

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

In the Matter of the Accusation Against:

NSKAPE, INC., dba

PHARMCO DRUGS,

Pharmacy Permit No. PHY 51829;

and

KAMAL A. PATEL,

Pharmacist License No. RPH 44456,

Respondents

Agency Case No. 6872

DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on November 25, 2020.

It is so ORDERED on October 26, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 CARL W. SONNE
Senior Assistant Attorney General
3 MARICHELLE S. TAHIMIC
Supervising Deputy Attorney General
4 State Bar No. 147392
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9435
7 Facsimile: (619) 645-2061
Attorneys for Complainant
8

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

13 In the Matter of the Accusation Against:

14 **NSKAPE, INC., DBA PHARMCO DRUGS**
2844 Hamner Ave.
15 Norco, CA 92860
Pharmacy Permit No. PHY 51829,

16 **and**

17 **KAMAL A. PATEL**
2844 Hamner Ave.
18 Norco, CA 92860
19 Pharmacist License No. RPH 44456

20 Respondents.

Case No. 6872

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

[Bus. & Prof. Code § 495]

21
22 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
23 entitled proceedings that the following matters are true:

24 **PARTIES**

25 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
26 (Board). She brought this action solely in her official capacity and is represented in this matter by
27 Xavier Becerra, Attorney General of the State of California, by Marichelle S. Tahimic,
28 Supervising Deputy Attorney General.

1 supplemented, or otherwise changed except by a writing executed by an authorized representative
2 of each of the parties.

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

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 51829 issued to Respondent
8 Nskape, Inc., dba Pharmco Drugs and Pharmacist License Number RPH 44456 issued to
9 Respondent Kamal A. Patel (Respondent Patel) shall be publicly reprovved by the Board under
10 Business and Professions Code section 495 in resolution of Accusation No. 6872, attached as
11 exhibit A.

12 **Coursework as to Respondent Patel.** Within the first year after the effective date of this
13 Decision and Order, Respondent Patel shall enroll in, and complete, the Board’s one-day
14 diversion training program, “Prescription Drug Abuse and Diversion What a Pharmacist Needs to
15 Know,” at Respondent’s expense. Respondent Patel shall provide proof of enrollment upon
16 request. Within thirty (30) days of completion, Respondent Patel shall submit a copy of the
17 certificate of completion to the board or its designee. Failure to timely enroll in the program, to
18 initiate the program, to successfully complete the program within one year after the effective date
19 of this Decision and Order, or to timely submit proof of completion to the Board or its designee,
20 shall be considered a failure to comply with the terms of this stipulated settlement.

21 **Cost Recovery as to Respondent Patel.** Respondent Patel shall pay \$5789.50 to the Board
22 for its costs associated with the investigation and enforcement of this matter. Respondent Patel
23 shall be permitted to pay these costs in a payment plan approved by the Board. If Respondent
24 fails to pay the Board costs as ordered, Respondent shall not be allowed to renew his Pharmacist
25 License until Respondent Patel pays costs in full.

26 **Full Compliance.** As a resolution of the charges in Accusation No. 6872, this stipulated
27 settlement is contingent upon Respondent Patel’s full compliance with all conditions of this
28 Order. If Respondent Patel fails to satisfy any of these conditions, such failure to comply

1 constitutes cause for discipline, including outright revocation, of Respondent Patel's Pharmacist
2 License Number RPH 44456.

3 **ACCEPTANCE**

4 I have carefully read the Stipulated Settlement and Disciplinary Order for Public Reapproval.
5 I understand the stipulation and the effect it will have on Nskape, Inc., dba Pharmco Drugs'
6 Pharmacy Permit and my Pharmacist License. I, individually and on behalf of Nskape, Inc., dba
7 Pharmco Drugs, enter into this Stipulated Settlement and Disciplinary Order for Public Reapproval
8 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
9 Board of Pharmacy.

