

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

In the Matter of the Accusation Against:

SANJAY PATEL
3851 Belgian Lane
Yorba Linda, CA 92886

Respondent.

Case No. 5031

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

DECISION AND ORDER

Pursuant to the Board of Pharmacy's action on September 30, 2015, the attached Stipulated Settlement and Disciplinary Order was adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on November 9, 2015.

It is so ORDERED on October 9, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 ANTOINETTE B. CINCOTTA
Deputy Attorney General
4 State Bar No. 120482
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2095
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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. 5031

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

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 **Pharmacist License No. RPH 44261**

16 Respondent.

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

19 PARTIES

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy
21 (Board). She brought this action solely in her official capacity and is represented in this matter by
22 Kamala D. Harris, Attorney General of the State of California, by Antoinette B. Cincotta, Deputy
23 Attorney General.

24 2. Respondent Sanjay K. Patel (Respondent) is represented in this proceeding by
25 attorney John Cronin and Peter S. Gregorovic, whose address is: Fredrickson, Mazeika & Grant,
26 LLP, Fredrickson, Mazeika & Grant, LLP, 5720 Oberlin Drive, San Diego, CA 92121-1723.

27 3. On or about May 23, 1991, the Board issued Pharmacist License No. RPH 44261 to
28 Sanjay K. Patel (Respondent). The Pharmacist License was in full force and effect at all times

1 relevant to the charges brought in Accusation No. 5031, and will expire on March 31, 2017,
2 unless renewed.

3 JURISDICTION

4 4. Accusation No. 5031 was filed before the Board, and is currently pending against
5 Respondent. The Accusation and all other statutorily required documents were properly served
6 on Respondent on August 25, 2014. Respondent timely filed his Notice of Defense contesting the
7 Accusation.

8 5. A copy of Accusation No. 5031 is attached as Exhibit A and incorporated herein by
9 reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 5031. Respondent has also carefully read, fully
13 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
14 Order.

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

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

23 CULPABILITY

24 9. Respondent understands and agrees that the charges and allegations in Accusation
25 No. 5031, if proven at a hearing, constitute cause for imposing discipline upon his Pharmacist
26 License.

27 10. For the purpose of resolving the Accusation without the expense and uncertainty of
28 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual

1 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
2 those charges.

3 11. Respondent agrees that his Pharmacist License is subject to discipline and he to be
4 bound by the Board's probationary terms as set forth in the Disciplinary Order below.

5 CONTINGENCY

6 12. This stipulation shall be subject to approval by the Board. Respondent understands
7 and agrees that counsel for Complainant and the staff of the Board may communicate directly
8 with the Board regarding this stipulation and settlement, without notice to or participation by
9 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he
10 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
11 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
12 the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this
13 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
14 be disqualified from further action by having considered this matter.

15 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
16 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
17 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

18 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
19 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
20 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
21 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
22 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
23 writing executed by an authorized representative of each of the parties.

24 15. In consideration of the foregoing admissions and stipulations, the parties agree that
25 the Board may, without further notice or formal proceeding, issue and enter the following
26 Disciplinary Order:

27 ///

28 ///

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacist License No. RPH 44261 issued to Respondent
3 Sanjay K. Patel (Respondent) is revoked. However, the revocation is stayed, and Respondent is
4 placed on probation for five (5) years on the following terms and conditions.

5 1. **Obey All Laws**

6 Respondent shall obey all state and federal laws and regulations.

7 Respondent shall report any of the following occurrences to the board, in writing, within
8 seventy-two (72) hours of such occurrence:

- 9 • an arrest or issuance of a criminal complaint for violation of any provision of the
10 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
11 substances laws
12 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
13 criminal complaint, information or indictment
14 • a conviction of any crime
15 • discipline, citation, or other administrative action filed by any state or federal agency
16 which involves respondent's pharmacist license or which is related to the practice of
17 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging
18 for any drug, device or controlled substance.

19 Failure to timely report such occurrence shall be considered a violation of probation.

20 2. **Report to the Board**

21 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
22 designee. The report shall be made either in person or in writing, as directed. Among other
23 requirements, respondent shall state in each report under penalty of perjury whether there has
24 been compliance with all the terms and conditions of probation. Failure to submit timely reports
25 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
26 in submission of reports as directed may be added to the total period of probation. Moreover, if
27 the final probation report is not made as directed, probation shall be automatically extended until
28 such time as the final report is made and accepted by the board.

1 **3. Interview with the Board**

2 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
3 with the board or its designee, at such intervals and locations as are determined by the board or its
4 designee. Failure to appear for any scheduled interview without prior notification to board staff,
5 or failure to appear for two (2) or more scheduled interviews with the board or its designee during
6 the period of probation, shall be considered a violation of probation.

7 **4. Cooperate with Board Staff**

8 Respondent shall cooperate with the board's inspection program and with the board's
9 monitoring and investigation of respondent's compliance with the terms and conditions of his
10 probation. Failure to cooperate shall be considered a violation of probation.

