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

11 In the Matter of the Accusation Against:

Case No. 5031

12 **SANJAY PATEL**  
13 **3851 Belgian Lane**  
14 **Yorba Linda, CA 92886**

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

15 **Pharmacist License No. RPH 44261**

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 (Board), Department of Consumer Affairs.

21 2. On or about May 23, 1991, the Board issued Pharmacist License Number RPH 44261  
22 to Sanjay K. Patel (Respondent). The Pharmacist License was in full force and effect at all times  
23 relevant to the charges brought herein and will expire on March 31, 2015, unless renewed.

24 **JURISDICTION**

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

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1 4. Section 4300 of the Code states:

2 (a) Every license issued may be suspended or revoked.

3 (b) The board shall discipline the holder of any license issued by the board,  
4 whose default has been entered or whose case has been heard by the board and  
found guilty, by any of the following methods:

5 (1) Suspending judgment.

6 (2) Placing him or her upon probation.

7 (3) Suspending his or her right to practice for a period not exceeding one  
8 year.

9 (4) Revoking his or her license.

10 (5) Taking any other action in relation to disciplining him or her as the board  
in its discretion may deem proper.

11 ...

12 (e) The proceedings under this article shall be conducted in accordance with  
13 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the  
Government Code, and the board shall have all the powers granted therein. The  
14 action shall be final, except that the propriety of the action is subject to review by  
the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

15 5. Section 4300.1 of the Code states:

16 The expiration, cancellation, forfeiture, or suspension of a board-issued  
17 license by operation of law or by order or decision of the board or a court of law,  
the placement of a license on a retired status, or the voluntary surrender of a  
18 license by a licensee shall not deprive the board of jurisdiction to commence or  
proceed with any investigation of, or action or disciplinary proceeding against, the  
19 licensee or to render a decision suspending or revoking the license.

20 **STATUTORY AUTHORITIES**

21 6. Section 4301 of the Code states in relevant part:

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

25 ...

26 (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
27 abetting the violation of or conspiring to violate any provision or term of this  
chapter or of the applicable federal and state laws and regulations governing  
28 pharmacy, including regulations established by the board or by any other state or  
federal regulatory agency.

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7. Health and Safety Code section 11153 states in relevant part:

(a) A prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. Except as authorized by this division, the following are not legal prescriptions: (1) an order purporting to be a prescription which is issued not in the usual course of professional treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of controlled substances, which is issued not in the course of professional treatment or as part of an authorized narcotic treatment program, for the purpose of providing the user with controlled substances, sufficient to keep him or her comfortable by maintaining customary use.

....

**REGULATIONS**

8. California Code of Regulations, section 1707.3 states:

Prior to consultation as set forth in section 1707.2, a pharmacist shall review a patient's drug therapy and medication record before each prescription drug is delivered. The review shall include screening for severe potential drug therapy problems.

9. California Code of Regulations, section 1761 states in relevant part:

(a) No pharmacist shall compound or dispense any prescription which contains any significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any such prescription, the pharmacist shall contact the prescriber to obtain the information needed to validate the prescription.

....

**COSTS**

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

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1 **DRUGS**

2 11. **Dilaudid**, also known by the generic name hydromorphone, is a dangerous drug  
3 pursuant to section 4022, and a Schedule II controlled substance under Health and Safety Code  
4 section 11055, subdivision (b)(1)(M).

5 12. **Opana ER**, also known by the generic name oxymorphone, is a dangerous drug  
6 under section 4022, and a Schedule II controlled substance under Health and Safety Code section  
7 11055, subdivision (b)(1)(N). It is used to control severe pain.

8 13. **Oxycodone**, also known by its trade name Oxycontin, is a dangerous drug pursuant to  
9 Business and Professions Code section 4022, and a Schedule II controlled substance pursuant to  
10 Health and Safety Code section 11055, subdivision (b)(M).

11 14. **Hydrocodone/APAP**, also known by its trade name Vicodin, a dangerous drug  
12 pursuant to Business and Professions Code section 4022, and a Schedule III controlled substance  
13 pursuant to Health and Safety Code section 11056, subdivision (e)(4).

