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8  
9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 4622

12 **PATRICK WILLIAM SLIFKA**  
13 **21999 115th Street**  
14 **Cresco, IA 52136**

**A C C U S A T I O N**

15 **Pharmacist License No. RPH 37647**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about April 5, 1983, the Board of Pharmacy issued Pharmacist License Number  
22 RPH 37647 (License) to Patrick William Slifka (Respondent). The License was in full force and  
23 effect at all times relevant to the charges brought herein expired on March 31, 2013, and has not  
24 been renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 4301 of the Code states:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

...

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

...

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

...

(n) The revocation, suspension, or other discipline by another state of a license to practice pharmacy, operate a pharmacy, or do any other act for which a license is required by this chapter.

...

5. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

3 FIRST CAUSE FOR DISCIPLINE

4 (Criminal Conviction)

5 6. Respondent is subject to disciplinary action under Code section 4301, subd. (l), in  
6 that Respondent was convicted of a crime substantially related to the practice of pharmacy. The  
7 circumstances are as follows:

8 7. On or about September 16, 2009, in a criminal proceeding entitled *United States of*  
9 *America v. Patrick Slifka* in the United States District Court, Northern District of Iowa, Case  
10 Number CR 09-2025LRR, Respondent was convicted by plea of guilty of violating 18 U.S.C.  
11 section 1343 [wire fraud] and 18 U.S.C. section 1028A, subd. (a)(1) [aggravated identity theft].  
12 The circumstances are as follows:

13 a. From as early as January 2002 and continuing in and through January 2008,  
14 Respondent submitted fraudulent claims to his personal family health insurance provider,  
15 Wellmark Blue Cross / Blue Shield for payment on prescription medication that were not  
16 prescribed by a physician and which oftentimes were not dispensed, The total amount of  
17 Respondent's fraudulent claims exceeded \$100,000.00. As a part of his scheme, Respondent  
18 utilized a Drug Enforcement Agency number assigned to another health care professional without  
19 authorization to do so.

20 b. On or about May 5, 2010, Respondent was sentenced as follows: 48 months  
21 imprisonment; 3 years supervised release upon release from imprisonment; \$25,000 fine; and  
22 \$135,594.32 in restitution to be paid to Wellmark Blue Cross / Blue Shield.

23 SECOND CAUSE FOR DISCIPLINE

24 (Dishonesty)

25 8. Respondent is subject to disciplinary action under section Code section 4301, subd.  
26 (f), in that Respondent engaged in an act of moral turpitude, dishonesty, fraud, deceit, or  
27 corruption, as described above in paragraph 7.

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1 THIRD CAUSE FOR DISCIPLINE

2 (Out of State Discipline)

3 9. Respondent is subject to disciplinary action pursuant to Code section 4301, subd. (n),  
4 in that he was disciplined by the Iowa Board of Pharmacy ("Iowa Board"), as follows: On or  
5 about December 29, 2009, pursuant to the Findings of Fact, Conclusions of Law, Decision and  
6 Order in the disciplinary proceeding entitled "In the Matter of the Pharmacist License of Patrick  
7 W. Slifka" Case No. 2007-6, the Iowa Board indefinitely suspended Respondent's license to  
8 practice as a pharmacist in the State of Iowa. True and correct copies of the Findings of Fact,  
9 Conclusions of Law, and Order and the related document(s) are attached hereto as **Exhibit A** and  
10 incorporated herein.

11 10. Respondent is subject to disciplinary action pursuant to Code section 4301, subd. (n),  
12 in that he was disciplined by the North Dakota Board of Pharmacy ("North Dakota Board"), as  
13 follows: On or about June 23, 2010, pursuant to the Findings of Fact, Conclusions of Law, and  
14 Order in the disciplinary proceeding entitled "In the Matter of the Certificate of Registration of  
15 Patrick W. Slifka R. Ph. As Licensed Pharmacist Entitled to Practice in the State of North  
16 Dakota, Respondent", Case No. 2009-12-14-173, the North Dakota Board indefinitely suspended  
17 Respondent's license to practice as a pharmacist in the State of North Dakota. True and correct  
18 copies of the Findings of Fact, Conclusions of Law, and Order and the related document(s) are  
19 attached hereto as **Exhibit B** and incorporated herein.

20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
22 and that following the hearing, the Board of Pharmacy issue a decision:

23 1. Revoking or suspending Pharmacist License Number RPH 37647, issued to Patrick  
24 William Slifka.;

25 2. Ordering Patrick William Slifka to pay the Board of Pharmacy the reasonable costs of  
26 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
27 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 9/6/13 Virginia Herold  
VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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