11 **5. Continuing Education**

12 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
13 pharmacist as directed by the board or its designee.

14 **6. Notice to Employers**

15 During the period of probation, respondent shall notify all present and prospective
16 employers of the decision in case number 5031 and the terms, conditions and restrictions imposed
17 on respondent by the decision, as follows:

18 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
19 respondent undertaking any new employment, respondent shall cause his direct supervisor,
20 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
21 tenure of employment) and owner to report to the board in writing acknowledging that the listed
22 individual(s) has/have read the decision in case number 5031, and terms and conditions imposed
23 thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s)
24 submit timely acknowledgment(s) to the board.

25 If respondent works for or is employed by or through a pharmacy employment service,
26 respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity
27 licensed by the board of the terms and conditions of the decision in case number 5031 in advance

28 ///

1 of the respondent commencing work at each licensed entity. A record of this notification must be
2 provided to the board upon request.

3 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
4 (15) days of respondent undertaking any new employment by or through a pharmacy employment
5 service, respondent shall cause his direct supervisor with the pharmacy employment service to
6 report to the board in writing acknowledging that he has read the decision in case number 5031
7 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
8 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

9 Failure to timely notify present or prospective employer(s) or to cause that/those
10 employer(s) to submit timely acknowledgments to the board shall be considered a violation of
11 probation.

12 "Employment" within the meaning of this provision shall include any full-time,
13 part-time, temporary, relief or pharmacy management service as a pharmacist or any
14 position for which a pharmacist license is a requirement or criterion for employment,
15 whether the respondent is an employee, independent contractor or volunteer.

16 **7. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**
17 **Designated Representative-in-Charge, or Serving as a Consultant**

18 During the period of probation, respondent shall not supervise any intern pharmacist, be the
19 pharmacist-in-charge or designated representative-in-charge of any entity licensed by the board
20 nor serve as a consultant unless otherwise specified in this order. Assumption of any such
21 unauthorized supervision responsibilities shall be considered a violation of probation.

22 **8. Reimbursement of Board Costs**

23 As a condition precedent to successful completion of probation, respondent shall pay to the
24 board its costs of investigation and prosecution in the amount of \$9,000.00. Respondent shall
25 make said payments as directed by the Board.

26 There shall be no deviation from this schedule absent prior written approval by the board or
27 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of
28 probation.

1 The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to
2 reimburse the board its costs of investigation and prosecution.

3 **9. Probation Monitoring Costs**

4 Respondent shall pay any costs associated with probation monitoring as determined by the
5 board each and every year of probation. Such costs shall be payable to the board on a schedule as
6 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
7 be considered a violation of probation.

8 **10. Status of License**

9 Respondent shall, at all times while on probation, maintain an active, current license with
10 the board, including any period during which suspension or probation is tolled. Failure to
11 maintain an active, current license shall be considered a violation of probation.

12 If respondent's license expires or is cancelled by operation of law or otherwise at any time
13 during the period of probation, including any extensions thereof due to tolling or otherwise, upon
14 renewal or reapplication respondent's license shall be subject to all terms and conditions of this
15 probation not previously satisfied.

16 **11. License Surrender While on Probation/Suspension**

17 Following the effective date of this decision, should respondent cease practice due to
18 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
19 respondent may tender his license to the board for surrender. The board or its designee shall have
20 the discretion whether to grant the request for surrender or take any other action it deems
21 appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent
22 will no longer be subject to the terms and conditions of probation. This surrender constitutes a
23 record of discipline and shall become a part of the respondent's license history with the board.

24 Upon acceptance of the surrender, respondent shall relinquish his pocket and wall license to
25 the board within ten (10) days of notification by the board that the surrender is accepted.

26 Respondent may not reapply for any license from the board for three (3) years from the effective
27 date of the surrender. Respondent shall meet all requirements applicable to the license sought as

28 ///

1 of the date the application for that license is submitted to the board, including any outstanding
2 costs.

3 **12. Notification of a Change in Name, Residence Address, Mailing Address or**
4 **Employment**

5 Respondent shall notify the board in writing within ten (10) days of any change of
6 employment. Said notification shall include the reasons for leaving, the address of the new
7 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
8 shall further notify the board in writing within ten (10) days of a change in name, residence
9 address, mailing address, or phone number.

10 Failure to timely notify the board of any change in employer(s), name(s), address(es), or
11 phone number(s) shall be considered a violation of probation.

12 **13. Tolling of Probation**

13 Except during periods of suspension, respondent shall, at all times while on probation, be
14 employed as a pharmacist in California for a minimum of 40 hours per calendar month. Any
15 month during which this minimum is not met shall toll the period of probation, i.e., the period of
16 probation shall be extended by one month for each month during which this minimum is not met.
17 During any such period of tolling of probation, respondent must nonetheless comply with all
18 terms and conditions of probation.

19 Should respondent, regardless of residency, for any reason (including vacation) cease
20 practicing as a pharmacist for a minimum of 40 hours per calendar month in California,
21 respondent must notify the board in writing within ten (10) days of the cessation of practice, and
22 must further notify the board in writing within ten (10) days of the resumption of practice. Any
23 failure to provide such notification(s) shall be considered a violation of probation.

24 It is a violation of probation for respondent's probation to remain tolled pursuant to the
25 provisions of this condition for a total period, counting consecutive and non-consecutive months,
26 exceeding thirty-six (36) months.

27 "Cessation of practice" means any calendar month during which respondent is not
28 practicing as a pharmacist for at least 40 hours, as defined by Business and Professions

1 Code section 4000 et seq . "Resumption of practice" means any calendar month during
2 which respondent is practicing as a pharmacist for at least 40 hours as a pharmacist as
3 defined by Business and Professions Code section 4000 et seq.

4 **14. Violation of Probation**

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

10 If respondent violates probation in any respect, the board, after giving respondent notice
11 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
12 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
13 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
14 a petition to revoke probation or an accusation is filed against respondent during probation, the
15 board shall have continuing jurisdiction and the period of probation shall be automatically
16 extended until the petition to revoke probation or accusation is heard and decided, and the charges
17 and allegations in Accusation No. 5031 shall be deemed true and correct.

18 **15. Completion of Probation**

19 Upon written notice by the board or its designee indicating successful completion of
20 probation, respondent's license will be fully restored.

21 **16. Remedial Education**

22 Within 90 days of the effective date of this decision, respondent shall submit to the board or
23 its designee, for prior approval, an appropriate program of remedial education related to
24 corresponding responsibility, prescription drug abuse, and prevention of drug abuse. The
25 program of remedial education shall consist of at least 30 hours, which shall be completed at least
26 six months prior to the expiration of the probationary period at respondent's own expense. All
27 remedial education shall be in addition to, and shall not be credited toward, continuing education
28 (CE) courses used for license renewal purposes.

1 Failure to timely submit or complete the approved remedial education shall be considered a
2 violation of probation. The period of probation will be automatically extended until such
3 remedial education is successfully completed and written proof, in a form acceptable to the board,
4 is provided to the board or its designee.

5 Following the completion of each course, the board or its designee may require the
6 respondent, at his own expense, to take an approved examination to test the respondent's
7 knowledge of the course. If the respondent does not achieve a passing score on the examination,
8 this failure shall be considered a violation of probation. Any such examination failure shall
9 require respondent to take another course approved by the board in the same subject area.

10 ACCEPTANCE

11 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
12 discussed it with my attorney, John Cronin. I understand the stipulation and the effect it will have
13 on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order
14 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
15 Board of Pharmacy.

16
17 DATED:

6/23/15

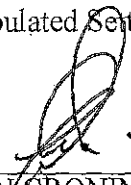


SANJAY K. PATEL
Respondent

19 I have read and fully discussed with Respondent Sanjay K. Patel the terms and conditions
20 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
21 its form and content.

22 DATED:

6/23/15



JOHN CRONIN
Attorney for Respondent

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

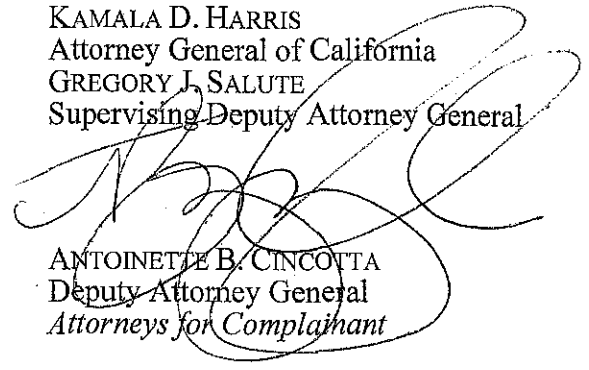
ENDORSEMENT

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

Dated: *JUNE 23, 2015*

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General



ANTOINETTE B. CINCOITTA
Deputy Attorney General
Attorneys for Complainant

SD2013706388/81086443.docx

Exhibit A

Accusation No. 5031

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 ANTOINETTE B. CINCOTTA
Deputy Attorney General
4 State Bar No. 120482
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2095
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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. 5031

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

ACCUSATION

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.

28 ///

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.

.....

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.

///

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: Rx #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: Rx #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: Rx #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; #678886 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; #702951 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 ///

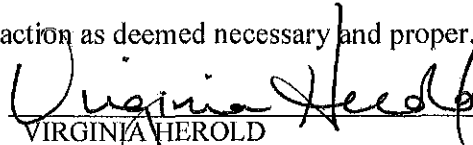
1 e. On April 13, 2011, Respondent filled prescription # 685795 for 90 hydrocodone/apap
2 10/325 (23 DS). On April 15, 2011, Respondent filled prescription # 686212 for 120
3 hydrocodone /apap 10/325 for the same patient, 21 days early.

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

16 SD2013706388Patel Accusation.docx