

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

**In the Matter of the Accusation Against:**

**SHIV CORPORATION INC. dba  
MEDCARE LTC PHARMACY,  
BHUPESH D. PATEL, SHAREHOLDER AND OFFICER,  
Pharmacy Permit No. PHY 51633;**

**JIGNASA NIMESH PATEL,  
Pharmacist License No. RPH 70082;**

**and**

**BHUPESH D. PATEL,  
Pharmacist License No. RPH 46189,**

**Respondents.**

**Agency Case No. 7140**

**OAH No. 2021100502**

## 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 at 5:00 p.m. on June 1, 2022.

It is so ORDERED on May 2, 2022.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

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, and "W." in the middle.

Seung W. Oh, Pharm.D.  
Board President

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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 **SHIV CORPORATION INC., DBA**  
15 **MEDCARE LTC PHARMACY**  
16 **BHUPESH D. PATEL, SHAREHOLDER**  
17 **AND OFFICER**  
1223 N. Euclid Street  
Anaheim, CA 92801

18 Pharmacy Permit No. PHY 51633,

19 **JIGNASA NIMESH PATEL**  
1330 East Corbett Drive  
20 Placentia, CA 92870

21 Pharmacist License No. RPH 70082,

22 and

23 **BHUPESH D. PATEL**  
5252 Marview Drive  
24 La Palma, CA 90623

25 Pharmacist License No. RPH 46189

26 Respondents.

Case No. 7140

OAH No. 2021100502

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER AS TO SHIV  
CORPORATION, DBA MEDCARE LTC  
PHARMACY AND BHUPESH D. PATEL  
ONLY**

1 IT IS HEREBY STIPULATED AND AGREED by and between Shiv Corporation Inc., dba  
2 Medicare LTC Pharmacy and Bhupesh D. Patel, parties to the above-entitled proceedings that the  
3 following matters are true:

4 **PARTIES**

5 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
6 (Board). She brought this action solely in her official capacity and is represented in this matter by  
7 Rob Bonta, Attorney General of the State of California, by Desiree I. Kellogg, Deputy Attorney  
8 General.

9 2. Respondent Shiv Corporation Inc., dba Medicare LTC Pharmacy is acting in this  
10 proceeding through Bhupesh D. Patel, majority shareholder and officer of Shiv Corporation Inc.,  
11 dba Medicare LTC Pharmacy who has been designated and authorized by Shiv Corporation Inc.,  
12 dba Medicare LTC Pharmacy to enter into this agreement on its behalf.

13 3. Respondents Shiv Corporation Inc., dba Medicare LTC Pharmacy (Medicare LTC  
14 Pharmacy) and Bhupesh D. Patel (Bhupesh Patel) (collectively Respondents) are represented in  
15 this proceeding by attorney Herbert L. Weinberg of Fenton Law Group LLP, whose address is:  
16 1990 South Bundy Drive, Suite 777, Los Angeles, CA 90025.

17 4. On or about October 23, 2013, the Board issued Pharmacy Permit No. PHY 51633 to  
18 Medicare LTC Pharmacy. The Pharmacy Permit License was in full force and effect at all times  
19 relevant to the charges brought in Accusation No. 7140, and will expire on October 1, 2022,  
20 unless renewed.

21 5. On or about May 7, 1993, the Board issued Pharmacist License No. RPH 46189 to  
22 Bhupesh Patel. The Pharmacy Permit License was in full force and effect at all times relevant to  
23 the charges brought in Accusation No. 7140, and will expire on May 31, 2022, unless renewed.

24 **JURISDICTION**

25 6. Accusation No. 7140 was filed before the Board, and is currently pending against  
26 Respondent. The Accusation and all other statutorily required documents were properly served  
27 on Respondent on June 9, 2021. Respondents filed their Notice of Defense contesting the  
28 Accusation after the Board issued the Orders Vacating Default Decisions on September 23, 2021.

1           7.     A copy of Accusation No. 7140 is attached as Exhibit A and incorporated herein by  
2 reference.

3                                   **ADVISEMENT AND WAIVERS**

4           8.     Respondents have carefully read, fully discussed with counsel, and understand the  
5 charges and allegations in Accusation No. 7140. Respondents have also carefully read, fully  
6 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
7 Order.

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

14          10.    Respondents voluntarily, knowingly, and intelligently waive and give up each and  
15 every right set forth above.

16                                   **CULPABILITY**

17          11.    Respondents understand and agree that the charges and allegations in Accusation No.  
18 7140, if proven at a hearing, constitute cause for imposing discipline upon their respective  
19 Pharmacy Permit and Pharmacist License.

20          12.    For the purpose of resolving the Accusation without the expense and uncertainty of  
21 further proceedings, Respondents agree that, at a hearing, Complainant could establish a factual  
22 basis for the charges in the Accusation, and that Respondents hereby give up their right to contest  
23 those charges.

24          13.    Respondents agree that their respective Pharmacy Permit and Pharmacist License are  
25 subject to discipline and they agree to be bound by the Board's probationary terms as set forth in  
26 the Disciplinary Order below.

27        ///

28        ///

**CONTINGENCY**

14. This stipulation shall be subject to approval by the Board of Pharmacy. Respondents 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 or their counsel. By signing the stipulation, Respondents understand and agree that they may not withdraw its agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

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

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

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

**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 51633 issued to Respondent Shiv Corporation Inc., dba Medcare LTC Pharmacy is revoked. However, the revocation is stayed and Medcare LTC Pharmacy is placed on probation for three (3) years on the following terms and conditions:

///

1           **1.     Definition: Respondent**

2           For the purposes of these terms and conditions, “respondent” shall refer to Shiv Corporation  
3 Inc., dba Medicare LTC Pharmacy. All terms and conditions stated herein shall bind and be  
4 applicable to the licensed premises and to all owners, managers, officers, administrators,  
5 members, directors, trustees, associates, or partners thereof. For purposes of compliance with any  
6 term or condition, any report, submission, filing, payment, or appearance required to be made by  
7 respondent to or before the board or its designee shall be made by an owner or executive officer  
8 with authority to act on behalf of and legally bind the licensed entity.

9           **2.     Obey All Laws**

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

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

- 13          • an arrest or issuance of a criminal complaint for violation of any provision of the  
14 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
15 substances laws;
- 16          • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal  
17 proceeding to any criminal complaint, information or indictment;
- 18          • a conviction of any crime; or
- 19          • discipline, citation, or other administrative action filed by any state or federal agency  
20 which involves respondent’s license or which is related to the practice of pharmacy or the  
21 manufacturing, obtaining, handling or distributing, billing, or charging for any dangerous  
22 drug, and/or dangerous device or controlled substance.

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

24           **3.     Report to the Board**

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

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

6 **4. Interview with the Board**

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

12 **5. Cooperate with Board Staff**

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

19 **6. Reimbursement of Board Costs**

20 As a condition precedent to successful completion of probation, respondent shall pay to the  
21 board its costs of investigation and prosecution in the amount of \$10,155.75. Respondent shall  
22 make said payments according to a plan that is approved by the board or its designee. There shall  
23 be no deviation from this schedule absent prior written approval by the board or its designee.  
24 Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

25 Respondent shall be permitted to pay these costs in a payment plan approved by the board  
26 or its designee, so long as full payment is completed no later than one (1) year prior to the end  
27 date of probation.

28 Respondent shall be jointly and severally liable for all of said costs with Respondent



1 Bhupesh Patel.

2 **7. Probation Monitoring Costs**

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

7 **8. Status of License**

8 Respondent shall, at all times while on probation, maintain a current pharmacy permit with  
9 the board. Failure to maintain current licensure shall be considered a violation of probation.

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

14 **9. License Surrender While on Probation/Suspension**

15 Following the effective date of this decision, should respondent wish to discontinue  
16 business, respondent may tender the premises license to the board for surrender. The board or its  
17 designee shall have the discretion whether to grant the request for surrender or take any other  
18 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the  
19 license, respondent will no longer be subject to the terms and conditions of probation.

20 Respondent may not apply for any new license from the board for three (3) years from the  
21 effective date of the surrender. Respondent shall meet all requirements applicable to the license  
22 sought as of the date the application for that license is submitted to the board.

23 Respondent further stipulates that it shall reimburse the board for its costs of investigation  
24 and prosecution prior to the acceptance of the surrender.

25 Upon acceptance of the surrender, respondent shall relinquish the premises wall and  
26 renewal license to the board within ten (10) days of notification by the board that the surrender is  
27 accepted. Respondent shall further submit a completed Discontinuance of Business form  
28 according to board guidelines and shall notify the board of the records inventory transfer within

1 five (5) days. Respondent shall further arrange for the transfer of all records of acquisition and  
2 disposition of dangerous drugs and/or devices to premises licensed and approved by the board.

3 Respondent shall also, by the effective date of this decision, arrange for the continuation of  
4 care for ongoing patients of the pharmacy by, at minimum, providing a written notice to ongoing  
5 patients that specifies the anticipated closing date of the pharmacy and that identifies one or more  
6 area pharmacies capable of taking up the patients' care, and by cooperating as may be necessary  
7 in the transfer of records or prescriptions for ongoing patients. Within five days of its provision to  
8 the pharmacy's ongoing patients, Respondent shall provide a copy of the written notice to the  
9 board. For the purposes of this provision, "ongoing patients" means those patients for whom the  
10 pharmacy has on file a prescription with one or more refills outstanding, or for whom the  
11 pharmacy has filled a prescription within the preceding sixty (60) days.

12 Respondent may not apply for any new license from the board for three (3) years from the  
13 effective date of the surrender. Respondent shall meet all requirements applicable to the license  
14 sought as of the date the application for that license is submitted to the board.

15 Respondent further stipulates that it shall reimburse the board for its costs of investigation  
16 and prosecution prior to the acceptance of the surrender.