10
11 DATED: _____

_____ Kamal A. Patel
Individually and as the authorized agent of
NSKAPE, INC., DBA PHARMCO DRUGS
Respondents

12
13
14
15 **ENDORSEMENT**

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

19
20 DATED: September 15, 2020

Respectfully submitted,

21 XAVIER BECERRA
Attorney General of California
22 CARL W. SONNE
Senior Assistant Attorney General

23
24
25 MARICHELLE S. TAHIMIC
Supervising Deputy Attorney General
26 *Attorneys for Complainant*

27 SD2019703171/82503943.docx

1 constitutes cause for discipline, including outright revocation, of Respondent Patel's Pharmacist
2 License Number RPH 44456.

3 **ACCEPTANCE**

4 I have carefully read the Stipulated Settlement and Disciplinary Order for Public Repeval.
5 I understand the stipulation and the effect it will have on Nskape, Inc., dba Pharmco Drugs'
6 Pharmacy Permit and my Pharmacist License. I, individually and on behalf of Nskape, Inc., dba
7 Pharmco Drugs, enter into this Stipulated Settlement and Disciplinary Order for Public Repeval
8 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
9 Board of Pharmacy.

10
11 DATED: 9/9/2020



12 Kamal A. Patel
13 Individually and as the authorized agent of
14 NSKAPE, INC., DBA PHARMCO DRUGS
15 *Respondents*

16 **ENDORSEMENT**

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

20 DATED: _____

Respectfully submitted,

21 XAVIER BECERRA
22 Attorney General of California
23 CARL W. SONNE
24 Senior Assistant Attorney General

25 MARICHELLE S. TAHIMIC
26 Supervising Deputy Attorney General
27 *Attorneys for Complainant*

28 SD2019703171/82503943.docx

1 constitutes cause for discipline, including outright revocation, of Respondent Patel's Pharmacist
2 License Number RPH 44456.

3 **ACCEPTANCE**

4 I have carefully read the Stipulated Settlement and Disciplinary Order for Public Reapproval.
5 I understand the stipulation and the effect it will have on Nskape, Inc., dba Pharmco Drugs'
6 Pharmacy Permit and my Pharmacist License. I, individually and on behalf of Nskape, Inc., dba
7 Pharmco Drugs, enter into this Stipulated Settlement and Disciplinary Order for Public Reapproval
8 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
9 Board of Pharmacy.

10
11 DATED: _____

_____ Kamal A. Patel
Individually and as the authorized agent of
NSKAPE, INC., DBA PHARMCO DRUGS
Respondents

12
13
14
15 **ENDORSEMENT**

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

19
20 DATED: September 15, 2020

Respectfully submitted,

21 XAVIER BECERRA
Attorney General of California
22 CARL W. SONNE
Senior Assistant Attorney General

23
24 

25 MARICHELE S. TAHIMIC
Supervising Deputy Attorney General
26 *Attorneys for Complainant*

27 SD2019703171/82503943.docx

Exhibit A

Accusation No. 6872

1 XAVIER BECERRA
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 MARICHELLE S. TAHIMIC
Deputy Attorney General
4 State Bar No. 147392
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9435
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

Case No. 6872

14 **NSKAPE, INC.,**
15 **DBA PHARMCO DRUGS**
16 **KAMAL A. PATEL, PRESIDENT**
2844 Hamner Ave
Norco, CA 92860

ACCUSATION

17 **Pharmacy Permit No. PHY 51829,**

18 **and**

19 **KAMAL A. PATEL**
20 **2844 Hamner Ave**
Norco, CA 92860

21 **Pharmacist License No. RPH 44456**

22 Respondents.

23
24 **PARTIES**

25 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity
26 as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.

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

9. Section 4105 of the Code states in part:

(a) All records or other documentation of the acquisition and disposition of dangerous drugs and dangerous devices by any entity licensed by the board shall be retained on the licensed premises in a readily retrievable form.

...

(d)(1) Any records that are maintained electronically shall be maintained so that the pharmacist-in-charge, or the pharmacist on duty if the pharmacist-in-charge is not on duty, shall, at all times during which the licensed premises are open for business, be able to produce a hardcopy and electronic copy of all records of acquisition or disposition or other drug or dispensing-related records maintained electronically.

...

10. Section 4113(c) of the Code states, “The pharmacist-in-charge shall be responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy.”

11. Section 4169 of the Code states in part:

(a) A person or entity shall not do any of the following:

...

(5) Fail to maintain records of the acquisition or disposition of dangerous drugs or dangerous devices for at least three years.

(b) Notwithstanding any other law, a violation of this section may subject the person or entity that has committed the violation to a fine not to exceed the amount specified in Section 125.9 for each occurrence, pursuant to a citation issued by the board.

...

12. Section 4301 of the Code states:

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

...

(j) The violation of any of the statutes of this state, of any other state, or of the United States regulating controlled substances and dangerous drugs.

...

(o) Violating or attempting to violate, directly or indirectly, or assisting in or 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 pharmacy,

1 including regulations established by the board or by any other state or federal
2 regulatory agency.

3

4 13. Section 4307 of the Code states:

5 (a) Any person who has been denied a license or whose license has been
6 revoked or is under suspension, or who has failed to renew his or her license while it
7 was under suspension, or who has been a manager, administrator, owner, member,
8 officer, director, associate, partner, or any other person with management or control
9 of any partnership, corporation, trust, firm, or association whose application for a
10 license has been denied or revoked, is under suspension or has been placed on
11 probation, and while acting as the manager, administrator, owner, member, officer,
12 director, associate, partner, or any other person with management or control had
13 knowledge of or knowingly participated in any conduct for which the license was
14 denied, revoked, suspended, or placed on probation, shall be prohibited from serving
15 as a manager, administrator, owner, member, officer, director, associate, partner, or in
16 any other position with management or control of a licensee as follows:

17 (1) Where a probationary license is issued or where an existing license is placed
18 on probation, this prohibition shall remain in effect for a period not to exceed five
19 years.

20 (2) Where the license is denied or revoked, the prohibition shall continue until
21 the license is issued or reinstated.

22 (b) "Manager, administrator, owner, member, officer, director, associate,
23 partner, or any other person with management or control of a license" as used in this
24 section and Section 4308, may refer to a pharmacist or to any other person who serves
25 in such capacity in or for a licensee.

26 (c) The provisions of subdivision (a) may be alleged in any pleading filed
27 pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of
28 the Government Code. However, no order may be issued in that case except as to a
person who is named in the caption, as to whom the pleading alleges the applicability
of this section, and where the person has been given notice of the proceeding as
required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of
the Government Code. The authority to proceed as provided by this subdivision shall
be in addition to the board's authority to proceed under Section 4339 or any other
provision of law.

14. Section 4332 of the Code states:

Any person who fails, neglects, or refuses to maintain the records required by
Section 4081 or who, when called upon by an authorized officer or a member of the
board, fails, neglects, or refuses to produce or provide the records within a reasonable
time, or who willfully produces or furnishes records that are false, is guilty of a
misdemeanor.

15. Section 11208 of the Health and Safety Code states:

In a prosecution under this division, proof that a defendant received or has had
in his possession at any time a greater amount of controlled substances than is
accounted for by any record required by law or that the amount of controlled

1 substances possessed by the defendant is a lesser amount than is accounted for by any
2 record required by law is prima facie evidence of guilt.

3 **REGULATORY PROVISIONS**

4 16. Title 16, California Code of Regulations, section 1714 (Regulation 1714), states:

5 ...

6 (b) Each pharmacy licensed by the board shall maintain its facilities, space,
7 fixtures, and equipment so that drugs are safely and properly prepared, maintained,
8 secured and distributed. The pharmacy shall be of sufficient size and unobstructed
9 area to accommodate the safe practice of pharmacy.

10 ...

11 (d) Each pharmacist while on duty shall be responsible for the security of the
12 prescription department, including provisions for effective control against theft or
13 diversion of dangerous drugs and devices, and records for such drugs and devices.
14 Possession of a key to the pharmacy where dangerous drugs and controlled
15 substances are stored shall be restricted to a pharmacist.

16 ...

17 17. Title 16, California Code of Regulations, section 1715.6 (Regulation 1715.6), states:

18 The owner shall report to the Board within thirty (30) days of discovery of any
19 loss of the controlled substances, including their amounts and strengths.

20 18. Title 16, California Code of Regulations, section 1718 (Regulation 1718), states:

21 “Current Inventory” as used in Sections 4081 and 4332 of the Business and
22 Professions Code shall be considered to include complete accountability for all
23 dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332.

24 The controlled substances inventories required by Title 21, CFR, Section 1304
25 shall be available for inspection upon request for at least 3 years after the date of the
26 inventory.

27 **COST RECOVERY**

28 19. Section 125.3 of the Code states, 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.

///

///

///

1 **DRUGS**

2 20. Alprazolam, sold under the brand name Xanax, Schedule IV controlled substance
3 pursuant to Health and Safety Code section 11057(d)(1), and a dangerous drug pursuant to
4 Business and Professions Code section 4022. It is used to treat anxiety.

5 21. Hydrocodone/acetaminophen (APAP), sold under the brand names Norco and Lortab,
6 is a Schedule II controlled substance pursuant to Health and Safety Code section 11055,
7 subdivision (b)(1)(I), and a dangerous drug pursuant to Business and Professions Code section
8 4022. It is used for the treatment of pain.

9 22. Oxycodone, sold under the brand names Percolone and Roxicodone, is a Schedule II
10 controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(M),
11 and a dangerous drug pursuant to Business and Professions Code section 4022. It is used for the
12 treatment of pain.

13 23. Oxycodone extended release, sold under the brand name Oxycontin, is a Schedule II
14 controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(M),
15 and a dangerous drug pursuant to Business and Professions Code section 4022. It is used for the
16 treatment of pain.

17 24. Promethazine with codeine syrup, sold under the brand name Phenergan with
18 Codeine Syrup, is a Schedule V controlled substance pursuant to Health and Safety Code section
19 11058, subdivision (c)(1), and a dangerous drug pursuant to Business and Professions Code
20 section 4022. It is used to treat coughs.

21 **FACTUAL ALLEGATIONS**

22 25. In or about early, 2019, the Board conducted an audit of Respondents' controlled
23 substance inventory and dispensing practices based on the inventory as of March 23, 2016 and
24 ending with the inventory in stock on March 31, 2018. A further investigation was conducted
25 based on discrepancies found.

26 26. On July 3, 2019, a Board inspector requested, and thereafter received, acquisition,
27 disposition and inventory records from March 23, 2016 through July 12, 2019.

28 ///

27. Respondents reported the following drug losses or thefts:

Date of loss	Type of Theft/loss	Drug	Quantity
5/16/2017	Armed robbery	hydrocodone/APAP, 10-325 mg	180 tablets
		alprazolam 2mg	90 tablets
8/25/2017	Night Break-in	promethazine with codeine syrup 10 mg-6.25 mg/5 ml	4,730 ml
5/21/2018	Night Break-in	oxycodone HCL ER 20 mg	232 tablets
		hydrocodone/APAP 5-325 mg	5,377 tablets
		hydrocodone/APAP 7.5-325 mg	2,530 tablets
		acetaminophen-codeine #4	196 tablets
		oxycodone/APAP 5-325 mg	2,388 tablets
		oxycodone/APAP 10-325 mg	2,037 tablets
		morphine sulfate ER 60 mg	344 tablets
		morphine sulfate ER 100 mg	305 tablets
		hydrocodone/APAP, 10-325 mg	40 tablets
		promethazine with codeine syrup 10 mg-6.25 mg/5 ml	3,630 ml
		carisoprodol 350 mg	7,650 tablets
		oxycodone HCL 15 mg	489 tablets
		oxycodone HCL 30 mg	4,370 tablets
		oxycodone HCL 10 mg	484 tablets
		oxycodone HCL 20 mg	651 tablets
		oxycodone HCL 5 mg	120 tablets
		hydrocodone/APAP 7.5-300 mg	220 tablets
		oxycodone/APAP 7.5-325 mg	692 tablets
		Oxycontin 10 mg	25 tablets
		Oxycontin 15 mg	180 tablets
		Oxycontin 30 mg	155 tablets
		Oxycontin 40 mg	107 tablets
		Oxycontin 60 mg	350 tablets
		Oxycontin 80 mg	100 tablets
		alprazolam 1 mg	25 tablets
		alprazolam 2 mg	1,420 tablets
		Opana ER 20 mg	4 tablets

