

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

In the Matter of the Statement of Issues Against:

Case No. 4892

**CAREPOINT PHARMACY**  
**and**  
**BHAVESH R. PATEL, PRESIDENT**  
911B N. Plum Grove Road  
Schaumburg, IL 60173

Nonresident Pharmacy Permit Applicant

Respondents.

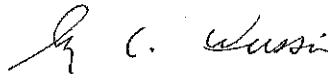
**DECISION AND ORDER**

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 August 22, 2014.

It is so ORDERED on August 19, 2014.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STAN C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 PHILLIP L. ARTHUR  
Deputy Attorney General  
4 State Bar No. 238339  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 322-0032  
Facsimile: (916) 327-8643  
7 E-mail: Phillip.Arthur@doj.ca.gov  
*Attorneys for Complainant*

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

11 In the Matter of the Statement of Issues  
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**BHAVESH R. PATEL, PRESIDENT**  
15 **Nonresident Pharmacy Permit Applicant**

16 Respondents.

Case No. 4892

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER FOR PUBLIC  
REPROVAL**

[Bus. & Prof. Code § 495]

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

20 PARTIES

21 1. VIRGINIA HEROLD (Complainant) is the Executive Officer of the Board of  
22 Pharmacy. She brought this action solely in her official capacity and is represented in this matter  
23 by Kamala D. Harris, Attorney General of the State of California, by Phillip L. Arthur, Deputy  
24 Attorney General.

25 2. Respondent Carepoint Pharmacy (Respondent Carepoint) and Respondent Bhavesh  
26 R. Patel (Respondent Patel) are represented in this proceeding by attorneys at the Roetzel &  
27 Address law firm, whose address is: 20 S. Clark Street, Suite 300, Chicago, IL, 60603.  
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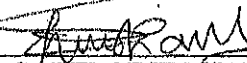
1 DISCIPLINARY ORDER

2 IT IS HEREBY ORDERED that a Nonresident Pharmacy Permit will be issued to  
3 Respondent Carepoint Pharmacy. This Nonresident Pharmacy Permit shall, by way of letter from  
4 the Board's Executive Officer, be publicly reprovved. The letter shall be in the same form as the  
5 letter attached as Exhibit B to this stipulation.

6 ACCEPTANCE

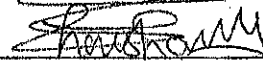
7 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public  
8 Reproval and have fully discussed it with my attorneys. I understand the stipulation and the  
9 effect it will have on my Nonresident Pharmacy Permit. I enter into this Stipulated Settlement  
10 and Disciplinary Order for Public Reapproval voluntarily, knowingly, and intelligently, and agree to  
11 be bound by the Decision and Order of the Board of Pharmacy. I have the authority to bind  
12 Carepoint Pharmacy to all the terms of this agreement.

13  
14 DATED: 7/18/2014.



CAREPOINT PHARMACY  
BHAVESH R. PATEL, PRESIDENT  
Respondent

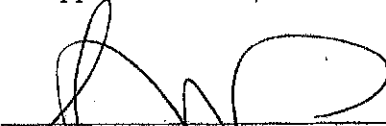
15  
16  
17 DATED: 7/18/2014.



BHAVESH R. PATEL  
Respondent

18  
19 I have read and fully discussed with Respondents Carepoint Pharmacy and Bhavesh R.  
20 Patel the terms and conditions and other matters contained in the above Stipulated Settlement and  
21 Disciplinary Order for Public Reapproval. I approve its form and content.

22  
23 DATED: 7/22/14



AMANDA KNAPP  
Attorney for Respondents

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26 ///

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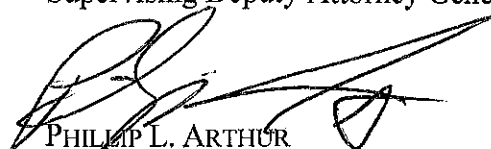
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ENDORSEMENT

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

Dated: 7/28/14

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
KENT D. HARRIS  
Supervising Deputy Attorney General



PHILIP L. ARTHUR  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Statement of Issues No. 4892**

1 KAMALA D. HARRIS  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 PHILLIP L. ARTHUR  
Deputy Attorney General  
4 State Bar No. 238339  
1300 I Street, Suite 125  
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11 In the Matter of the Statement of Issues  
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**BHAVESH R. PATEL**  
15  
16 **Nonresident Pharmacy Permit Applicant**  
17 **Respondents.**

Case No. 4892  
**STATEMENT OF ISSUES**

18  
19 Complainant alleges:

20 **PARTIES**

- 21 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official  
22 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,  
23 2. On or about April 22, 2013, the Board of Pharmacy, Department of Consumer Affairs  
24 received an application for a Nonresident Pharmacy Permit from Carepoint Pharmacy  
25 (Respondent Carepoint). On or about March 14, 2013, Bhavesh Patel (Respondent Patel), who is  
26 the president of Carepoint, certified under penalty of perjury to the truthfulness of all statements,  
27 answers, and representations in the application, and certified that he would serve as pharmacist-  
28 in-charge for Carepoint. The Board denied the application on June 19, 2013.