#### 17 **10. Sale or Discontinuance of Business**

18 During the period of probation, should respondent sell, trade or transfer all or part of the  
19 ownership of the licensed entity, discontinue doing business under the license issued to  
20 respondent, or should practice at that location be assumed by another full or partial owner,  
21 person, firm, business, or entity, under the same or a different premises license number, the board  
22 or its designee shall have the sole discretion to determine whether to exercise continuing  
23 jurisdiction over the licensed location, under the current or new premises license number, and/or  
24 carry the remaining period of probation forward to be applicable to the current or new premises  
25 license number of the new owner.

#### 26 **11. Notice to Employees**

27 Respondent shall, upon or before the effective date of this decision, ensure that all  
28 employees involved in permit operations are made aware of all the terms and conditions of

1 probation, either by posting a notice of the terms and conditions, circulating such notice, or both.  
2 If the notice required by this provision is posted, it shall be posted in a prominent place and shall  
3 remain posted throughout the probation period. Respondent shall ensure that any employees hired  
4 or used after the effective date of this decision are made aware of the terms and conditions of  
5 probation by posting a notice, circulating a notice, or both. Additionally, respondent shall submit  
6 written notification to the board, within fifteen (15) days of the effective date of this decision, that  
7 this term has been satisfied. Failure to timely provide such notification to employees, or to timely  
8 submit such notification to the board shall be considered a violation of probation.

9 "Employees" as used in this provision includes all full-time, part-time, volunteer, temporary  
10 and relief employees and independent contractors employed or hired at any time during  
11 probation.

#### 12 12. **Owners and Officers: Knowledge of the Law**

13 Respondent shall provide, within thirty (30) days after the effective date of this decision,  
14 signed and dated statements from its owners, including any owner or holder of ten percent (10%)  
15 or more of the interest in respondent or respondent's stock, and all of its officer, stating under  
16 penalty of perjury that said individuals have read and are familiar with state and federal laws and  
17 regulations governing the practice of pharmacy. The failure to timely provide said statements  
18 under penalty of perjury shall be considered a violation of probation.

#### 19 13. **Premises Open for Business**

20 Respondent shall remain open and engaged in its ordinary business as a pharmacy in  
21 California for a minimum of 120 hours per calendar month. Any month during which this  
22 minimum is not met shall toll the period of probation, i.e., the period of probation shall be  
23 extended by one month for each month during with this minimum is not met. During any such  
24 period of tolling of probation, respondent must nonetheless comply with all terms and conditions  
25 of probation, unless respondent is informed otherwise in writing by the board or its designee. If  
26 respondent is not open and engaged in its ordinary business as a pharmacy for a minimum of 120  
27 hours in any calendar month, for any reason (including vacation), respondent shall notify the  
28 board in writing within ten (10) days of the conclusion of that calendar month. This notification

1 shall include at minimum all of the following: the date(s) and hours respondent was open; the  
2 reason(s) for the interruption or why business was not conducted; and the anticipated date(s) on  
3 which respondent will resume business as required. Respondent shall further notify the board in  
4 writing with ten (10) days following the next calendar month during which respondent is open  
5 and engaged in its ordinary business as a pharmacy in California for a minimum of 120 hours.  
6 Any failure to timely provide such notification(s) shall be considered a violation of probation.

7 **14. Posted Notice of Probation**

8 Respondent shall prominently post a probation notice provided by the board or its designee  
9 in a place conspicuous to and readable by the public within two (2) days of receipt thereof from  
10 the board or its designee. Failure to timely post such notice, or to maintain the posting during the  
11 entire period of probation, shall be considered a violation of probation.

12 Respondent shall not, directly or indirectly, engage in any conduct or make any statement  
13 which is intended to mislead or is likely to have the effect of misleading any patient, customer,  
14 member of the public, or other person(s) as to the nature of and reason for the probation of the  
15 licensed entity.

16 **15. Violation of Probation**

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

22 If respondent violates probation in any respect, the board, after giving respondent notice  
23 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
24 was stayed. If a petition to revoke probation or an accusation is filed against respondent during  
25 probation, the board shall have continuing jurisdiction and the period of probation shall be  
26 automatically extended until the petition to revoke probation or accusation is heard and decided  
27 and the charges and allegations in the Accusation shall be deemed true and correct.

28 ///

1           **16. Completion of Probation**

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

4           **17. Consultant Pharmacist**

5           During the period of probation, respondent shall retain an independent consultant at its  
6 own expense who shall be responsible for reviewing pharmacy operations on a monthly basis  
7 for compliance by respondent with state and federal laws and regulations governing the  
8 practice of pharmacy and for compliance by respondent. The consultant shall be a pharmacist  
9 licensed by and not on probation with the board and whose name shall be submitted to the  
10 board or its designee, for prior approval, within thirty (30) days of the effective date of this  
11 decision. During the period of probation, the board or its designee, retains the discretion to  
12 reduce the frequency of the pharmacist consultant's review of respondent pharmacy. Six  
13 months after the effective date of the Decision adopting this Stipulated Settlement, the board or  
14 its designee shall make a good faith evaluation of the required frequency of the pharmacist  
15 consultant's review and in its discretion, may reduce the frequency of the pharmacist consultant's  
16 review of respondent pharmacy.

17           Failure to timely retain, seek approval of, or ensure timely reporting by the consultant  
18 shall be considered a violation of probation.

19           **IT IS ALSO HEREBY ORDERED** that Pharmacist License Number RPH 46189 issued  
20 to Respondent Bhupesh D. Patel is revoked. However, the revocation is stayed and Respondent  
21 Bhupesh D. Patel is placed on probation for three (3) years on the following terms and conditions.

22           **1. Obey All Laws**

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

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

- 26           • an arrest or issuance of a criminal complaint for violation of any provision of the  
27                 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
28                 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'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 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 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 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 shall timely cooperate with the board's inspection program and with the board's monitoring and investigation of respondent's compliance with the terms and conditions of Entity

1 probation, including but not limited to: timely responses to requests for information by board  
2 staff; timely compliance with directives from board staff regarding requirements of any term or  
3 condition of probation; and timely completion of documentation pertaining to a term or condition  
4 of probation. Failure to timely cooperate shall be considered a violation of probation.

5 **5. Continuing Education**

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

8 **6. Reporting of Employment and Notice to Employers**

9 During the period of probation, respondent shall notify all present and prospective  
10 employers of the decision in case number 7140 and the terms, conditions and restrictions imposed  
11 on respondent by the decision, as follows:

12 Within thirty (30) days of the effective date of this decision, and within ten (10) days of  
13 undertaking any new employment, respondent shall report to the board in writing the name,  
14 physical address, and mailing address of each of his employer(s), and the name(s) and telephone  
15 number(s) of all of his direct supervisor(s), as well as any pharmacist(s)-in-charge, designated  
16 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work  
17 schedule, if known. Respondent shall also include the reason(s) for leaving the prior  
18 employment. Respondent shall sign and return to the board a written consent authorizing the  
19 board or its designee to communicate with all of respondent's employer(s) and supervisor(s), and  
20 authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,  
21 concerning respondent's work status, performance, and monitoring. Failure to comply with the  
22 requirements or deadlines of this condition shall be considered a violation of probation.

23 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
24 respondent undertaking any new employment, respondent shall cause (a) his direct supervisor, (b)  
25 his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other  
26 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the  
27 board in writing acknowledging that the listed individual(s) has/have read the decision in case  
28 number 7140, and terms and conditions imposed thereby. If one person serves in more than one

1 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the respondent's  
2 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the  
3 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term  
4 of probation, respondent shall cause the person(s) taking over the role(s) to report to the board in  
5 writing within fifteen (15) days of the change acknowledging that he or she has read the decision  
6 in case number 7140, and the terms and conditions imposed thereby.

7 If respondent works for or is employed by or through an employment service, respondent  
8 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board  
9 of the decision in case number 7140, and the terms and conditions imposed thereby in advance of  
10 respondent commencing work at such licensed entity. A record of this notification must be  
11 provided to the board upon request.

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

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

21 "Employment" within the meaning of this provision includes any full-time, part-time,  
22 temporary, relief, or employment/management service position as a pharmacist, or any position  
23 for which a pharmacist is a requirement or criterion for employment, whether the respondent is an  
24 employee, independent contractor or volunteer.

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

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

28 ///



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

3 **8. Restrictions on Supervision and Oversight of Licensed Facilities**

4 During the period of probation, respondent shall not supervise any intern pharmacist, be the  
5 pharmacist-in-charge, designated representative-in-charge, responsible manager or other  
6 compliance supervisor of any entity licensed by the board, nor serve as a consultant. Assumption  
7 of any such unauthorized supervision responsibilities shall be considered a violation of probation.

8 **9. Reimbursement of Board Costs**

9 As a condition precedent to successful completion of probation, respondent shall pay to the  
10 board its costs of investigation and prosecution in the amount of \$10,155.75. Respondent shall  
11 make said payments according to a plan that is approved by the board or its designee. There shall  
12 be no deviation from this schedule absent prior written approval by the board or its designee.  
13 Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

14 Respondent shall be permitted to pay these costs in a payment plan approved by the board  
15 or its designee, so long as full payment is completed no later than one (1) year prior to the end  
16 date of probation.

17 Respondent shall be jointly and severally liable for all of said costs with Respondent Shiv  
18 Corporation Inc., dba Medicare LTC Pharmacy.

19 **10. Probation Monitoring Costs**

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

24 **11. Status of License**

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

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

5 **12. License Surrender While on Probation/Suspension**

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

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

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

22 Except during periods of suspension, respondent shall, at all times while on probation, be  
23 employed as a pharmacist in California for a minimum of one hundred and twenty (120) hours  
24 per calendar month. Any month during which this minimum is not met shall extend the period of  
25 probation by one month. During any such period of insufficient employment, respondent must  
26 nonetheless comply with all terms and conditions of probation, unless respondent receives a  
27 waiver in writing from the board or its designee.

28 ///

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

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

#### 14 **14. Violation of Probation**

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

21 If respondent violates probation in any respect, the board, after giving respondent notice  
22 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
23 was stayed. If a petition to revoke probation or an accusation is filed against respondent during  
24 probation, or the preparation of an accusation or petition to revoke probation is requested from  
25 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of  
26 probation shall be automatically extended until the petition to revoke probation or accusation is  
27 heard and decided, and the charges and allegations in the Accusation shall be deemed true and  
28 correct.

1           **15. Completion of Probation**

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

4           **16. Remedial Education**

5           Within sixty (60) days of the effective date of this decision, respondent shall submit to the  
6 board or its designee, for prior approval, an appropriate program of remedial education related to  
7 Pharmacy Law and operations. The program of remedial education shall consist of six (6) hours  
8 per year of the probation period which shall be completed at respondent's own expense.

9           Respondent shall complete at least half of every year's required amount of hours of remedial  
10 education in person or live webinar. All remedial education shall be in addition to, and shall not  
11 be credited toward, continuing education (CE) courses used for license renewal purposes for  
12 pharmacists.

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

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

22           **17. No Ownership or Management of Licensed Premises**

23           Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a  
24 manager, administrator, member, officer, director, trustee, associate, or partner of any additional  
25 business, firm, partnership, or corporation licensed by the board. If respondent currently owns or  
26 has any legal or beneficial interest in, or serves as a manager, administrator, member, officer,  
27 director, trustee, associate, or partner of any business, firm, partnership, or corporation in  
28 Respondent Shiv Corporation, Inc. dba Medicare LTC Pharmacy and Medicare Pharmacy,

respondent may continue to serve in such capacity or hold that interest for Respondent Shiv Corporation, Inc., dba Medcare LTC Pharmacy and Medcare Pharmacy only, but only to the extent of that position or interest as of the effective date of this decision. Violation of this restriction shall be considered a violation of probation.

#### **18. Ethics Course**

Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll in a course in ethics, at respondent's expense, approved in advance by the board or its designee that complies with Title 16 California Code of Regulations section 1773.5. Respondent shall provide proof of enrollment upon request. Within five (5) days of completion, respondent 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.

#### **ACCEPTANCE**

I Bhupesh D. Patel, officer and majority shareholder of Shiv Corporation Inc., dba Medcare LTC Pharmacy, have been authorized to act on Shiv Corporation Inc., dba Medcare LTC Pharmacy's behalf and individually, have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Herbert L. Weinberg. I understand the stipulation and the effect it will have on Shiv Corporation Inc., dba Medcare LTC Pharmacy's Pharmacy Permit and 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: \_\_\_\_\_

BHUPESH D. PATEL, individually and as authorized  
representative on behalf of SHIV CORPORATION  
INC., DBA MEDCARE LTC PHARMACY  
*Respondents*

1 respondent may continue to serve in such capacity or hold that interest for Respondent Shiv  
2 Corporation, Inc., dba Medicare LTC Pharmacy and Medicare Pharmacy only, but only to the  
3 extent of that position or interest as of the effective date of this decision. Violation of this  
4 restriction shall be considered a violation of probation.


5 **18. Ethics Course**

6 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll  
7 in a course in ethics, at respondent's expense, approved in advance by the board or its designee  
8 that complies with Title 16 California Code of Regulations section 1773.5. Respondent shall  
9 provide proof of enrollment upon request. Within five (5) days of completion, respondent shall  
10 submit a copy of the certificate of completion to the board or its designee. Failure to timely enroll  
11 in an approved ethics course, to initiate the course during the first year of probation, to  
12 successfully complete it before the end of the second year of probation, or to timely submit proof  
13 of completion to the board or its designee, shall be considered a violation of probation.

14 **ACCEPTANCE**

15 I Bhupesh D. Patel, officer and majority shareholder of Shiv Corporation Inc., dba Medicare  
16 LTC Pharmacy, have been authorized to act on Shiv Corporation Inc., dba Medicare LTC  
17 Pharmacy's behalf and individually, have carefully read the above Stipulated Settlement and  
18 Disciplinary Order and have fully discussed it with my attorney, Herbert L. Weinberg. I  
19 understand the stipulation and the effect it will have on Shiv Corporation Inc., dba Medicare LTC  
20 Pharmacy's Pharmacy Permit and my Pharmacist License. I enter into this Stipulated Settlement  
21 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
22 Decision and Order of the Board of Pharmacy.  
23

24 DATED: 3-3-2022

25   
26 BHUPESH D. PATEL, individually and as authorized  
27 representative on behalf of SHIV CORPORATION  
28 INC., DBA MEDCARE LTC PHARMACY  
*Respondents*

1 I have read and fully discussed with Respondent Shiv Corporation Inc., dba Medicare LTC  
2 Pharmacy and Bhupesh D. Patel the terms and conditions and other matters contained in the  
3 above Stipulated Settlement and Disciplinary Order. I approve its form and content.

4 DATED: \_\_\_\_\_

HERBERT L. WEINBERG  
*Attorney for Respondent*

6 **ENDORSEMENT**

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

9 DATED: \_\_\_\_\_

Respectfully submitted,

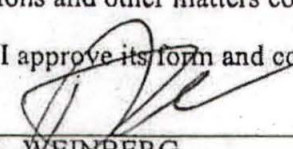
11 ROB BONTA  
Attorney General of California  
12 GREGORY J. SALUTE  
Supervising Deputy Attorney General

14 DESIREE I. KELLOGG  
Deputy Attorney General  
15 *Attorneys for Complainant*

19 SD2021800821  
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1 I have read and fully discussed with Respondent Shiv Corporation Inc., dba Medcare LTC  
2 Pharmacy and Bhupesh D. Patel the terms and conditions and other matters contained in the  
3 above Stipulated Settlement and Disciplinary Order. I approve its form and content.

4 DATED: 3/4/2022

  
HERBERT L. WEINBERG  
Attorney for Respondent

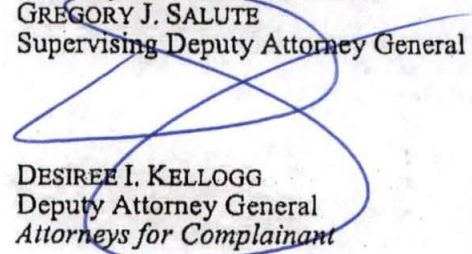
6 **ENDORSEMENT**

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

9 DATED: 3/4/22

Respectfully submitted,

10  
11 ROB BONTA  
Attorney General of California  
12 GREGORY J. SALUTE  
Supervising Deputy Attorney General

13  
14   
15 DESIREE I. KELLOGG  
Deputy Attorney General  
16 Attorneys for Complainant

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## **Exhibit A**

**Accusation No. 7140**

1 ROB BONTA  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 DESIREE I. KELLOGG  
Deputy Attorney General  
4 State Bar No. 126461  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9429  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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. 7140

14 **SHIV CORPORATION INC.,**  
15 **DBA MEDCARE LTC PHARMACY,**  
16 **BHUPESH D. PATEL, SHAREHOLDER**  
17 **AND OFFICER**  
18 **1223 N. Euclid Street**  
19 **Anaheim, CA 92801**

**ACCUSATION**

20 **Pharmacy Permit No. PHY 51633,**

21 **JIGNASA NIMESH PATEL**  
22 **1330 East Corbett Drive**  
23 **Placentia, CA 92870**

24 **Pharmacist License No. RPH 70082,**

25 **and**

26 **BHUPESH D. PATEL**  
27 **5252 Marview Drive**  
28 **La Palma, CA 90623**

**Pharmacist License No. RPH 46189**

Respondents.

1 **PARTIES**

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

4 2. On or about October 23, 2013, the Board issued Pharmacy Permit Number PHY  
5 51633 to Shiv Corporation, Inc., dba Medcare LTC Pharmacy. (Medcare LTC Pharmacy).  
6 Bhupesh D. Patel is the pharmacist-in-charge of Medcare LTC Pharmacy and the majority  
7 shareholder and an officer of Shiv Corporation, Inc. Renuka Patel is also a shareholder of Shiv  
8 Corporation, Inc. The Pharmacy License was in full force and effect at all times relevant to the  
9 charges brought herein and will expire on October 1, 2021, unless renewed.

10 3. On or about October 16, 2013, the Board of Pharmacy issued Pharmacist License  
11 Number RPH 70082 to Jignasa Nimesh Patel (Jignasa Patel). The Pharmacist License was in full  
12 force and effect at all times relevant to the charges brought herein and will expire on November  
13 30, 2022, unless renewed.

14 4. On or about May 7, 1993, the Board of Pharmacy issued Pharmacist License Number  
15 RPH 46189 to Bhupesh D. Patel (Bhupesh Patel). The Pharmacist License was in full force and  
16 effect at all times relevant to the charges brought herein and will expire on May 31, 2022, unless  
17 renewed.

18 **JURISDICTION**

19 5. This Accusation is brought before the Board under the authority of the following  
20 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
21 indicated.

22 6. Code Section 4011 provides that the Board shall administer and enforce both the  
23 Pharmacy Law (Code, § 4000 *et seq.*) and the Uniform Controlled Substances Act (Health &  
24 Safety Code, § 11000 *et seq.*).

25 7. Code section 4300, subdivision (a) provides that every license issued by the Board  
26 may be suspended or revoked.

27 8. Code section 4300.1 states:

28 The expiration, cancellation, forfeiture, or suspension of a board-issued license

1 by operation of law or by order or decision of the board or a court of law, the  
2 placement of a license on a retired status, or the voluntary surrender of a license by a  
3 licensee shall not deprive the board of jurisdiction to commence or proceed with any  
4 investigation of, or action or disciplinary proceeding against, the licensee or to render  
5 a decision suspending or revoking the license.

### 6 **STATUTORY PROVISIONS**

7 9. Code section 4113, subdivision (c) states:

8 The pharmacist-in-charge shall be responsible for a pharmacy's compliance  
9 with all state and federal laws and regulations pertaining to the practice of pharmacy.

10 10. Code section 4301 states in pertinent part:

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

15 ...

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

19 ...

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

22 ...

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

28 ...