28. As a result of the audit, the Board’s inspector found the following shortages:

Drug	Initial Quantity (3/23/2016)	Quantity Purchased	Quantity Dispensed	Lost/ Stolen	Closing Quantity (3/31/2018)	Shortage
hydrocodone/APAP, 10-325 mg	9,223 tablets	313,200	282,296	180	9,243	-30,704 tablets
oxycodone 30 mg	2,587 tablets	54,600	43,927	0	1,500	-11,760 tablets
Oxycontin (all strengths)	660 tablets	15,700	15,521	0	757	-82 tablets
promethazine with codeine syrup	2,838 ml	42,688	31,313	4,730	2,283	-7,200 ml

29. Drug shortages may be due to theft, diversion, selling drugs without a prescription and/or failure to maintain accurate inventory records.

30. For Schedule III-V controlled substances, an estimate of quantities in open bottles is allowed, except for bottles larger than 1,000 units. However, Schedule II controlled substances, such as hydrocodone and oxycodone, require an exact count for each inventory, each dispensing and each instance of other occurrences that could affect the Schedule II inventory.

31. The Board Inspector requested controlled substance reconciliation reports completed since April 1, 2019 to determine if losses were still occurring. Respondents provided reconciliation reports dated April 10, 2019 and August 14, 2019.

32. Based on the audit performed from the Schedule II controlled substance quantities in the April 10, 2019 reconciliation report, the Board Inspector found additional shortages in the following selected drugs since the last inventory close date of March 31, 2018:

Drug	Initial Quantity (3/31/2018)	Quantity Purchased	Quantity Dispensed	Lost/ Stolen (5/21/2018)	Closing Quantity (4/10/2019)	Shortage
hydrocodone/APAP, 10-325 mg	9,243 tablets	127,500	124,388	40	1,979	-10,336 tablets
oxycodone 30 mg	1,500 tablets	15,700	11,094	4,370	600	-1,136 tablets
Oxycontin (all strengths)	757 tablets	4,800	4,410	917	230	0

///

///

///

///

33. Respondent Patel was given the opportunity complete an audit of these drugs. On September 30, 2019, Respondent Patel reported the following for the period March 31, 2018 through April 10, 2019:

	Hydrocodone/APAP 10/325 mg	Oxycodone 30 mg
Starting quantity	9,243	1,500
Quantity purchased	127,500	15,700
Quantity dispensed	124,478	11,094
On hand 4/10/2019	1979	600
Theft	8782	4370
Discrepancy	1,504 tablets	196 tablets

34. Respondents had not previously reported the loss of 8,782 tablets of hydrocodone/APAP 10/325. On or about October 8, 2019, Respondent amended the report of loss for the incident that occurred on May 21, 2018, to include the loss of 8,782 tablets of hydrocodone/APAP 10/325.

FIRST CAUSE FOR DISCIPLINE
(Operational Standards and Security)

35. Respondents are subject to disciplinary action under Code section 4301(o), in conjunction with Regulation 1714, subdivisions (b) and (d) for unprofessional conduct for failing to maintain the security of the prescription department, including provisions for effective control against theft or diversion of dangerous drugs, and records for such drugs, as set forth more fully in paragraphs 25 – 34 and incorporated herein, and as set forth below:

a. From March 23, 2016 through March 31, 2018, Respondents had a shortage of the following controlled substances:

Drug	Shortage
hydrocodone/APAP 10/325 MG	-30,704
oxycodone 30 mg	-11,760
Oxycontin (all strengths)	-82
Promethazine/codeine (ml)	-7,200
Total Units	-49,746

1 b. From March 31, 2018 through April 10, 2019, Respondents had a shortage of the
2 following controlled substances:

3

Drug	Shortage
hydrocodone/APAP 10/325 MG	-10,336
oxycodone 30 mg	-1,136
Total Units	-11,472