1 REGULATORY PROVISIONS

2 7. California Code of Regulations, title 16, section 1770, states:

3 "For the purpose of denial, suspension, or revocation of a personal or facility license  
4 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
5 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
6 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
7 licensee or registrant to perform the functions authorized by his license or registration in a manner  
8 consistent with the public health, safety, or welfare."

9 FIRST CAUSE FOR DENIAL OF APPLICATION

10 (Commission of Act Substantially Related to the Qualifications, Functions, or Duties of the  
11 Business)

12 8. Respondent Carepoint's application is subject to denial under section 480, subsection  
13 (a)(3) of the Code, in conjunction with California Code of Regulations, title 16, section 1770, in  
14 that on or about September 27, 2012, through a consent order in *Department of Financial and*  
15 *Professional Regulation, Division of Professional Regulation of the State of Illinois v. Bhavesh R.*  
16 *Patel, State of Illinois, Illinois Department of Financial and Professional Regulation, Division of*  
17 *Professional Regulation, case no. 2010-07314, Respondent Patel's Illinois pharmacist license was*  
18 *reprimanded. The circumstances are as follows:*

19 a. Respondent Patel was the pharmacist-in-charge of Orsini Pharmaceutical  
20 Services ("Orsini"). The Illinois Department of Financial and Professional Regulation, Division  
21 of Professional Regulation ("Department") received information indicating that Orsini dispensed  
22 expired IV products to a patient. In addition, a Department inspection of Orsini revealed several  
23 violations of the Illinois Pharmacy Practice Act including: (1) controlled substances invoices  
24 were not separated; (2) stock bottles were not properly labeled with the lot number and expiration  
25 date; (3) expired products were found in the automated dispensing machine; (4) pharmacy staff  
26 members were found not to be wearing name badges; (5) controlled substances were not separated  
27 or distinguished; and (6) allergy information was not recorded on the patient's profile in some  
28 instances. Through the consent order, Respondent admitted these allegations.



**Exhibit B**

**Letter of Public Reproval in Case No. 4892**



**California State Board of Pharmacy**

1625 N. Market Blvd, N219, Sacramento, CA 95834  
Phone: (916) 574-7900  
Fax: (916) 574-8618  
www.pharmacy.ca.gov

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY  
DEPARTMENT OF CONSUMER AFFAIRS  
GOVERNOR EDMUND G. BROWN JR.

August 19, 2014

Carepoint Pharmacy  
Bhavesh R. Patel  
National Registered Agents, Inc.  
2875 Michelle Drive, Suite 100  
Irvine, CA 92606

Re: LETTER OF PUBLIC REPROVAL  
In the Matter of the Statement of Issues Against:  
Carepoint Pharmacy and Bhavesh R. Patel, Nonresident Pharmacy Permit  
Applicant

Dear Carepoint Pharmacy and Mr. Patel:

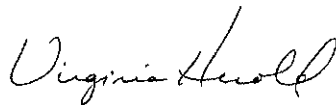
On September 19, 2013, the Board of Pharmacy, Department of Consumer Affairs, State of California, filed a Statement of Issues against your Nonresident Pharmacy Permit application. The Statement of Issues alleged that Bhavesh R. Patel, while a pharmacist-in-charge of Orsini Pharmaceutical Services, engaged in unprofessional conduct under 225 ILCS 85/30(a)(2) (2011); Ill. Admin. Code tit. 68, § 1330.660(e) (2010); Ill. Admin. Code tit. 68, § 1330.730 (2010); Ill. Admin. Code tit. 68, § 1330.40(b)(5) (2010); Ill. Admin. Code tit. 68, § 1330.30 (2010); and 225 ILCS 85/30(a)(7) (2011). The Statement of Issues alleged that on June 23, 2011, Mr. Patel was found to be in violation of the Illinois Pharmacy Practice Act as follows: (1) controlled substances invoices were not separated; (2) stock bottles were not properly labeled with the lot number and expiration date; (3) expired products were found in the automated dispensing machine; (4) pharmacy staff members were found not to be wearing name badges; (5) controlled substances prescriptions were not separated or distinguished; and (6) allergy information was not recorded on the patient's profile in some instances.

The Board of Pharmacy, Department of Consumer Affairs, takes into consideration that: (1) the above-described conduct has been corrected and you have taken steps to prevent future occurrences of such conduct; (2) you have implemented new policies and procedures to prevent similar conduct from occurring in the future; (3) you have re-trained your staff; and (4) you fully cooperated with the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation, with the investigation of the above-described conduct. Also taking into consideration that there are other mitigating circumstances in this case that support the determination that you are safe to practice under a Nonresident Pharmacy Permit, the Board has decided that the charges warrant a public reproof of Mr. Patel as a condition to issuing a Nonresident Pharmacy Permit to Carepoint Pharmacy.

Letter of Public Repeval  
Carepoint Pharmacy and Bhavesh R. Patel  
Page 2

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Pharmacy, Department of Consumer Affairs issues this letter of public repeval.

Sincerely,

A handwritten signature in black ink, appearing to read "Virginia Herold". The signature is fluid and cursive, with the first name "Virginia" being more prominent than the last name "Herold".

VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs