



numbers used or sheer volume of sustained CDS medications being dispensed through the prescriptions; filled CDS prescriptions on New Jersey Prescription Blanks that were obviously counterfeit forms, altered or washed and altered; filled CDS prescriptions for one person in the names of several other persons; filled CDS prescriptions for patients receiving the same or similar medications from various physicians at the same time, without making contact or inquiry with the prescriber to verify the authorization of the prescription; filled CDS prescriptions under fictitious DEA numbers; billed third party insurers based upon prescriptions that he knew or should have known were fraudulent; and knew or should have known that persons engaged in the unlawful distribution of CDS medications were referring others seeking medication for similar purposes to Respondent and Family Pharmacy.

By Interim Consent Order filed on December 10, 2008, Respondent surrendered his license to practice pharmacy, effective from December 8, 2008 until further Order of the Board. He further agreed to discontinue business or sell Family Pharmacy to a Board approved purchaser before February 10, 2009. In addition to other requirements, the Order prohibited Respondent from being present in the prescription filling area of any pharmacy.

On or about March 9, 2010, Respondent was observed in the prescription filling area of Gloucester Pharmacy, Gloucester, NJ. Respondent's presence in the prescription filling area is in violation of the Interim Consent Order filed on December 10, 2008. When asked to explain his conduct, Respondent stated that he was in

the pharmacy for the sole reason to arrange for the next payment owed him for the purchase of Family Pharmacy. The owner of Gloucester Pharmacy is the same individual who purchased Family Pharmacy from Respondent. Respondent claimed that he did not handle prescriptions or medications and that he did not violate the terms of the Interim Order in any other way. The owner of Gloucester Pharmacy confirmed that Respondent was not there to handle prescriptions or medications.

The Board finds that Respondent's conduct, as described above, provides grounds to take disciplinary action against Respondent's license to practice pharmacy in New Jersey pursuant to N.J.S.A. 45:1-21(m), in that, Respondent has dispensed controlled dangerous substances indiscriminately or without good cause and knew or should have known that the substances were to be used for unauthorized consumption or distribution.

The Board finds that Respondent's conduct, as described above, provides grounds to take disciplinary action against Respondent's license to practice pharmacy in New Jersey pursuant to N.J.S.A. 45:1-21(f), in that, Respondent has engaged in acts constituting a crime or offense involving moral turpitude and relating adversely to the activity regulated by the Board.

The Board finds that Respondent's conduct as described herein provides grounds to take disciplinary action against Respondent's license to practice pharmacy in New Jersey pursuant to N.J.S.A. 45:1-21 (b) (c) (d) and (e), in that, Respondent has engaged in the use or employment of dishonesty, fraud, deception, and

misrepresentation; Respondent has engaged in gross negligence and gross malpractice which endangered the life, health, welfare and safety of the public; Respondent has engaged in repeated acts of negligence and malpractice; and Respondent has engaged in multiple acts of professional misconduct.

The Board finds that Respondent's conduct as described above provides grounds to take disciplinary action against Respondent's license to practice pharmacy in New Jersey pursuant to N.J.S.A. 45:1-21(h) and N.J.A.C. 13:39-6.1(a) insofar as he failed to comply with the provisions of any act or regulation administered by the Board by failing to use his professional judgement to refuse to fill a prescription when there is sufficient reason to question the validity of the prescription, or if said prescription should not be filled so as to protect the health and welfare of the patient.

The Board finds that Respondent's conduct as described above provides grounds to take disciplinary action against Respondent's license to practice pharmacy in New Jersey pursuant to N.J.A.C. 13:45C-1.4 and N.J.S.A. 45:1-21(e) insofar as he failed to comply with a Board Order.

Respondent, being desirous of resolving this matter without the necessity of further formal proceedings, and having waived any right to same, and having agreed and given his voluntary consent to the within Order, and the Board having determined that this Order is sufficiently protective of the public health, safety and welfare, and all parties agreeing to the terms of this Order;

IT IS THEREFORE ON THIS 12<sup>th</sup> DAY OF MAY 2010,

**ORDERED AND AGREED THAT:**

1. Respondent's license to practice pharmacy in the State of New Jersey be and hereby is revoked with no re-application permitted for a minimum period of five years. The revocation shall be considered to have begun, effective December 8, 2008, the date respondent initially surrendered his license.

2. Respondent shall refrain from engaging in any operation of any pharmacy in the State of New Jersey including but not limited to, advertising and/or marketing, purchasing, managing, or conducting any business with insurers or third party payors on behalf of any pharmacy, whether on or off the permitted premises.

3. Respondent shall continue to cease and desist from engaging in the practice of pharmacy, which includes, but is not limited to the following: respondent shall not handle, order, inventory, compound, count, fill, refill or dispense any drug; he shall not handle anything requiring a prescription, including devices and medications; he shall not handle prescriptions; he shall not advise or consult with patients, and he is prohibited from being present within any area of a pharmacy which is not open to the general public, including, but not limited to a prescription filling area of a pharmacy.

4. Respondent shall pay costs of investigation in the amount of \$16,159.12 and a civil penalty in the amount of \$5000 for a total of \$21,159.12 in consecutive monthly installments of no less than \$500 per month, which shall be due by the 15<sup>th</sup> of

each month, commencing May 15, 2010. Payment shall be made by check or money order made payable to the New Jersey Board of Pharmacy and mailed to the New Jersey State Board of Pharmacy, ATTN: Joanne Boyer, Executive Director, 125 Halsey Street, P.O. Box 45013, Newark, New Jersey 07101. In the event that Respondent fails to make any required monthly installment within 15 days of the date it is due, then the full amount shall become immediately due, interest shall begin to accrue at the annual court rule rate, and a Certificate of Debt shall be issued.

5. Prior to Board consideration of any petition for reinstatement of his license, respondent shall:

- a. Appear before the Board or a committee thereof to discuss his readiness to reenter the practice of pharmacy. At that time respondent shall be prepared to propose his plans for future practice in New Jersey and demonstrate compliance with this Order and evidence of rehabilitation to the Board's satisfaction.
- b. Provide documentation of his successful completion of the NAPLEX licensing examination with a score of 75 or better.
- c. Provide documentation of his successful completion of the Multi-state Pharmacy Jurisprudence Examination (MPJE) with a score of 75 or better.
- e. Provide documentation of successful completion of all continuing education credits required by N.J.A.C. 13:39-3A.1- 13:39-3A.7.
- f. Provide documentation of successful completion of all application requirements including a Criminal History Background Check and payment of all reinstatement fees
- g. Provide documentation of his successful completion, at his own expense, of either the ProBe or Prime ethics course. Successful completion means that

all sessions were attended, all assignments were properly and appropriately completed, and a passing grade was achieved which was unconditional and without reservation.

- h. Provide documentation that he has paid all costs and penalties pursuant to this Order and that he has no outstanding costs or penalties due to the Board.

6. Upon reinstatement of respondent's license to practice pharmacy, the Board, in its discretion, may impose any conditions or restrictions on licensure it deems necessary to protect the public health, safety and welfare.

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward McGinley  
Edward McGinley, P.P.  
President

I have read the within Order, understand its terms and agree to be bound by them. I consent to entry of the Order by the Board of Pharmacy.

Pravin Patel  
Pravin Patel, R.P.  
Respondent

Dated: 4-27-10

Consent as to Form and Content

Pamela Mandel  
Pamela Mandel, Esq.  
Attorney for Respondent

Dated: 4/29/10