4
5

6 c. Respondents had thefts of controlled substances on May 16, 2017, August 25, 2017
7 and May 21, 2018.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Maintenance of Records)**

10 36. Respondents are subject to disciplinary action under Code section 4301, subdivisions
11 (j) and (o), in conjunction with Code sections 4081, 4105, 4169 and 4332, for unprofessional
12 conduct for failing to maintain records of acquisition and/or disposition of dangerous drugs, in
13 that audits of Respondents' records of acquisition, disposition and inventory resulted in less drugs
14 in stock than indicated by the required records, as set forth more fully in paragraphs 25 – 34 and
15 incorporated herein.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Loss Reporting of Controlled Substances)**

18 37. Respondents are subject to disciplinary action under Code section 4301(o), in
19 conjunction with Regulation 1715.6, for unprofessional conduct for failing to report to the Board
20 within 30 days of discovery of any loss of controlled substances, including their amounts and
21 strengths. Respondents failed to report the loss of 8,782 tablets of hydrocodone/APAP 10/325
22 mg within 30 days of the loss which occurred on May 21, 2018, as set forth more fully in
23 paragraphs 25 – 34 and incorporated herein.

24 **OTHER MATTERS**

25 38. Pursuant to Section 4307, if Pharmacy Permit Number PHY 51829 issued to Nskape,
26 Inc. dba Pharmco Drugs is suspended, revoked or placed on probation, Respondent Pharmacy
27
28

1 shall be prohibited from serving as a manager, administrator, owner, member, officer, director,
2 associate, or partner of a licensee of the Board.

3 39. Pursuant to Section 4307, if Pharmacy Permit Number PHY 51829 issued to Nskape,
4 Inc. dba Pharmco Drugs is suspended, revoked or placed on probation, and Respondent Patel,
5 while acting as the manager, administrator, owner, member, officer, director, associate, or
6 partner, had knowledge of or knowingly participated in any conduct for which Pharmacy Permit
7 Number PHY 51829 was revoked, suspended, or placed on probation, Respondent Patel shall be
8 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
9 or partner of a licensee of the Board.

10 40. Pursuant to Section 4307, if Pharmacist License Number RPH 44456 issued to Kamal
11 A. Patel is suspended or revoked, Respondent Patel shall be prohibited from serving as a
12 manager, administrator, owner, member, officer, director, associate, or partner of a licensee.

13 **DISCIPLINE CONSIDERATIONS**

14 41. To determine the degree of discipline, if any, to be imposed on Respondent
15 Pharmacy, Complainant alleges:

16 a. On or about March 11, 2016, the Board issued Citation Number CI 2014 65534 and
17 ordered Respondent Pharmacy to pay a civil penalty in the amount of \$1,600. That Citation is
18 now final.

19 b. On or about July 26, 2019, the Board issued Citation Number CI 2017 78878 against
20 Respondent Pharmacy. No civil penalty was assessed. That Citation is now final.

21 42. To determine the degree of discipline, if any, to be imposed on Respondent Patel,
22 Complainant alleges that on or about March 11, 2016, the Board issued Citation Number CI 2015
23 69494 and ordered Respondent Patel to pay a civil penalty in the amount of \$1,100. That Citation
24 is now final.

25 **PRAYER**

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

- 1 1. Revoking or suspending Pharmacy Permit Number PHY 51829, issued to Nskape,
- 2 Inc., dba Pharmco Drugs;
- 3 2. Prohibiting Nskape, Inc. from serving as a manager, administrator, owner, member,
- 4 officer, director, associate, or partner of a licensee of the Board;
- 5 3. Revoking or suspending Pharmacist License Number RPH 44456, issued to Kamal A.
- 6 Patel;
- 7 4. Prohibiting Kamal A. Patel from serving as a manager, administrator, owner,
- 8 member, officer, director, associate, or partner of a licensee of the Board;
- 9 5. Ordering Nskape, Inc., dba Pharmco Drugs and Kamal A. Patel to pay the Board of
- 10 Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to
- 11 Business and Professions Code section 125.3; and,
- 12 6. Taking such other and further action as deemed necessary and proper.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: July 6, 2020 _____



ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant