

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

In the Matter of the Accusation Against:

**P & D DRUGS, INC. DBA DOCTOR'S CHOICE PHARMACY,
PURVA MALAY PATEL, OWNER/PIC;
Pharmacy Permit No. PHY 51460**

and

**PURVA MALAY PATEL,
Pharmacist License No. RPH 65038,**

Respondents.

Agency Case No. 7113

OAH No. 2022020057

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order and Stipulated Surrender 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 August 31, 2022.

It is so ORDERED on August 1, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is fluid and cursive, with the first name "Seung" and last name "Oh" clearly visible.

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
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Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

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

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13 In the Matter of the Accusation Against:

Case No. 7113

OAH No. 2022020057

14 **P & D DRUGS, INC.**
15 **DBA DOCTOR'S CHOICE PHARMACY,**
16 **PURVA MALAY PATEL, OWNER/PIC**
639 N. 13th Ave
17 Upland, CA 91786

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO PURVA
MALAY PATEL AND STIPULATED
SURRENDER AS TO P & D DRUGS,
INC. DBA DOCTOR'S CHOICE
PHARMACY

18 Pharmacy Permit No. PHY 51460

19 and

20 **PURVA MALAY PATEL**
21 639 N. 13th Ave
Upland, CA 91786

22 Pharmacist License No. RPH 65038

23 Respondents.
24

25
26 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
27 entitled proceedings that the following matters are true:

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1 **PARTIES**

2 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
3 (Board). She brought this action solely in her official capacity and is represented in this matter by
4 Rob Bonta, Attorney General of the State of California, by Gillian E. Friedman, Deputy Attorney
5 General.

6 2. Respondents P & D Drugs, Inc. dba Doctor's Choice Pharmacy and Purva Malay
7 Patel are represented in this proceeding by attorneys Ivan Petrzelka, Esq. and Tony J. Park, Esq
8 whose address is: California Pharmacy Lawyers, 9090 Irvine Center Drive, Irvine, California
9 92618.

10 3. On or about May 10, 2013, the Board issued Pharmacy Permit Number PHY 51460 to
11 P & D Drugs, Inc. dba Doctor's Choice Pharmacy with Purva Malay Patel as the President, 100%
12 shareholder and Pharmacist-in-Charge (Respondent Pharmacy). The Permit was in full force and
13 effect at all times relevant to the charges brought herein and will expire on May 1, 2023, unless
14 renewed.

15 4. On or about November 19, 2010, the Board issued Pharmacist License Number RPH
16 65038 to Purva Malay Patel (Respondent Patel). The Pharmacist License was in full force and
17 effect at all times relevant to the charges brought herein and will expire on January 31, 2024,
18 unless renewed.

19 **JURISDICTION**

20 5. Accusation No. 7113 was filed before the Board, and is currently pending against
21 Respondents Pharmacy and Patel. The Accusation and all other statutorily required documents
22 were properly served on Respondents Pharmacy and Patel on August 17, 2021. Respondents
23 timely filed their Notice of Defense contesting the Accusation.

24 6. A copy of Accusation No. 7113 is attached as exhibit A and incorporated herein by
25 reference.

26 **ADVISEMENT AND WAIVERS**

27 7. Respondents Pharmacy and Patel have carefully read, fully discussed with counsel,
28 and understand the charges and allegations in Accusation No. 7113. Respondents Pharmacy and

Patel have also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

8. Respondents Pharmacy and Patel are fully aware of their legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against them; the right to present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

9. Respondents Pharmacy and Patel voluntarily, knowingly, and intelligently waive and give up each and every right set forth above.

CULPABILITY

10. Respondents Pharmacy and Patel understand and agree that the charges and allegations in Accusation No. 7113, if proven at a hearing, constitute cause for imposing discipline upon their Permit and License, respectively.

11. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondents Pharmacy and Patel agree that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondents Pharmacy and Patel hereby give up their respective rights to contest those charges.

12. Respondents Pharmacy and Patel agree that their respective Permit and License are each subject to discipline and they agree to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

13. This stipulation shall be subject to approval by the Board of Pharmacy. Respondents Pharmacy and Patel understand and agree that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondents Pharmacy and Patel or their counsel. By signing the stipulation, Respondents Pharmacy and Patel understand and agree that they may not

1 withdraw their agreement or seek to rescind the stipulation prior to the time the Board considers
2 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the
3 Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this
4 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
5 be disqualified from further action by having considered this matter.

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

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

15 16. In consideration of the foregoing admissions and stipulations, the parties agree that
16 the Board may, without further notice or formal proceeding, issue and enter the following
17 Disciplinary Orders:

18 **DISCIPLINARY ORDER AS TO PURVA MALAY PATEL**

19 IT IS HEREBY ORDERED that Pharmacist License Number RPH 65038 issued to
20 Respondent Purva Malay Patel (Respondent Patel) is revoked. However, the revocation is stayed
21 and Respondent Patel is placed on probation for five (5) years on the following terms and
22 conditions:

23 **1. Obey All Laws**

24 Respondent Patel shall obey all state and federal laws and regulations.

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

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- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency which involves Respondent Patel's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

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

2. Report to the Board

Respondent Patel shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, Respondent Patel shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation.

Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the board.

3. Interview with the Board

Upon receipt of reasonable prior notice, Respondent Patel shall appear in person for interviews with the board or its designee, at such intervals and locations as are determined by the board or its designee. Failure to appear for any scheduled interview without prior notification to

board staff, or failure to appear for two (2) or more scheduled interviews with the board or its designee during the period of probation, shall be considered a violation of probation.

4. Cooperate with Board Staff

Respondent Patel shall timely cooperate with the board's inspection program and with the board's monitoring and investigation of Respondent Patel's compliance with the terms and conditions of Entity probation, including but not limited to: timely responses to requests for information by board staff; timely compliance with directives from board staff regarding requirements of any term or condition of probation; and timely completion of documentation pertaining to a term or condition of probation. Failure to timely cooperate shall be considered a violation of probation.

5. Continuing Education

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

6. Reporting of Employment and Notice to Employers

During the period of probation, Respondent Patel shall notify all present and prospective employers of the decision in case number 7113 and the terms, conditions and restrictions imposed on Respondent Patel by the decision, as follows:

Within thirty (30) days of the effective date of this decision, and within ten (10) days of undertaking any new employment, Respondent Patel shall report to the board in writing the name, physical address, and mailing address of each of Entity employer(s), and the name(s) and telephone number(s) of all of Entity direct supervisor(s), as well as any pharmacist(s)-in-charge, designated representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work schedule, if known. Respondent Patel shall also include the reason(s) for leaving the prior employment. Respondent Patel shall sign and return to the board a written consent authorizing the board or its designee to communicate with all of Respondent Patel's employer(s) and supervisor(s), and authorizing those employer(s) or supervisor(s) to communicate with the board or its designee, concerning Respondent Patel's work status, performance, and monitoring.

1 Failure to comply with the requirements or deadlines of this condition shall be considered a
2 violation of probation.

3 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
4 Respondent Patel undertaking any new employment, Respondent Patel shall cause (a) Entity
5 direct supervisor, (b) Entity pharmacist-in-charge, designated representative-in-charge,
6 responsible manager, or other compliance supervisor, and (c) the owner or owner representative
7 of Entity employer, to report to the board in writing acknowledging that the listed individual(s)
8 has/have read the decision in case number 7113, and terms and conditions imposed thereby. If
9 one person serves in more than one role described in (a), (b), or (c), the acknowledgment shall so
10 state. It shall be the Respondent Patel's responsibility to ensure that these acknowledgment(s) are
11 timely submitted to the board. In the event of a change in the person(s) serving the role(s)
12 described in (a), (b), or (c) during the term of probation, Respondent Patel shall cause the
13 person(s) taking over the role(s) to report to the board in writing within fifteen (15) days of the
14 change acknowledging that he or she has read the decision in case number 7113, and the terms
15 and conditions imposed thereby.

16 If Respondent Patel works for or is employed by or through an employment service,
17 Respondent Patel must notify the person(s) described in (a), (b), and (c) above at every entity
18 licensed by the board of the decision in case number 7113, and the terms and conditions imposed
19 thereby in advance of Respondent Patel commencing work at such licensed entity. A record of
20 this notification must be provided to the board upon request.

21 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
22 (15) days of Respondent Patel undertaking any new employment by or through an employment
23 service, Respondent Patel shall cause the person(s) described in (a), (b), and (c) above at the
24 employment service to report to the board in writing acknowledging that he or she has read the
25 decision in case number, and the terms and conditions imposed thereby. It shall be Respondent
26 Patel's responsibility to ensure that these acknowledgment(s) are timely submitted to the board.

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1 Failure to timely notify present or prospective employer(s) or failure to cause the identified
2 person(s) with that/those employer(s) to submit timely written acknowledgments to the board
3 shall be considered a violation of probation.

4 "Employment" within the meaning of this provision includes any full-time, part-time,
5 temporary, relief, or employment/management service position as a pharmacist, or any position
6 for which a pharmacist is a requirement or criterion for employment, whether the Respondent
7 Patel is an employee, independent contractor or volunteer.

8 **7. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

9 Respondent Patel shall further notify the board in writing within ten (10) days of any
10 change in name, residence address, mailing address, e-mail address or phone number.

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

13 **8. Restrictions on Supervision and Oversight of Licensed Facilities –**

14 During the period of probation, Respondent Patel shall not supervise any intern pharmacist,
15 be the pharmacist-in-charge, designated representative-in-charge, responsible manager or other
16 compliance supervisor of any entity licensed by the board, nor serve as a consultant. Assumption
17 of any such unauthorized supervision responsibilities shall be considered a violation of probation.

18 **9. Reimbursement of Board Costs**

19 As a condition precedent to successful completion of probation, Respondents Patel and
20 Pharmacy shall, jointly and severally, pay to the board its costs of investigation and prosecution
21 in the amount of \$16,000.00. Respondent Patel shall make said payments in accordance with a
22 payment plan approved in writing by the board or its designee. Respondent Patel must make full
23 payment no later than one (1) year prior to the end date of probation.

24 Failure to pay costs by the deadline(s) as directed shall be considered a violation of
25 probation.

26 Respondent Patel shall be permitted to pay these costs in a payment plan approved by the
27 board or its designee.

28 **10. Probation Monitoring Costs.**

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

11. Status of License

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

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

12. License Surrender While on Probation/Suspension

Following the effective date of this decision, should Respondent Patel cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, Respondent Patel may relinquish her pharmacist license, including any indicia of licensure issued by the Board, along with a request to surrender the license. The Board or its designee shall have the discretion whether to accept the surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent Patel will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the Respondent Patel's license history with the board.

Upon acceptance of the surrender, Respondent Patel shall relinquish Entity pocket and/or wall license, including any indicia of licensure not previously provided to the board within ten (10) days of notification by the board that the surrender is accepted if not already provided. Respondent Patel may not reapply for any license from the board for three (3) years from the effective date of the surrender. Respondent Patel shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board, including any outstanding costs.

13. **Practice Requirement – Extension of Probation**

Except during periods of suspension, Respondent Patel shall, at all times while on probation, be employed as a pharmacist in California for a minimum of 100 hours per calendar month. Any month during which this minimum is not met shall extend the period of probation by one month. During any such period of insufficient employment, Respondent Patel must nonetheless comply with all terms and conditions of probation, unless Respondent Patel receives a waiver in writing from the board or its designee.

If Respondent Patel does not practice as a pharmacist in California for the minimum number of hours in any calendar month, for any reason (including vacation), Respondent Patel shall notify the board in writing within ten (10) days of the conclusion of that calendar month. This notification shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the interruption or reduction in practice; and the anticipated date(s) on which Respondent Patel will resume practice at the required level. Respondent Patel shall further notify the board in writing within ten (10) days following the next calendar month during which Respondent Patel practices as a pharmacist in California for the minimum of hours. Any failure to timely provide such notification(s) shall be considered a violation of probation.

It is a violation of probation for Respondent Patel's probation to be extended pursuant to the provisions of this condition for a total period, counting consecutive and non-consecutive months, exceeding thirty-six (36) months. The board or its designee may post a notice of the extended probation period on its website.

14. **Violation of Probation**

If Respondent Patel has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent, and the board shall provide notice to respondent that probation shall automatically be extended, until all terms and conditions have been satisfied or the board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty that was stayed. The board or its designee may post a notice of the extended probation period on its website.

1 If respondent violates probation in any respect, the board, after giving respondent notice
2 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
3 was stayed. If a petition to revoke probation or an accusation is filed against respondent during
4 probation, or the preparation of an accusation or petition to revoke probation is requested from
5 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of
6 probation shall be automatically extended until the petition to revoke probation or accusation is
7 heard and decided, and the charges and allegations in Accusation No. 7113 shall be deemed true
8 and correct.

9 **15. Completion of Probation**

10 Upon written notice by the board or its designee indicating successful completion of
11 probation, Respondent Patel's license will be fully restored.

12 **16. Remedial Education**

13 Within sixty (60) days of the effective date of this decision, Respondent Patel shall submit
14 to the board or its designee, for prior approval, an appropriate program of remedial education
15 related to pharmacy law and operations. The program of remedial education shall consist of at
16 least 6 hours per year through the term of probation at Respondent Patel's own expense. The
17 program must be conducted with at least 50% of the program hours in person or through live
18 webinar. All remedial education shall be in addition to, and shall not be credited toward,
19 continuing education (CE) courses used for license renewal purposes for pharmacists.

20 Failure to timely submit for approval or complete the approved remedial education shall be
21 considered a violation of probation. The period of probation will be automatically extended until
22 such remedial education is successfully completed and written proof, in a form acceptable to the
23 board, is provided to the board or its designee.

24 Following the completion of each course, the board or its designee may require the
25 Respondent Patel, at Entity own expense, to take an approved examination to test the Respondent
26 Patel's knowledge of the course. If the Respondent Patel does not achieve a passing score on the
27 examination that course shall not count towards satisfaction of this term. Respondent Patel shall
28 take another course approved by the board in the same subject area.

17. **Ethics Course**

Within sixty (60) calendar days of the effective date of this decision, Respondent Patel shall enroll in a course in ethics, at Respondent Patel's expense, approved in advance by the board or its designee that complies with Title 16 California Code of Regulations section 1773.5. Credit will be given for the portion previously completed through PBI Education, course name: Pharmacy Ethics and Professionalism Course. Respondent Patel shall provide proof of enrollment upon request. Within five (5) days of completion, Respondent Patel shall submit a copy of the certificate of completion to the board or its designee. Failure to timely enroll in an approved ethics course, to initiate the course during the first year of probation, to successfully complete it before the end of the second year of probation, or to timely submit proof of completion to the board or its designee, shall be considered a violation of probation.

18. **Supervised Practice**

Within thirty (30) days of the effective date of this decision, Respondent Patel shall submit to the board or its designee, for prior approval, the name of a pharmacist by and not on probation with the board, to serve as Respondent Patel's practice supervisor for the period of two (2) years from the effective date of the decision and order. As part of the documentation submitted, Respondent Patel shall cause the proposed practice supervisor to report to the board in writing acknowledging that he or she has read the decision in case number 7113, and is familiar with the terms and conditions imposed thereby, including the level of supervision required by the board or its designee. This level will be determined by the board or its designee, will be communicated to the Respondent Patel on or before the effective date of this decision and shall be one of the following:

Continuous – At least 75% of a work week

Substantial - At least 50% of a work week

Partial - At least 25% of a work week

Daily Review - Supervisor's review of probationer's daily activities within 24 hours

Respondent Patel may practice only under the required level of supervision by an approved practice supervisor. If, for any reason, including change of employment, Respondent Patel is no

1 longer supervised at the required level by an approved practice supervisor, within ten (10) days of
2 this change in supervision Respondent Patel shall submit to the board or its designee, for prior
3 approval, the name of a pharmacist by and not on probation with the board, to serve as
4 Respondent Patel's replacement practice supervisor. As part of the documentation submitted,
5 Respondent Patel shall cause the proposed replacement practice supervisor to report to the board
6 in writing acknowledging that he or she has read the decision in case number 7113, and is
7 familiar with the terms and conditions imposed thereby, including the level of supervision
8 required.

9 Any of the following shall result in the automatic suspension of practice by a Respondent
10 Patel and shall be considered a violation of probation:

11 Failure to nominate an initial practice supervisor, and to have that practice supervisor report
12 to the board in writing acknowledging the decision, terms and conditions, and supervision level,
13 within thirty (30) days;

14 Failure to nominate a replacement practice supervisor, and to have that practice supervisor
15 report to the board in writing acknowledging the decision, terms and conditions, and supervision
16 level, within ten (10) days;

17 Practicing in the absence of an approved practice supervisor beyond the initial or
18 replacement nomination period; or

19 Any failure to adhere to the required level of supervision.

20 Respondent Patel shall not resume practice until notified in writing by the board or its
21 designee.

22 During any suspension, Respondent Patel shall not enter any pharmacy area or any portion
23 of the licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal
24 drug retailer or any other distributor of drugs which is licensed by the board, or any manufacturer,
25 or any area where dangerous drugs and/or dangerous devices or controlled substances are
26 maintained. Respondent Patel shall not practice pharmacy nor do any act involving drug
27 selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor
28 shall Respondent Patel manage, administer, or be a consultant to any licensee of the board, or

1 have access to or control the ordering, distributing, manufacturing or dispensing of dangerous
2 drugs and/or dangerous devices or controlled substances.

3 During any suspension, Respondent Patel shall not engage in any activity that requires the
4 professional judgment and/or licensure as a pharmacist. Respondent Patel shall not direct or
5 control any aspect of the practice of pharmacy or of the manufacture, distribution, wholesaling, or
6 retailing of dangerous drugs and/or dangerous devices or controlled substances.

7 Failure to comply with any suspension shall be considered a violation of probation.

8 **19. No Ownership or Management of Licensed Premises**

9 Respondent Patel shall not own, have any legal or beneficial interest in, nor serve as a
10 manager, administrator, member, officer, director, trustee, associate, or partner of any business,
11 firm, partnership, or corporation currently or hereinafter licensed by the board. Respondent Patel
12 shall sell or transfer any legal or beneficial interest in any entity licensed by the board within
13 ninety (90) days following the effective date of this decision and shall immediately thereafter
14 provide written proof thereof to the board. Failure to timely divest any legal or beneficial
15 interest(s) or provide documentation thereof shall be considered a violation of probation.

16 **20. Administrative Fine**

17 Respondent Patel shall pay an administrative fine to the board in the amount of \$10,000.
18 Respondent Patel shall make said payments in accordance with a payment plan approved in
19 writing by the board or its designee. Respondent Patel must make full payment no later than one
20 (1) year prior to the end date of probation.

21 Failure to pay the administrative fine as ordered, shall be considered a violation of
22 probation.

23 **DISCIPLINARY ORDER AS TO**

24 **P & D DRUGS, INC. DBA DOCTOR'S CHOICE PHARMACY**

25 IT IS HEREBY ORDERED that Permit No. PHY 51460 issued to Respondent P & D
26 Drugs, Inc. dba Doctor's Choice Pharmacy (Respondent Pharmacy) is surrendered and accepted
27 by the Board of Pharmacy. The surrender will be stayed for a period of 30 days from the
28 effective date, at which time Respondent Pharmacy shall be sold or closed. In addition, upon

signature of the stipulated settlement, Respondents shall designate a new Pharmacist-in-Charge, approved by the board, prior to the effective date.

21. The surrender of Respondent Pharmacy's Permit No. PHY 51460 and the acceptance of the surrendered permit by the Board shall constitute the imposition of discipline against Respondent Pharmacy. Respondent Pharmacy understands and acknowledges that for purposes of Business and Professions Code section 4307, this stipulated surrender is the same as a revocation. This stipulation constitutes a record of the discipline and shall become a part of Respondent Pharmacy's license history with the Board.

22. Respondent Pharmacy shall lose all rights and privileges as a pharmacy in California as of the effective date of the Board's Decision and Order.

23. Respondent Pharmacy shall cause to be delivered to the Board its wall certificate(s) on or before the effective date of the Decision and Order.

24. If Respondent Pharmacy ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent Pharmacy must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 7113 shall be deemed to be true, correct and admitted by Respondent Pharmacy when the Board determines whether to grant or deny the application or petition.

25. Respondent Pharmacy and Patel jointly and severally shall pay the agency its costs of investigation and enforcement in the amount of \$16,000.00.

26. If Respondent Pharmacy should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 7113 shall be deemed to be true, correct, and admitted by Respondent Pharmacy for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

27. Respondent Pharmacy may not apply, reapply, or petition for any licensure or registration of the Board for three (3) years from the effective date of the Decision and Order.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorneys, Ivan Petrzelka, Esq. and Tony J. Park, Esq. I understand the stipulation and the effect it will have on my Pharmacy Permit. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

PURVA MALAY PATEL, owner
P & D DRUGS, INC. DBA DOCTOR'S CHOICE
PHARMACY

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorneys, Ivan Petrzelka, Esq. and Tony J. Park, Esq. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

PURVA MALAY PATEL

I have read and fully discussed with Respondents P & D Drugs, Inc. dba Doctor's Choice Pharmacy and Purva Malay Patel the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.


DATED: _____

Ivan Petrzelka, Esq.
Tony J. Park, Pharm.D., J.D.
California Pharmacy Lawyers
Attorney for Respondent Patel

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorneys, Ivan Petrzelka, Esq. and Tony J. Park, Esq. I understand the stipulation and the effect it will have on my Pharmacy Permit. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 6/8/22


PURVA MALAY PATEL, owner
P & D DRUGS, INC. DBA DOCTOR'S CHOICE
PHARMACY


I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorneys, Ivan Petrzelka, Esq. and Tony J. Park, Esq. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 6/8/22


PURVA MALAY PATEL

I have read and fully discussed with Respondents P & D Drugs, Inc. dba Doctor's Choice Pharmacy and Purva Malay Patel the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: June 10, 2022


Ivan Petrzelka, Esq.
Tony J. Park, Pharm.D., J.D.
California Pharmacy Lawyers
Attorney for Respondent Patel

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ENDORSEMENT

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

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
KIM KASRELIOVICH
Supervising Deputy Attorney General

GILLIAN E. FRIEDMAN
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

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

DATED: June 13, 2022

Respectfully submitted,

ROB BONTA
Attorney General of California
KIM KASRELIOVICH
Supervising Deputy Attorney General



GILLIAN E. FRIEDMAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7113

1 ROB BONTA
Attorney General of California
2 MARICHELLE TAHIMIC
Supervising Deputy Attorney General
3 GILLIAN E. FRIEDMAN
Deputy Attorney General
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5 Los Angeles, CA 90013
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Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

Case No. 7113

13 **P & D DRUGS, INC.**
14 **DBA DOCTOR'S CHOICE PHARMACY,**
15 **PURVA MALAY PATEL, OWNER/PIC**
639 N. 13th Ave
Upland, CA 91786

ACCUSATION

16 Pharmacy Permit No. PHY 51460

17 and

18 **PURVA MALAY PATEL**
19 639 N. 13th Ave
20 Upland, CA 91786

21 Pharmacist License No. RPH 65038

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 2. On or about May 10, 2013, the Board issued Pharmacy Permit Number PHY 51460 to
28 P & D Drugs, Inc. dba Doctor's Choice Pharmacy with Purva Malay Patel as the President, 100%

1 shareholder and Pharmacist-in-Charge (Respondent Pharmacy). The Permit was in full force and
2 effect at all times relevant to the charges brought herein and will expire on May 1, 2022, unless
3 renewed.

4 3. On or about November 19, 2010, the Board issued Pharmacist License Number RPH
5 65038 to Purva Malay Patel (Respondent Patel). The Pharmacist License was in full force and
6 effect at all times relevant to the charges brought herein and will expire on January 31, 2022,
7 unless renewed.

8 **JURISDICTION**

9 4. This Accusation is brought before the Board under the authority of the following
10 laws. All section references are to the Business and Professions Code (Code) unless otherwise
11 indicated.

12 5. Section 4300 of the Code states:

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

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

17 (1) Suspending judgment.

18 (2) Placing him or her upon probation.

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

20 (4) Revoking his or her license.

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

23 (c) The board may refuse a license to any applicant guilty of unprofessional conduct. The
24 board may, in its sole discretion, issue a probationary license to any applicant for a license who is
25 guilty of unprofessional conduct and who has met all other requirements for licensure. The board
26 may issue the license subject to any terms or conditions not contrary to public policy, including,
27 but not limited to, the following:

28 (1) Medical or psychiatric evaluation.

- (2) Continuing medical or psychiatric treatment.
- (3) Restriction of type or circumstances of practice.
- (4) Continuing participation in a board-approved rehabilitation program.
- (5) Abstention from the use of alcohol or drugs.
- (6) Random fluid testing for alcohol or drugs.
- (7) Compliance with laws and regulations governing the practice of pharmacy.

....

(e) The proceedings under this article shall be conducted in accordance with 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 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.

6. Section 4300.1 of the Code states:

The expiration, cancellation, forfeiture, or suspension of a board-issued 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 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 licensee or to render a decision suspending or revoking the license.

STATUTORY PROVISIONS

7. 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:

...

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

8. Section 4081 of the Code states:

1 (a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs or
2 dangerous devices shall be at all times during business hours open to inspection by authorized
3 officers of the law, and shall be preserved for at least three years from the date of making. A
4 current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary
5 food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital,
6 institution, or establishment holding a currently valid and unrevoked certificate, license, permit,
7 registration, or exemption under Division 2 (commencing with Section 1200) of the Health and
8 Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and
9 Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

10 9. Section 4307 of the Code states:

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

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

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

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

1 (c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to
2 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code.
3 However, no order may be issued in that case except as to a person who is named in the caption,
4 as to whom the pleading alleges the applicability of this section, and where the person has been
5 given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part
6 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision
7 shall be in addition to the board's authority to proceed under Section 4339 or any other provision
8 of law.

9 10. Section 4332 of the Code states:

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

14 **REGULATORY PROVISIONS**

15 11. California Code of Regulations, title 16, section 1718, states:

16 "Current Inventory" as used in Sections 4081 and 4332 of the Business and Professions
17 Code shall be considered to include complete accountability for all dangerous drugs handled by
18 every licensee enumerated in Sections 4081 and 4332. The controlled substances inventories
19 required by Title 21, CFR, Section 1304 shall be available for inspection upon request for at least
20 3 years after the date of the inventory.

21 **COST RECOVERY**

22 12. Section 125.3 of the Code states, in pertinent part, that the Board may request the
23 administrative law judge to direct a licensee found to have committed a violation or violations of
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25 enforcement of the case.

26 **DRUG CLASSIFICATIONS**

27 13. Creon (Pancrelipase) is primarily used in the treatment of Pancreatitis. It is a
28 dangerous drug according to Business and Professions Code section 4022.

14. Eliquis (Apixaban) is primarily used in the treatment of Thromboembolism/
stroke prophylaxis. It is a dangerous drug according to Business and Professions Code section
4022.

FIRST CAUSE FOR DISCIPLINE

(Records of Dangerous Drugs/Maintenance of Records/Current Inventory)

15. Respondents Pharmacy and Patel are subject to disciplinary action under Code
sections 4081(a), 4332, and California Code of Regulations section 1718 in that Respondents
failed to maintain accurate records of acquisition and disposition of various drugs at Respondent
Pharmacy located at 639 N. 13th Ave, Upland, California.

16. Specifically, between August 12, 2017 and August 12, 2020, Respondents Pharmacy
and Patel failed to have and maintain accurate records of acquisition and disposition of dangerous
drugs as evidenced by an audit of the pharmacy that showed an inventory overage of 3487
capsules of Creon 36,000U and 510 tablets of Eliquis 5mg.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

17. Respondent Patel is subject to disciplinary action under Code section 4301
subdivision (f) in that while working as the owner and Pharmacist-in-Charge of Respondent
Pharmacy, Respondent Patel engaged in unprofessional conduct, which included but is not
limited to, moral turpitude, dishonesty, fraud, deceit, or corruption. The circumstances are as
follows:

18. Between approximately August 12, 2017 and August 12, 2020, Respondent Patel
acted unprofessionally by removing and/or directing her staff to remove tablets and/or capsules
from previously filled prescriptions that contained brand name medications, including Creon and
Eliquis. Although the quantity of the name brand drugs that would be dispensed to the patients
had been reduced, Respondent Patel submitted, or directed pharmacy staff to submit claims for
the full quantity as indicated on the prescription. An audit of the pharmacy revealed that,
between August 12, 2017 and August 12, 2020, Patel removed or directed the removal of the total

1 quantity of 3487 capsules of Creon 36,000U and 510 tablets of Eliquis 5mg before the
2 prescriptions for the drugs were dispensed to patients.

3 **OTHER MATTERS**

4 19. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit
5 Number PHY 52407 issued to Respondent P & D Drugs, Inc. dba Doctor's Choice Pharmacy,
6 while Purva Malay Patel had been a pharmacist in charge then Purva Malay Patel shall be
7 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
8 or partner of a licensee for five years if Pharmacy Permit Number PHY 52407 is placed on
9 probation or until Pharmacy Permit Number PHY 52407 is reinstated if it is revoked.

10 20. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit
11 Number PHY 52407 issued to P & D Drugs, Inc. dba Doctor's Choice Pharmacy while Purva
12 Malay Patel had been an officer and owner and had knowledge of or knowingly participated in
13 any conduct for which the licensee was disciplined, then Purva Malay Patel shall be prohibited
14 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
15 of a licensee for five years if Pharmacy Permit Number PHY 52407 is placed on probation or
16 until Pharmacy Permit Number PHY 52407 is reinstated if it is revoked.

17 21. Pursuant to Code section 4307, if discipline is imposed on License Number RPH
18 65038 to Purva Malay Patel, then she shall be prohibited from serving as a manager,
19 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
20 Pharmacist License Number RPH 65038 is placed on probation or until Pharmacist License
21 Number RPH 65038 is reinstated if it is revoked.

22 **PRAYER**

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

25 1. Revoking or suspending Pharmacy Permit Number PHY 51460, issued to P & D
26 Drugs, Inc. dba Doctor's Choice Pharmacy with Purva Malay Patel as Pharmacist-in Charge and
27 owner;
28

2. Revoking or suspending Pharmacist License Number RPH 64447 issued to Purva Malay Patel;

3. Prohibiting Purva Malay Patel from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51460 is placed on probation or until Pharmacy Permit Number PHY 51460 is reinstated if it is revoked;

4. Ordering Respondent P & D Drugs, Inc. dba Doctor's Choice Pharmacy and Purva Malay Patel to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

5. Taking such other and further action as deemed necessary and proper.

DATED: 8/7/2021

Signature on File

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

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