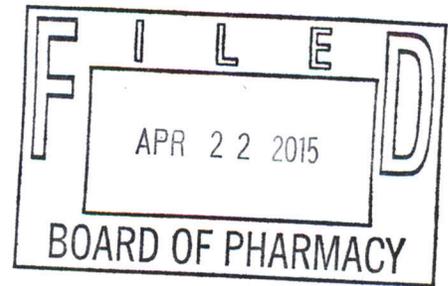


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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF

**SAMIR KUMAR PATEL, R.P.**  
License No. 28RI02755000

TO PRACTICE PHARMACY IN THE STATE  
OF NEW JERSEY

Administrative Action  
**CONSENT ORDER**

This matter was opened to the New Jersey State Board of Pharmacy ("The Board") upon receipt of inspection reports of Passaic Community Pharmacy (the "Pharmacy") on May 9, 2012 and January 3, 2013. The reports document violations of the Board's regulations regarding outdated and misbranded medications; unlicensed personnel performing tasks that should be done by a registered technician or pharmacist; and supportive personnel present in the pharmacy area without name tags. Samir Kumar Patel, R.P., ("Respondent") is the Registered Pharmacist in Charge of the Pharmacy and is responsible for ensuring that all pharmacy

statutes and regulations are followed in the pharmacy.

Respondent testified that after the inspection on May 9, 2012, where twenty-three (23) outdated medicines were found, he had quality control meetings with his staff and assigned his employees to different zones of the pharmacy to check for expired drugs. The May 9, 2012 inspection also reflected that not all employees in the pharmacy wore badges with name and title.

Nonetheless, at the January 3, 2013 inspection, more than one hundred medications were found to be outdated, misbranded, or returned to stock incorrectly; five (5) unlicensed employees were performing technician's duties; and two (2) supportive personnel did not have name tags.

Respondent testified that outdated medication violations found on the January 3, 2013 inspection were the result of renovations within the pharmacy that were completed the day prior to the inspection. During the three to four month period of construction, staff had been working out of boxes and did not regularly review inventory for expired medications. Upon completion of the renovation and installation of shelving, expired medications were placed back on the shelves with the rest of the inventory. Respondent claimed that Pharmacy staff did not have sufficient time to cull the expired medications prior to the inspection. Respondent acknowledged that his practice prior to his appearance before a committee of the Board on May 22, 2014 was to rip off the

label on return to stock medication and "whenever the expiration date comes to the drug if its more than one year we put one year. If its less than one year we put the exact expiration date on it." He testified that he now understands that return to stock medication should be used within six months of being placed on the shelf.

Uncertified personnel were present in the Pharmacy area as a result of the office, bathroom and kitchen only being accessible through the pharmacy. Respondent was unaware that scanning prescriptions could qualify as a task requiring the individual be a registered technician.

Respondent has now instituted a policy to assure compliance with N.J.A.C. 13:39-7 where drugs that have been returned to stock will not be dispensed more than six (6) months from the date the medication was originally prepared for dispensing. In addition, every individual who works in the Pharmacy Department is being registered as a pharmacy technician.

The Board finds that Respondent's actions provide grounds for disciplinary action pursuant to N.J.S.A. 45:1-21(d) in that Respondent has engaged in repeated acts of negligence due to his failure to have an adequate plan for the period of construction to ensure that outdated and misbranded medicines were segregated from the rest of the drug stock; failure to remove at least 14 medications from stock prior to the renovation; failure to

implement a policy preventing return to stock medication from being dispensed beyond the six month period allowed by law. The Board is also concerned that Respondent allowed non-licensed personnel access to the pharmacy area as they traveled to and from the kitchen area, adding to the disorganization and lack of attention to important details at the Pharmacy.

Respondent, being desirous of resolving this matter without the necessity of further formal proceedings, and agreeing to waive any right to same 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;

**ACCORDINGLY, IT IS on this 22nd day of April, 2015,  
ORDERED THAT:**

1. Respondent is assessed a civil penalty in the amount of five thousand dollars (\$5,000). Payment shall be made on or before May 15, 2015 by bank check, money order, wire transfer or credit card made payable to the New Jersey Board of Pharmacy and mailed to the New Jersey State Board of Pharmacy, ATTN: Anthony Rubinaccio, Executive Director, 124 Halsey Street, P.O. Box 45013, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. In the event that respondent fails to make timely payment, interest shall begin to accrue at the annual court rule rate, a Certification of Debt shall

be issued, and the Board may institute such other proceedings as are authorized by law.

2. Respondent must provide documentation of his successful completion of the Multi-State Pharmacy Jurisprudence Examination (MPJE) with a score of 75 or better within four (4) months of finalization of this Order.

3. Respondent agrees that if he does not successfully complete the Multi-state Pharmacy Jurisprudence Examination within the designated time he shall step down as Registered Pharmacist-in-Charge (RPIC) of Passaic Community Pharmacy and shall not accept employment as Registered Pharmacist-in-Charge at any pharmacy until and unless he successfully passes the MPJE with a score of 75 or better.

NEW JERSEY STATE BOARD OF PHARMACY

By: Thomas F.X. Bender, Jr. RPh  
Thomas F.X. Bender, R.Ph.  
President

I have read the within Order and understand it. I agree to be bound by its terms and hereby consent to it being entered by the New Jersey Board of Pharmacy.

[Signature]  
Sanir Kumar Patel, R.P.

Consent as to form and entry:

Pamela Mandel, Esq. 4/21/15  
Attorney for Respondent