



# OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor  
Columbus, Ohio 43266-0320  
Telephone: 614/466-4143

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THE STATE BOARD OF PHARMACY  
(Docket No. D-900423-079)

In The Matter Of:

CHANDAR KACHORIA, R.Ph.  
8431 Pinehurst Drive  
Parma, Ohio 44129  
(R.Ph. No. 03-2-11507)

## INTRODUCTION

THE MATTER OF CHANDAR KACHORIA CAME TO HEARING ON SEPTEMBER 27, 1990 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH R. SABINO, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; AND ROBERT VALENTINE, R.Ph.

CHANDAR KACHORIA WAS REPRESENTED BY HARVEY H. STARKOFF, AND THE STATE OF OHIO WAS REPRESENTED BY JEANNY EATON, ASSISTANT ATTORNEY GENERAL.

## SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Richard L. Rob - Blue Cross/Blue Shield
- (2) Christopher Reed - Lorain County M.E.G. Unit
- (3) Chandar Kachoria, Respondent

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter to Chandar Kachoria dated April 23, 1990.
- (2) Exhibit B - Notice of Opportunity letter to Lakewood Pharmacy dated April 23, 1990.
- (3) Exhibit C - Hearing Request from Ralph E. Breitfeller, Attorney for Chandar Kachoria, dated May 18, 1990.

- (4) Exhibit D - Hearing Request from Ralph E. Breitfeller, Attorney for Lakewood Pharmacy, dated May 18, 1990.
- (5) Exhibit E - Hearing Schedule letter to Ralph E. Breitfeller, Attorney for Chandar Kachoria and Lakewood Pharmacy, dated May 25, 1990.
- (6) Exhibit F - Hearing Request from Harvey H. Starkoff, Attorney for Chandar Kachoria, dated May 10, 1990.
- (7) Exhibit G - Hearing Request from Harvey H. Starkoff, Attorney for Lakewood Pharmacy, dated May 10, 1990.
- (8) Exhibit H - Hearing Schedule letter to Harvey H. Starkoff, Attorney for Chandar Kachoria and Lakewood Pharmacy, dated May 25, 1990.
- (9) Exhibit I - Hearing Continuance Request letter from Harvey H. Starkoff dated May 30, 1990.
- (10) Exhibit J - Letter to Harvey H. Starkoff dated June 13, 1990.
- (11) Exhibit K - Letter from Ralph E. Breitfeller, withdrawing as Attorney for Chandar Kachoria and Lakewood Pharmacy, dated June 13, 1990.
- (12) Exhibit L - Hearing Continuance Request letter from Harvey H. Starkoff dated June 20, 1990.
- (13) Exhibit M - Continuance Grant and Hearing Schedule letter dated June 26, 1990.
- (14) Exhibit 1 - Pharmacist File Front Sheet of Tarachand H. Kachoria showing original date of registration as January 7, 1976.
- (15) Exhibit 2 - Renewal Application as Terminal Distributor for Lakewood Pharmacy dated November 8, 1987; Renewal Application as Terminal Distributor for Lakewood Pharmacy dated November 28, 1988; Renewal Application as Terminal Distributor for Lakewood Pharmacy dated November 28, 1989; Application for Registration as Terminal Distributor for Lakewood Pharmacy dated January 20, 1987.
- (16) Exhibit 3 - Certified copy of Journal Entry and Indictments in the Cuyahoga County Court of Common Pleas for Chandar Kachoria, No. CR-234739.
- (17) Exhibit 4 - Prescriptions 772410 and 772411 filled May 5, 1988.
- (18) Exhibit 5 - Prescription 772511 filled May 9, 1988.
- (19) Exhibit 6 - Prescriptions 772612, 772613, and 772614 filled May 11, 1988.
- (20) Exhibit 7 - Prescriptions 772511, 772706, and 772707 filled May 16, 1988.
- (21) Exhibit 8 - Prescriptions 772612, 772613, and 772614 filled May 18, 1988.
- (22) Exhibit 9 - Prescriptions 772861 and 772862 filled May 20, 1988.
- (23) Exhibit 10 - Prescriptions 772511, 772707, and 772997 filled May 25, 1988.
- (24) Exhibit 11 - Prescriptions 773028, 773029, and 773030 filled May 26, 1988.
- (25) Exhibit 12 - Prescription 772511 filled June 1, 1988.
- (26) Exhibit 13 - Prescriptions 772612, 772613, and 772614 filled June 1, 1988.

- (27) Exhibit 14 - Prescription 773030 filled June 2, 1988.
- (28) Exhibit 15 - Prescriptions 772410, 772411, 773254, and 773255 filled June 3, 1988.
- (29) Exhibit 16 - Prescription 773350 filled June 8, 1988.
- (30) Exhibit 17 - Prescriptions 772612 and 772614 filled June 9, 1988.
- (31) Exhibit 18 - Prescription 772511 filled June 10, 1988.
- (32) Exhibit 19 - Prescription 773424 filled June 13, 1988.
- (33) Exhibit 20 - Prescription 772862 filled June 13, 1988.
- (34) Exhibit 21 - Prescriptions 772612 and 772614 filled June 17, 1988.
- (35) Exhibit 22 - Prescription 773615 filled June 20, 1988.
- (36) Exhibit 23 - Prescriptions 772862 and 773919 filled June 30, 1988.
- (37) Exhibit 24 - Prescription 772614 and 773910 filled June 29, 1988.
- (38) Exhibit 25 - Prescription 773951 filled July 1, 1988.
- (39) Exhibit 26 - Prescriptions 772410, 772411, and 773254 filled July 6, 1988.
- (40) Exhibit 27 - Prescription 773350 filled July 6, 1988.
- (41) Exhibit 28 - Dangerous Drug Distributor Inspection Report for Lakewood Pharmacy dated October 5, 1988; Two-page letter responding to Inspection Report from Norbert J. Diaz dated October 27, 1988.
- (42) Exhibit 29 - Two-page Extraction Report by Blue Cross/Blue Shield of Northern Ohio dated August 10, 1988.

Respondent's Exhibits:

- (1) Exhibit A - Letter from Edward F. Feighan dated September 19, 1990; Letter from Joel Adelman dated September 21, 1990; Letter from Margaret Harbaugh, R.Ph. dated September 20, 1990; Letter from Dale Miller dated September 17, 1990; Letter from Tom Nakao, Jr., Chairman of the City of Cleveland Mayor's Asian Advisory Council; Letter from John D. Monson dated September 10, 1990; Letter from Terrence Kane dated May 8, 1990; Letter from Walter A. Geist dated August 27, 1990; Letter from Joseph Mazzarella dated May 30, 1990; Letter from Stanley Hubbard, Probation Officer, dated September 25, 1990; Letter from Bimal B. Sharan, School of Hindi Language and Culture; Two-page letter from T. J. Salgia, President of the Bramhi Jain Society, dated September 14, 1990; Letter from Anjali Bhattacharyya dated September 15, 1990.
- (2) Exhibit B - Letter from Barbara Brown-Daniels dated September 19, 1990; Letter from B. G. Pillay, M.D. dated September 15, 1990; Letter from Richard Roberts, D.V.M. dated September 7, 1990; Letter from Laverne D. Fox, R.N. dated September 4, 1990; Letter from Vishwa M. Sharan, M.D. dated September 18, 1990; Letter from Joseph E. Holliday, D.D.S. dated September 12, 1990; Letter from George M. Pohlod dated August 30, 1990.
- (3) Exhibit C - Letter from Archie Catavolos dated September 3, 1990; Letter from Thomas E. Lee dated August 26, 1990; Letter from Roger S. Berry dated September 10, 1990; Letter from Eleanor J. Peel; Letter from William P. Moran dated September 17, 1990; Letter from Mrs. Stefan J. Harasymowicz dated September 10, 1990;

Letter from Mrs. Ronald Hromi and Estelle Wojciechowicz dated September 5, 1990; Letter from Charles and Thelma Gilbert; Letter from David Ennis dated August 31, 1990; Letter from David Ennis dated August 31, 1990; Letter from Charles L. Egan dated August 24, 1990; Letter from Clem G. Pelosi dated August 28, 1990; Letter from Mr. & Mrs. Karl Vogel dated August 29, 1990; Letter from Mary Ann Soben dated August 30, 1990; Letter from Edward N. Kirkpatrick dated August 30, 1990; Letter from Amrit P. Bindra, Ph.D. and Malti Bindra dated September 15, 1990.

- (4) Exhibit D - Twelve-page Petition of Support.
- (5) Exhibit E - Seven-page Petition of Support.
- (6) Exhibit F - Letter from Winnifred Iney dated September 15, 1990.
- (7) Exhibit G - Letter from Judge Charles W. Fleming dated September 17, 1990.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Chandar Kachoria was originally licensed to practice pharmacy in this state on January 7, 1976 pursuant to reciprocity, and that Chandar Kachoria is the Responsible Pharmacist at Lakewood Pharmacy, 14239 Detroit Avenue, Lakewood, Ohio 44107, pursuant to Section 4729.27 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that Chandar Kachoria was, on or about May 8, 1989, convicted in the Common Pleas Court of Cuyahoga County, Ohio, of Theft in violation of Section 2913.02 of the Ohio Revised Code, a felony of the fourth degree, for having committed acts constituting insurance fraud.
- (3) From the evidence presented, the State Board of Pharmacy finds that Chandar Kachoria did, during a continuing course of conduct between January 1, 1987 and September 30, 1988, knowingly make or affix false labels to packages containing dangerous drugs, to wit: when filling prescriptions and submitting insurance claims regarding those prescriptions, Chandar Kachoria falsely placed labels on vials in three different manners: 1) Mr. Kachoria indicated that brand name drugs were contained within the vials when generic drugs were in fact contained therein; 2) Mr. Kachoria listed higher quantities on the labels than were actually contained therein; and 3) Mr. Kachoria indicated that the filling of the prescriptions were refills when in fact no such refills were authorized. Such conduct is in violation of Sections 2925.23(D) and 4729.38(B) of the Ohio Revised Code, and Rules 4729-5-16(A) and 4729-5-30(F) of the Ohio Administrative Code.

- (4) From the evidence presented, the State Board of Pharmacy finds that Chandar Kachoria did, on or about October 5, 1988, and dates prior thereto, fail to keep records of all controlled substances received or dispensed, to wit: Chandar Kachoria did not indicate the date drugs were received or the quantity, and he did not manually initial prescriptions when dispensing drugs. Such conduct is in violation of Section 3719.07(G) of the Ohio Revised Code, and Rules 4729-9-14(A)(1) and 4729-5-17(A) of the Ohio Administrative Code.
- (5) From the evidence presented, the State Board of Pharmacy finds that Chandar Kachoria did, on or about May 28, 1988, fail to maintain an inventory of controlled substances kept in the pharmacy, to wit: Chandar Kachoria's biennial inventory did not list all controlled substances on hand, rather only listed Schedule II controlled substances. Such conduct is in violation of Section 3719.07(G) of the Ohio Revised Code, Rule 4729-9-14(B) of the Ohio Administrative Code, and Title 21, Section 1304.13 of the Code of Federal Regulations.

#### CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings Of Fact constitute being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (5) of the Findings Of Fact constitute dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3) through (5) of the Findings Of Fact constitute willfully violating, conspiring to violate, attempting to violate, and aiding and abetting the violation of the provisions of Chapters 2925., 3715., 3719., or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

#### ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-2-11507, held by Chandar Kachoria:

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Order of the Board

(A) On the basis of paragraphs (1) and (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Chandar Kachoria for 12 months.

(B) On the basis of paragraph (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of two thousand five hundred dollars (\$2,500.00), due and owing within thirty (30) days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.

(C) Further, the Board will set aside 10 months of the 12-month suspension imposed in paragraph (A) above provided that Chandar Kachoria takes and successfully completes the Jurisprudence examination offered by the Board in December 1990.

Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Chandar Kachoria's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns for a period of 12 months.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is ..., suspended, ..., shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Section 119.12 of the Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

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Order of the Board

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL  
Return Receipt  
#P 497 578 738

ORDER MAILED: NOVEMBER 8, 1990

By

  
Franklin Z. Wickham, Executive Director

FZW/sb

cc: Jeanny Eaton, Assistant Attorney General  
Harvey H. Starkoff, Attorney for Respondent; 27600 Chagrin Blvd.,  
Suite 480; Woodmere Village, Ohio 44122