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct - Filling of Erroneous or Uncertain Prescriptions)**

16 15. Respondent is subject to disciplinary action for unprofessional conduct under section  
17 4301, subdivision (o), for filling erroneous or uncertain prescriptions in violation of California  
18 Code of Regulations, title 16, section 1761. The circumstances are as follows:

19 a. On or about January 6, 2011, Respondent filled prescriptions for 3 patients from  
20 South Los Angeles who came in consecutively with prescriptions from Dr. B.O., whose office is  
21 located in Reseda, about 30 miles away, including: Rxs #670403 for 240 Dilaudid 4 mg.;  
22 #670406 for 90 Opana 40 mg.; and #670410 for 240 Dilaudid 4 mg. Respondent also filled  
23 prescriptions for 2 patients, one from Long Beach and the other from Los Angeles, with  
24 prescriptions from Dr. D.C., whose office is located in La Puente, about 20 - 30 miles away, for  
25 oxycodone 30 mg: Rxs #67043 for 180 oxycodone 30 mg. and #670448 for 180 oxycodone 30  
26 mg. Finally, Respondent filled prescriptions for 4 patients, three from Los Angeles and one from  
27 Reseda, with prescriptions from Dr. R.C., whose office is located in West Los Angeles, about 15  
28 miles away, all for oxycodone 30 mg, with the very same quantity and directions: Rxs #670467

1 for 240 oxycodone 30 mg; #670470 for 240 oxycodone 30 mg.; #670478 for 240 oxycodone 30  
2 mg.; and #670525 for 240 oxycodone 30 mg.

3 b. On January 7, 2011, Respondent filled prescriptions for 16 patients from Long Beach,  
4 Compton, North Hills, Los Angeles, and Inglewood, written by Dr. V.S. and Physician's  
5 Assistant R.A., whose office is located in Fountain Valley, all for oxycodone 30 mg, same  
6 quantity and directions, including: Rxs #670202; #670204; #670207; #670211; #670251;  
7 #670561; #670252; #670574; #670584; #670597; #670605; #670610; #670632; #670634;  
8 #670639; and #670695. The same day, Respondent also filled a prescription for 1 patient from  
9 Inglewood written by Physician's Assistant B.E., whose office is located in Corona, for  
10 oxycodone 30 mg., Rx #670624.

11 c. On January 10, 2011, Respondent filled prescriptions for 19 patients from Long  
12 Beach, Los Angeles, Orange, Santa Ana, and Inglewood written by Dr. V.S. and Physician  
13 Assistant S.R., whose office is located in Fountain Valley, for oxycodone 30 mg., including: Rxs  
14 #670237; #670240; #670791; #670797; #670801; #670808; #670817; #670829; #670832;  
15 #670843; #670855; #670857; #670868; #670873; #670874; #670892; #670923; #670987; and  
16 #670988.

17 d. On March 1, 2011, Respondent filled prescriptions for 6 patients with prescriptions  
18 written by Dr. G., including: Rxs #678816 for 240 oxycodone 30 mg; #678822 for 240  
19 oxycodone; #678824 for 240 Dilaudid 4 mg; #678833 for 240 oxycodone; #678836 for 240  
20 oxycodone; and #678839 for 240 oxycodone. Respondent also filled prescriptions for 3 patients  
21 written by Dr. B.O. and Dr. R.L., including: Rxs #678819 for 240 Dilaudid 4 mg; #678827 for  
22 240 oxycodone 30 mg; and #678830 for 240 oxycodone 30 mg. Respondent also filled  
23 prescriptions for 24 patients from Los Angeles, Long Beach, Inglewood, and Compton with  
24 prescriptions written by Dr. V.S. and Physician Assistant S.R. including: Rxs #678883 for 180  
25 oxycodone 30 mg; #67886 for 90 oxycodone 30 mg; #678889 for 90 oxycodone 30 mg; #678894  
26 for 90 oxycodone 30 mg; #678901 for 180 oxycodone 30 mg.; #678915 for 150 Dilaudid 4 mg;  
27 #678949 for 90 Opana 40 mg; #678951 for 90 Opana 40 mg; #679109 for 180 oxycodone 30 mg;  
28 #679112 for 80 oxycodone 30 mg; #679116 for 90 oxycodone 30 mg; #679120 for 90 oxycodone

1 30 mg; #679121 for 90 oxycodone 30 mg; #679124 for 180 oxycodone 30 mg; #679129 for 90  
2 oxycodone 30 mg; #679133 for 90 oxycodone 30 mg; and #679138 for 90 oxycodone 30 mg.

3 e. The following day, on March 2, 2011, Respondent filled prescriptions for 8 patients  
4 from Los Angeles, Burbank, and Long Beach, with prescriptions written by Dr. B.O., including:  
5 Rxs #679142 for 240 oxycodone 30 mg; #679154 for 240 oxycodone 4 mg; #679157 for 240  
6 hydrocodone/APAP 10/500; #679160 for 240 Dilaudid 4 mg; #679163 for 240 oxycodone 30  
7 mg; #679166 for 240 oxycodone 30 mg; #679172 for 240 oxycodone 30 mg; #679338 for 240  
8 Dilaudid 4 mg. Respondent filled prescriptions for 4 patients with prescriptions written by Dr. G,  
9 including: #679145 for 240 oxycodone 30 mg; #679148 for 240 oxycodone 30 mg; #679141 for  
10 240 oxycodone 30 mg; #679169 for 240 oxycodone 30 mg. Respondent filled prescriptions for 6  
11 patients with prescriptions written by Dr. D.C. all for 180 oxycodone 30 mg: Rxs #679269;  
12 #679273; #679280; #679283; #679293 and #679301. Respondent filled prescriptions for 5  
13 patients with prescriptions written by Physician's Assistant S.R., including: Rxs #678302 for 90  
14 oxycodone 30 mg; #679107 for 180 oxycodone 30 mg; #679226 for 180 oxycodone 30 mg;  
15 #679248 for 120 oxycodone 30 mg; and #679357 for 180 oxycodone 30 mg.

16 f. Two days later, on March 4, 2011, Respondent filled prescriptions for 18 patients  
17 with prescriptions written by Dr. V.S. and Physician's Assistant S.R., including: Rxs #678909  
18 for 180 oxycodone 30 mg; #678976 for 90 oxycodone 30 mg; #679659 for 220  
19 hydrocodone/APAP 10/325; #679662 for 90 hydrocodone/APAP 10/325; #679690 for 180  
20 oxycodone 30 mg; #679697 for 180 oxycodone 30 mg; #679698 for 180 oxycodone 30 mg;  
21 #679703 for 180 oxycodone 30 mg; #679727 for 240 oxycodone 30 mg; #679729 for 150  
22 oxycodone 30 mg; #679732 for 180 oxycodone 30 mg; #679737 for 180 oxycodone 30 mg;  
23 #679742 for 240 oxycodone 30 mg; #679875 for 180 oxycodone 30 mg; #679887 for 60  
24 oxycodone 30 mg; #679895 for 180 oxycodone 30 mg; #679899 for 180 oxycodone 30 mg; and  
25 #679902 for 180 oxycodone 30 mg. Respondent also filled prescriptions for 6 patients with  
26 prescriptions written by Drs. B.O. and R.L., including: Rxs #679629 for 240 Dilaudid 4 mg;  
27 #679635 for 240 oxycodone 30 mg; #679638 for 240 oxycodone 30 mg; #679641 for 240  
28 oxycodone 30 mg; #679644 for 240 oxycodone 30 mg; and #679650 for 240 oxycodone 30 mg.

1 Respondent also filled prescriptions for 5 patients with prescriptions written by Dr. W.B., all for  
2 360 oxycodone 30 mg, including: #679456; #679725; #679810; #679846; #679848; and  
3 #679854. Respondent also filled prescriptions for 4 patients with prescriptions written by Dr. G.,  
4 including: Rxs #679632 for 240 Hydrocodone APAP/10/500; #679647 for 240 oxycodone 30  
5 mg; #679653 for 240 oxycodone 30 mg; #679656 for 240 oxycodone 30 mg; #679665 for 240  
6 Dilaudid 4 mg; and #679668 for 240 Dilaudid 4 mg.

7 g. On August 8, 2011, Respondent filled prescriptions for 8 patients with prescriptions  
8 written by Dr. W.B. All these patients came in with prescriptions for oxycodone 30 mg and  
9 Opana 40 mg with carisprodol, which is a highly abused combination, including: Rxs #702762  
10 for 120 Opana 40 mg; #702763 for 240 oxycodone 30 mg; #702765 for 240 oxycodone 30 mg;  
11 #702766 for 120 Opana 40 mg; #702768 for 240 oxycodone 30 mg; #702770 for 240 oxycodone  
12 30 mg; #702771 for 120 Opana 40 mg; #702774 for 120 Opana 40 mg; #702775 for 240  
13 oxycodone 30 mg; #702776 for 120 Opana 40 mg; #702778 for 240 oxycodone 30 mg; #702779  
14 for 120 Opana 40 mg; #702781 for 240 oxycodone 30 mg; #702783 for 240 oxycodone 30 mg;  
15 #702784 for 120 Opana 40 mg; and #702798 for 120 Opana 40 mg. Respondent also filled  
16 prescriptions for 8 patients from South Central Los Angeles, with prescriptions written by Dr. S.  
17 and Dr. C with offices in Panorama City: Rx #702950 for 180 oxycodone 30 mg; #7029951 for  
18 180 oxycodone 30 mg; #702956 for 180 oxycodone 30 mg; #702957 for 180 oxycodone 30 mg;  
19 #702959 for 120 oxycodone 30 mg; #702964 for 180 oxycodone 30 mg; #702965 for 180  
20 oxycodone 30 mg; and #702971 for 180 oxycodone 30 mg.

