACT**

On June 24, 2021, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) notified **Richard A. Koff, M.D.** (the “Applicant”) of Panel A’s intent to deny his Application for Initial Medical Licensure under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2014 Repl. Vol. and 2020 Supp.). The Notice informed the Applicant that unless he requested a hearing in writing within 30 days of the date of the mailing of the Notice, Panel A intended to sign this Final Order, which was enclosed with the Notice. More than 30 days have elapsed, and the Applicant failed to request a hearing. Therefore, the denial of the Applicant’s Application for medical licensure is final.

The pertinent provisions of the Act provide:

Health Occ. § 14-205. Miscellaneous powers and duties.

...

(b) *Additional powers.*

...

(3) Subject to the Administrative Procedure Act and the hearing provisions of § 14-405 of this title, a disciplinary panel may deny a license to an application for...

(i) Any of the reasons that are grounds for action under § 14-404 of this title[.]

Health Occ. § 14-307. Qualifications of applicants.

- (a) *In general.* To qualify for a license, an applicant shall be an individual who meets the requirements of this section.
- (b) *Moral character.* – The applicant shall be of good moral character[.]

Health Occ. § 14-404. Denials, reprimands, suspensions, and revocations – Grounds.

- (a) *In general.* – Subject to the hearing provisions of § 14-405 of this title, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the licensee:

...

- (21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country 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[.]

The underlying disciplinary grounds are:

- (3) Is guilty of:
 - (i) Immoral conduct in the practice of medicine; or
 - (ii) Unprofessional conduct in the practice of medicine;

...

- (27) Sells, prescribes, gives away, or administers drugs for illegal or illegitimate medical purpose[.]

FINDINGS OF FACT

Panel A makes the following findings of fact:

1. On or about February 17, 2021, the Applicant submitted to the Board an Application for Initial Medical Licensure (the “Application”).
2. On the Application, the Applicant answered “YES” to Character and Fitness Questions 16 b and c, which state:

16 b: Has a state licensing or disciplinary board (including Maryland), a comparable body in the armed services, or the Veterans Administration, ever taken any action against your license? Such actions include, but are not limited to, limitations of practice, required education, admonishment or reprimand, suspension, probation or revocation?

16 c: Has any licensing or disciplinary board in any jurisdiction (including Maryland), a comparable body in the armed services, or the Veterans Administration, ever filed any complaints or charges against you or investigated you for any reason?

3. With regard to Question 16 b and c, the Applicant explained in pertinent part:

On 2007 (sic) I pled guilty to giving a neighbor who was a pharmacist non-narcotic drug samples. Unbeknownst to me this pharmacist was selling these samples through his pharmacy.

4. The Respondent submitted with the Application court documents and Pennsylvania State Board of Medicine documents related to his criminal conviction.

I. Criminal Conviction

5. The court documents state that on or about January 24, 2005, the Respondent entered into a Guilty Plea Agreement in the United States District Court for the Eastern District of Pennsylvania (Criminal Case Number: 04-825) to one count of a felony charge, Illegal Distribution of Prescription Drug Samples, in violation of Title 21, United States Code, Sections 331(t), 333(b)(1)(B) and 353(c)(1). The court documents further state that the criminal charge arose from his receipt and illegal sale of prescription drug samples from March 1997 until August 2000.

6. Specifically, from March 1997 to August 2000, the Respondent sold thousands of prescription drug samples to a pharmacist who paid the Respondent a total of approximately \$16,000.¹

7. The Respondent was subsequently sentenced to four years of probation, six months of home detention with electronic monitoring, and a \$20,000 fine.

II. Pennsylvania State Board of Medicine

8. The Respondent was initially licensed to practice medicine in Pennsylvania on September 30, 1985.

9. Effective June 26, 2007, the Respondent entered into a Consent Agreement and Order with the Pennsylvania State Board of Medicine (“Pennsylvania Consent Order”). The Pennsylvania Board had charged him with violating the Pennsylvania Medical Practice Act based on his guilty plea to a felony, in violation of 63 P.S. § 422.41(3).

10. Under the terms of the Pennsylvania Consent Order, the Respondent was suspended indefinitely, for a period of not less than two years, which suspension was immediately stayed in favor of probation. Under the terms of the probation, the Respondent was ordered to pay a civil penalty of \$5,000.

11. By Final Order Reinstating License to Non-Probationary Status dated July 17, 2009, the Pennsylvania State Board of Medicine terminated the Respondent’s probation.

¹ The samples included Prilosec, Prevacid, Celebrex, Vioxx, Ceftin, and Cefzil. The pharmacist placed the samples he bought from the Respondent into his pharmacy’s inventory and sold them to patients.

III. Maryland Application for Licensure

12. On the Application, the Respondent stated that he had pleaded guilty to “giving” the pharmacist the drug samples. His statement is inconsistent with both his federal court Plea Agreement and the Pennsylvania Consent Order in which his conduct is described as the “illegal sale” of prescription samples.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Applicant’s Application for Initial Medical Licensure is denied because the Applicant does not meet the good moral character requirement of Health Occ. § 14-307(b) and, pursuant to Health Occ. § 14-205(b)(3)(i), was disciplined by a licensing authority for acts that would be grounds for disciplinary action under Health Occ. § 14-404(a)(21). The underlying grounds are Health Occ. § 14-404(a)(3)(i) and (ii), and (27).

ORDER

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

ORDERED that the Application for Initial Medical Licensure of **Richard A. Koff, M.D.** for a license to practice medicine in Maryland, filed with the Board on or about February 17, 2021, is **DENIED**; and it is further

ORDERED that this is an Order of Panel A, and as such, is a **PUBLIC DOCUMENT**. Md. Code Ann., Health Occ. §§ 1-607, 14-411(b)(2) and Md. Code Ann., Gen. Prov. § 4-333(b)(6).

08/06/2021

Date

Signature on File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Md. Code Ann., Health Occ. § 14-408, the Applicant has the right to seek judicial review of this Final Order. Any petition for judicial review shall be filed within thirty (30) days from the date of this mailing of this Final Order. The cover letter accompanying this Final Order indicates the date it was mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the applicant files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

Maryland State Board of Physicians
Christine A. Farrelly, Executive Director
4201 Patterson Avenue
Baltimore, Maryland 21215

Notice of any petition should also be sent to the Board's counsel at the following address:

Noreen M. Rubin
Assistant Attorney General
Maryland Department of Health
300 W. Preston Street
Baltimore, Maryland 21201