11. Code section 4307, subdivision (a) states:

Any person who has been denied a license or whose license has been revoked  
or is under suspension, or who has failed to renew his or her license while it was  
under suspension, or who has been a manager, administrator, owner member, officer,  
director, associate, or partner of any partnership, corporation, firm, or association  
whose application for a license has been denied or revoked, is under suspension or  
has been placed on probation, and while acting as the manger, administrator, owner,  
member, officer, director, associate, or partner had knowledge or knowingly  
participated in any conduct for which the license was denied, revoked, suspended, or  
placed on probation, shall be prohibited from serving as a manger, administrator,  
owner, member, officer, director, associate, or partner of a licensee as follows:

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

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

### **REGULATORY PROVISIONS**

12. Section 1714, subdivisions (b) and (d) of title 16, California Code of Regulations state:

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

...

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

13. Section 1715 of title 16, California Code of Regulations states:

(a) The pharmacist-in-charge of each pharmacy as defined under section 4029 or section 4037 of the Business and Professions Code shall complete a self-assessment of the pharmacy's compliance with federal and state pharmacy law. The assessment shall be performed before July 1 of every odd-numbered year. The primary purpose of the self-assessment is to promote compliance through self-examination and education.

(b) In addition to the self-assessment required in subdivision (a) of this section, the pharmacist-in-charge shall complete a self-assessment within 30 days whenever:

(1) A new pharmacy permit has been issued, or

(2) There is a change in the pharmacist-in-charge, and he or she becomes the new pharmacist-in-charge of a pharmacy.

(3) There is a change in the licensed location of a pharmacy to a new address.

(c) The components of this assessment shall be on Form 17M-13 (Rev. 10/14) entitled "Community Pharmacy Self-Assessment Hospital Outpatient Pharmacy Self-Assessment" or and on Form 17M-14 (Rev. 10/14) entitled "Hospital Pharmacy Self-Assessment" which are hereby incorporated by reference to evaluate compliance with federal and state laws and regulations.

(d) Each self-assessment shall be kept on file in the pharmacy for three years after it is performed.

14. Section 1793.7, subdivision (b) of title 16, California Code of Regulations states:

Pharmacy technicians must work under the direct supervision of a pharmacist and in such a relationship that the supervising pharmacist is fully aware of all activities involved in the preparation and dispensing of medications, including the maintenance of appropriate records.

15. Section 1301.75, subdivision (b) of title 21, Code of Federal Regulations states:

Controlled substances listed in Schedules II, III, IV, and V shall be stored in a securely locked, substantially constructed cabinet. However, pharmacies and institutional practitioners may disperse such substances throughout the stock of noncontrolled substances in such a manner as to obstruct the theft or diversion of the controlled substances.

### **COST RECOVERY**

16. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee 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.

### **FACTUAL ALLEGATIONS**

17. At all relevant times herein, Medicare LTC Pharmacy was a closed door pharmacy dispensing medications to patients in assisted living, hospice and board and care facilities. Medicare Pharmacy was a community pharmacy located next door to Medicare LTC Pharmacy. There were no interior doors, windows or other openings between the pharmacies. Jignasa Patel was a staff pharmacist at both Medicare Pharmacy and Medicare LTC Pharmacy while Bhupesh Patel was the pharmacist-in-charge and owner.

18. While physically working in Medicare Pharmacy, Jignasa Patel gave pharmacy technicians and clerks the keys to Medicare LTC Pharmacy to enter and work in the pharmacy without supervision by a pharmacist.

19. At Medicare LTC Pharmacy, pharmacy technicians filled prescriptions without supervision by a pharmacist.

20. Medicare LTC Pharmacy maintained its inventory of dangerous drugs on open shelving and its inventory of controlled substances in an unlocked cabinet adjacent to a pharmacy clerk's desk, thereby allowing unfettered access to dangerous drugs and controlled substances.

1 Controlled substances were not stored in a securely locked, substantially constructed cabinet nor  
2 were they “dispersed throughout the stock of non-controlled substances in such a manner as to  
3 obstruct the theft or diversion of the controlled substances.”

4 21. Medcare LTC Pharmacy’s wholesaler delivered dangerous drugs when no pharmacist  
5 was present. Pharmacist Jignasa Patel accepted, signed for and permitted these deliveries while  
6 she was physically present at Medcare Pharmacy.

7 22. When the Board’s inspectors discovered a pharmacy technician and clerk alone in  
8 Medcare LTC Pharmacy, Jagnasa Patel and Bhupesh Patel falsely told the inspectors that  
9 Bhupesh Patel opened the pharmacy and just left it briefly to run an errand.

10 23. At the time of the inspection in September 2020, Medcare LTC Pharmacy had not  
11 completed a pharmacy self-assessment since July 1, 2017.

#### 12 **FIRST CAUSE FOR DISCIPLINE**

##### 13 **(Commission of Acts Involving Dishonesty or Deceit**

##### 14 **Against Bhupesh Patel and Jagnasa Patel)**

15 24. Bhupesh Patel and Jagnasa Patel are subject to disciplinary action under Code section  
16 4301, subdivision (f), for committing acts involving dishonesty or deceit, as described above.

#### 17 **SECOND CAUSE FOR DISCIPLINE**

##### 18 **(Failure to Maintain Security of Drugs against Respondents)**

19 25. Respondents are subject to disciplinary action under Code section 4301, subdivision  
20 (o), for violating title 16, California Code of Regulations, section 1714, subdivision (b) and title  
21 21, Code of Federal Regulations, section 1301.75, subdivision (b), because, as described above,  
22 they failed to maintain the security of dangerous drugs and to maintain controlled substances in a  
23 securely locked and substantially constructed cabinet.

#### 24 **THIRD CAUSE FOR DISCIPLINE**

##### 25 **(Failure to Complete Pharmacy Self-Assessment Against Medcare LTC Pharmacy and** 26 **Bhupesh Patel)**

27 26. Respondents Medcare LTC Pharmacy and Bhupesh Patel are subject to disciplinary  
28 action under Code section 4301, subdivision (o), for violating California Code of Regulations,

1 title 16, section 1715, in that they failed to complete a pharmacy self-assessment, as described  
2 above.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Possession of Pharmacy Keys by Pharmacy Technicians Against**  
5 **Respondents)**

6 27. Respondents are subject to disciplinary action under Code section 4301, subdivision  
7 (o), for violating California Code of Regulations, title 16, section 1714, subdivision (d) for  
8 allowing pharmacy technicians and clerks to possess keys to the pharmacy where dangerous  
9 drugs and controlled substances are stored, as described above.

10 **FIFTH CAUSE FOR DISCIPLINE**

11 **(Failure to Provide Direct Supervision of Pharmacy Technicians Against**  
12 **Respondents)**

13 28. Respondents are subject to disciplinary action under Code section 4301, subdivision  
14 (o), for violating California Code of Regulations, title 16, sections 1793.7, subdivision (b) for  
15 failing to supervise pharmacy technicians, as described above.

16 **SIXTH CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct against Respondents)**

18 29. Respondents are subject to disciplinary action under Code section 4301 for  
19 unprofessional conduct because they engaged in the activities described above.

20 **OTHER MATTERS**

21 30. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY  
22 51633 issued to Shiv Corporation Inc., dba Medcare LTC Pharmacy, it shall be prohibited from  
23 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a  
24 licensee for five years if Pharmacy Permit Number PHY 51633 is placed on probation or until the  
25 Pharmacy Permit is reinstated if it is revoked.

26 31. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY  
27 51633 issued to Shiv Corporation Inc., dba Medcare LTC Pharmacy, while Bhupesh D. Patel has  
28 been an owner or manager and had knowledge of or knowingly participated in any conduct for



1 which the licensee was disciplined, he shall be prohibited from serving as a manager,  
2 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if  
3 the Pharmacy Permit is placed on probation or until the Pharmacy Permit is reinstated, if it is  
4 revoked.

5 32. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.  
6 RPH 46189 issued to Bhupesh D. Patel, he shall be prohibited from serving as a manager,  
7 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if  
8 the Pharmacist License is placed on probation or until the Pharmacist License is reinstated, if it is  
9 revoked.

10 33. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.  
11 RPH 70082 issued to Jignasa Nimesh Patel, she shall be prohibited from serving as a manager,  
12 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if  
13 the Pharmacist License is placed on probation or until the Pharmacist License is reinstated, if it is  
14 revoked.

### 15 **PRAYER**

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

18 1. Revoking or suspending Pharmacy Permit Number PHY 51633, issued to Shiv  
19 Corporation Inc., dba Medcare LTC Pharmacy;

20 2. Revoking or suspending Pharmacist License Number RPH 70082, issued to Jignasa  
21 Nimesh Patel;

22 3. Revoking or suspending Pharmacist License Number RPH 46189, issued to Bhupesh  
23 D. Patel;

24 4. Prohibiting Shiv Corporation Inc., dba Medcare LTC Pharmacy from serving as a  
25 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for  
26 five years if Pharmacy Permit Number PHY 51633 is placed on probation or until the Pharmacy  
27 Permit is reinstated, if it is revoked;

1           5.     Prohibiting Bhupesh D. Patel from serving as a manager, administrator, owner,  
2 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit  
3 Number PHY 51633 is placed on probation or until the Pharmacy Permit is reinstated, if it is  
4 revoked;

5           6.     Prohibiting Bhupesh D. Patel from serving as a manager, administrator, owner,  
6 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License  
7 Number RPH 46189 is placed on probation or until the Pharmacist License is reinstated, if it is  
8 revoked;

9           7.     Prohibiting Jignasa Nimesh Patel from serving as a manager, administrator, owner,  
10 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License  
11 Number RPH 70082 is placed on probation or until the Pharmacist License is reinstated, if it is  
12 revoked;

13           8.     Ordering Shiv Corporation Inc., dba Medcare LTC Pharmacy, Jignasa Nimesh Patel,  
14 and Bhupesh D. Patel to pay the Board of Pharmacy the reasonable costs of the investigation and  
15 enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

16           9.     Taking such other and further action as deemed necessary and proper.  
17

18           DATED: 6/6/2021

Signature on File

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

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