

BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 3174

**KRUTI KIRIT PATEL**  
11825 Westview Parkway  
San Diego, CA 92126

Pharmacist License No. RPH 57787

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on April 10, 2009.

It is so ORDERED on March 11, 2009.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



KENNETH H. SCHELL  
Board President

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 DAVID E. HAUSFELD, State Bar No. 110639  
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8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 3174

13 KRUTI KIRIT PATEL

14 Respondent.

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
18 above-entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of  
21 Pharmacy. She brought this action solely in her official capacity and is represented in this matter  
22 by Edmund G. Brown Jr., Attorney General of the State of California, by David E. Hausfeld,  
23 Deputy Attorney General.

24 2. Kruti Kirit Patel (Respondent) is represented in this proceeding by attorney  
25 Richard D. Martland, whose address is 1415 L Street, Suite 1200, Sacramento, CA 95814.

26 3. On or about November 10, 2005, the Board of Pharmacy (Board) issued  
27 Original Pharmacist License No. 57787 to Respondent, Kruti Kirit Patel. The license was in full

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1 force and effect at all times relevant to the charges brought herein and will expire on April 30,  
2 2009, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 3174 was filed before the Board of Pharmacy (Board),  
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
6 and all other statutorily required documents were properly served on Respondent on August 19,  
7 2008. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of  
8 Accusation No. 3174 is attached as Exhibit A and incorporated herein by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, fully discussed with counsel, and  
11 understands the charges and allegations in Accusation No. 3174. Respondent has also carefully  
12 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
13 Disciplinary Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the  
15 right to a hearing on the charges and allegations in the Accusation; the right to confront and  
16 cross-examine the witnesses against her; the right to present evidence and to testify on her own  
17 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the  
18 production of documents; the right to reconsideration and court review of an adverse decision;  
19 and all other rights accorded by the California Administrative Procedure Act and other applicable  
20 laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
22 each and every right set forth above.

23 **CULPABILITY**

24 8. Respondent admits the truth of each and every charge and allegation in  
25 Accusation No. 3174.

26 9. Respondent agrees that her Original Pharmacist License is subject to  
27 discipline and she agrees to be bound by the Board of Pharmacy (Board)'s imposition of  
28 discipline as set forth in the Disciplinary Order below.



- 1 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to
- 2 any criminal complaint, information or indictment;
- 3 • a conviction of any crime;
- 4 • discipline, citation, or other administrative action filed by any state and federal
- 5 agency which involves Respondent's license or which is related to the practice
- 6 of pharmacy or the manufacturing, obtaining, handling or distribution or billing
- 7 or charging for any drug, device or controlled substance.

8           **2. Reporting to the Board.** Respondent shall report to the Board  
9 quarterly. The report shall be made either in person or in writing, as directed. Respondent  
10 shall state under penalty of perjury whether there has been compliance with all the terms and  
11 conditions of probation. If the final probation report **is not** made as directed, probation shall  
12 be extended automatically until such time as the final report is made and accepted by the  
13 Board.

14           **3. Interview with the Board.** Upon receipt of reasonable notice,  
15 Respondent shall appear in person for interviews with the Board upon request at various  
16 intervals at a location to be determined by the Board. Failure to appear for a scheduled  
17 interview without prior notification to Board staff shall be considered a violation of probation.

18           **4. Cooperation with Board Staff.** Respondent shall cooperate with the  
19 Board's inspectional program and in the Board's monitoring and investigation of Respondent's  
20 compliance with the terms and conditions of her probation. Failure to comply shall be  
21 considered a violation of probation.

22           **5. Continuing Education.** Respondent shall provide evidence of efforts  
23 to maintain skill and knowledge as a pharmacist as directed by the Board.

24           **6. Notice to Employers.** Respondent shall notify all present and  
25 prospective employers of the decision in Accusation No. 3174 and the terms, conditions and  
26 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of  
27 this decision, and within 15 days of Respondent undertaking new employment, Respondent

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1 shall cause her direct supervisor, pharmacist-in-charge and/or owner to report to the Board in  
2 writing acknowledging the employer has read the decision in Accusation No. 3174.

3           If Respondent works for or is employed by or through a pharmacy employment  
4 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at  
5 every pharmacy of the and terms conditions of the decision in Accusation No. 3174 in advance  
6 of the Respondent commencing work at each pharmacy.

7           "Employment" within the meaning of this provision shall include any full-time,  
8 part-time, temporary, relief or pharmacy management service as a pharmacist, whether the  
9 Respondent is considered an employee or independent contractor.

10           **7. No Preceptorships, Supervision of Interns, Being Pharmacist-in-**  
11 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern  
12 pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the  
13 pharmacist-in-charge of any entity licensed by the Board unless otherwise specified in this  
14 order.

15           **8. Reimbursement of Board Costs.** Respondent shall pay to the Board  
16 its costs of investigation and prosecution in the amount of \$3,319.50. Respondent shall make  
17 payments in equal amounts on a quarterly basis. The final payment is due no later than six  
18 months before the end of the probationary term.

19           The filing of bankruptcy by Respondent shall not relieve Respondent of her  
20 responsibility to reimburse the Board its costs of investigation and prosecution.

21           **9. Probation Monitoring Costs.** Respondent shall pay the costs  
22 associated with probation monitoring as determined by the Board each and every year of  
23 probation. Such costs shall be payable to the Board at the end of each year of probation.  
24 Failure to pay such costs shall be considered a violation of probation.

25           **10. Status of License.** Respondent shall, at all times while on probation,  
26 maintain an active current license with the Board, including any period during which  
27 suspension or probation is tolled.

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1           If Respondent's license expires or is canceled by operation of law or otherwise,  
2 upon renewal or reapplication, Respondent's license shall be subject to all terms and  
3 conditions of this probation not previously satisfied.

4           **11. License Surrender while on Probation/Suspension.** Following the  
5 effective date of this decision, should Respondent cease practice due to retirement or health,  
6 or be otherwise unable to satisfy the terms and conditions of probation, Respondent may  
7 tender her license to the Board for surrender. The Board shall have the discretion whether to  
8 grant the request for surrender or take any other action it deems appropriate and reasonable.  
9 Upon formal acceptance of the surrender of the license, Respondent will no longer be subject  
10 to the terms and conditions of probation.

11           Upon acceptance of the surrender, Respondent shall relinquish her pocket  
12 license to the Board within 10 days of notification by the Board that the surrender is accepted.  
13 Respondent may not reapply for any license from the Board for three years from the effective  
14 date of the surrender. Respondent shall meet all requirements applicable to the license sought  
15 as of the date the application for that license is submitted to the Board.

16           **12. Notification of Employment/Mailing Address Change.** Respondent  
17 shall notify the Board in writing within 10 days of any change of employment. Said  
18 notification shall include the reasons for leaving and/or the address of the new employer,  
19 supervisor or owner and work schedule if known. Respondent shall notify the Board in  
20 writing within 10 days of a change in name, mailing address or phone number.

21           **13. Tolling of Probation.** Respondent shall work at least 40 hours in each  
22 calendar month as a pharmacist and at least an average of 80 hours per month in any six  
23 consecutive months. Failure to do so will be a violation of probation. If Respondent has not  
24 complied with this condition during the probationary term, and Respondent has presented  
25 sufficient documentation of her good faith efforts to comply with this condition, and if no  
26 other conditions have been violated, the Board, in its discretion, may grant an extension of  
27 Respondent's probation period up to one year without further hearing in order to comply with  
28 this condition.

1                   14.    **Violation of Probation.** If Respondent violates probation in any  
2 respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke  
3 probation and carry out the disciplinary order which was stayed. If a petition to revoke  
4 probation or an accusation is filed against Respondent during probation, the Board shall have  
5 continuing jurisdiction and the period of probation shall be extended, until the petition to  
6 revoke probation or accusation is heard and decided.

7                   If Respondent has not complied with any term or condition of probation, the  
8 Board shall have continuing jurisdiction over Respondent, and probation shall automatically  
9 be extended until all terms and conditions have been satisfied or the Board has taken other  
10 action as deemed appropriate to treat the failure to comply as a violation of probation, to  
11 terminate probation, and to impose the penalty which was stayed.

12                   15.    **Completion of Probation.** Upon successful completion of probation,  
13 Respondent's license will be fully restored.

14                   16.    **Community Services Program.** Within 60 days of the effective date  
15 of this decision, Respondent shall submit to the Board, for its prior approval, a community  
16 service program in which Respondent shall provide free services on a regular basis to a  
17 community or charitable facility or agency for 200 hours for the term of probation.  
18 Respondent's community service shall be completed prior to the end of probation.

19                   17.    **Pharmacy Self-Assessment Mechanism.** Within the first year of  
20 probation, Respondent shall complete the Pharmacist Self-Assessment Mechanism (PSAM)  
21 examination provided by the National Association of Boards of Pharmacy (NABP).  
22 Respondent shall submit a record of completion to the Board demonstrating she has completed  
23 this examination. Respondent shall submit the results of the examination to the Board within  
24 six months of the completion. If deficiencies are shown in the exam results the Board will  
25 develop a plan for remedial education. Respondent shall bear all costs for the examination.  
26 Failure to timely complete the PSAM or submit documentation thereof shall be considered a  
27 violation of probation.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Richard D. Martland. I understand the stipulation and the effect it will have on my Original Pharmacist License No. 57787. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 01/15/09

  
KRUTI KIRIT PATEL  
Respondent

I have read and fully discussed with Respondent, Kruti Kirit Patel, the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 01/20/09

  
RICHARD D. MARTLAND  
Attorney for Respondent

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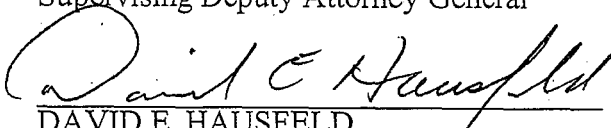
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 1/23/09

EDMUND G. BROWN JR., Attorney General  
of the State of California

LINDA K. SCHNEIDER  
Supervising Deputy Attorney General

  
DAVID E. HAUSFELD  
Deputy Attorney General  
Attorneys for Complainant

DOJ Matter ID: SD2008800944  
80306122.wpd

**Exhibit A**  
**Accusation No. 3174**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 DAVID E. HAUSFELD, State Bar No. 110639  
Deputy Attorney General  
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7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:  
13 KRUTI KIRIT PATEL  
11825 Westview Parkway  
14 San Diego, CA 92126  
15 Original Pharmacist License No. 57787  
16 Respondent.

Case No. 3174

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

17 Complainant alleges:

18 **PARTIES**

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official  
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
21 2. On or about November 10, 2005, the Board of Pharmacy issued Original  
22 Pharmacist License Number 57787 to Kruti Kirit Patel (Respondent). The license was in full  
23 force and effect at all times relevant to the charges brought herein and will expire on April 30,  
24 2009, unless renewed.

25 **JURISDICTION**

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



1 **FACTS**

2 9. Respondent was employed as the pharmacist-in-charge at Rite Aid #5651  
3 (Rite Aid), located in San Diego, California, from on or about September 17, 2006 through on or  
4 after August 26, 2007.

5 10. On or about August 26, 2007 a customer, L.S., was in the Rite-Aid store  
6 seeking a product he could use on his incoherent, immobile wife to repel the ants that were  
7 crawling on her body.

8 11. L.S. asked the respondent if he could use "Raid" ant spray on her. The  
9 Respondent read the "Raid" label and told L.S. he could use it, if he washed it off within fifteen  
10 minutes with lots of water.

11 12. The "Raid" spray can contained a caution label that stated the product was  
12 harmful if swallowed or absorbed through the skin. It also warned against use on humans, pets  
13 or plants. Finally it indicated that the skin should be rinsed immediately for 15 to 20 minutes if  
14 the product was exposed to the skin.

15 13. L.S. purchased the "Raid" ant spray, took it home and sprayed it on his  
16 wife.

17 13. The following day the wife, S.S., died. An autopsy revealed that her death  
18 was not caused by the use of the "Raid" on her by her husband.

19 **FIRST CAUSE FOR DISCIPLINE**

20 (Unprofessional Conduct-Inappropriate Advice)

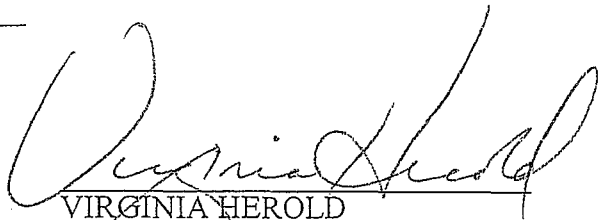
21 14. Paragraphs 1 through 12 are incorporated herein as though fully set forth.  
22 Respondent is subject to discipline for unprofessional conduct pursuant to Business and  
23 Professions Code section 4306.5(a) in that Respondent inappropriately exercised her education,  
24 training and experience as a Pharmacist when she advised L.S. to spray "Raid" ant spray on his  
25 wife, S.S., contrary to the labeled container's cautions.

26 **PRAYER**

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

- 1                   1.     Revoking or suspending Original Pharmacist License Number 57787,  
2 issued to Kruti Kirit Patel.  
3                   2.     Ordering Kruti Kirit Patel to pay the Board of Pharmacy the reasonable  
4 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
5 Code section 125.3;  
6                   3.     Taking such other and further action as deemed necessary and proper.

7  
8 DATED: 8/14/08



VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant

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