21 16. Respondent failed to contact the prescribing physicians and physician assistants to  
22 validate the prescriptions prior to filling them.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct – Filling Prescriptions not Issued**  
25 **for Legitimate Medical Purpose)**

26 17. Respondent is subject to disciplinary action for unprofessional conduct under section  
27 4301, subdivision (o), for failing to assume co-responsibility in determining the legitimacy of  
28 prescriptions in violation of Health and Safety Code section 11153, subdivision (a). The

1 circumstances are set forth in paragraphs 15 and 16, above, and incorporated here by this  
2 reference.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **((Failure to Review Patients' Medication Record Before Prescription Drugs Delivered))**

5 18. Respondent is subject to disciplinary action under Code section 4301(o) for violating  
6 title 16, California Code of Regulations, section 1707.3, in that he dispensed prescriptions for  
7 controlled substances, without review of patients' medication records before each prescription  
8 drug was delivered. Such a review would have revealed that the patients requested early refills of  
9 prescriptions for controlled substances or refills in excess of restrictions for refills, as set forth in  
10 paragraphs 15 through 16, which are incorporated herein by reference, and as follows:

11 19. Respondent dispensed the following "early refills" of prescriptions for controlled  
12 substances, resulting in patients receiving controlled substances earlier than prescribed by the  
13 providers, as shown below:

14 a. On April 13, 2011, Respondent filled prescription # 685874 for 90 oxycodone 30mg a  
15 23 days supply (DS) by PA D.N. On April 14, 2011, Respondent filled Prescription # 686087  
16 for 30 oxycodone 30mg (8 DS) by Dr. E.C. for the same patient, 22 days early.

17 b. On July 6, 2011, Respondent filled prescription # 698069 and 698071 (split both for  
18 cash) for 90 oxycodone 30mg (total 30 DS). On July 27, 2011, Respondent filled prescription #  
19 701296 for 180 oxycodone 30mg for the same patient, 9 days early.

20 c. On January 13, 2011, Respondent filled prescription #s 671692 and 671691 (split for  
21 cash) for a total of 240 oxycodone 30mg (31 DS) by Dr. R.C. On January 16, 2011, Respondent  
22 filled prescription # 673300 for 150 oxycodone 30mg (25 DS) by PA S.R. for the same patient,  
23 18 days early.

24 d. On April 13, 2011, Respondent filled prescription #s 685794 and 685792 (split) for a  
25 total of 180 oxycodone 30mg (30DS). On April 15, 2011, Respondent filled prescription #s  
26 686211 and 686218 (split) for a total of 180 oxycodone 30mg (30 DS) for the same patient, 28  
27 days early; and

28 ///



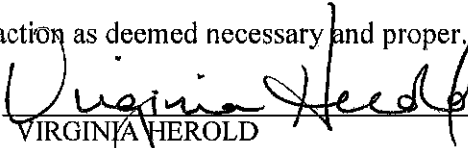
1 e. On April 13, 2011, Respondent filled prescription # 685795 for 90 hydrocodone/apap  
2 10/325 (23 DS). On April 15, 2011, Respondent filled prescription # 686212 for 120  
3 hydrocodone /apap 10/325 for the same patient, 21 days early.

4 **PRAYER**

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
6 and that following the hearing, the Board issue a decision:

- 7 1. Revoking or suspending Pharmacist License Number RPH 44261 issued to Sanjay K.  
8 Patel;
- 9 2. Ordering Sanjay K. Patel to pay the Board the reasonable costs of the investigation  
10 and enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 11 3. Taking such other and further action as deemed necessary and proper.

12 DATED: 8/13/14

  
13 VIRGINIA HEROLD  
14 Executive Officer  
15 Board of Pharmacy  
16 Department of Consumer Affairs  
17 State of California  
18 Complainant

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