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BOARD OF PHARMACY

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 **SANJAY I. PATEL, R.Ph.,** **License No. RI211360** TO PRACTICE PHARMACY IN THE STATE OF NEW JERSEY	Administrative Action **COMPLAINT**

JOHN J. HOFFMAN, Acting Attorney General of New Jersey, by Christopher Salloum, Deputy Attorney General, with offices at 124 Halsey Street, PO Box 45029, Newark, New Jersey 07101, upon information and belief, by way of Complaint, says as follows:

GENERAL ALLEGATIONS

1. Complainant, John J. Hoffman, Acting Attorney General of New Jersey, is charged with enforcing the laws of the State of New Jersey pursuant to N.J.S.A. 52:17A-4(h), and is empowered to initiate administrative disciplinary proceedings against persons

licensed by the New Jersey State Board of Pharmacy ("Board") pursuant to N.J.S.A. 45:1-14 et seq.

2. The Board is charged with the duty and responsibility of regulating the practice of pharmacy in the State of New Jersey pursuant to N.J.S.A. 45:1-14 et seq., and N.J.S.A. 45:14-40 et seq.

3. Sanjay I. Patel ("Respondent") is licensed to practice pharmacy in the State of New Jersey, and possesses license number RI211360.

4. By Consent Order filed May 15, 2008, the Board suspended Respondent's license to practice pharmacy in the State of New Jersey "for a minimum of six months, or until his license to practice pharmacy in the State of New York is reinstated without restriction, whichever is longer" ("2008 Order").

5. Because Respondent's license to practice pharmacy in the State of New York has not been reinstated without restriction, Respondent's license to practice pharmacy in the State of New Jersey was, and remains, suspended during all times relevant to this Complaint.

6. Under the terms of the 2008 Order, Respondent agreed, among other things, to:

> cease and desist from engaging in the practice of pharmacy, including the following: respondent shall not handle, order, inventory, compound, count, fill, refill or dispense any drug; shall not

> handle anything requiring a prescription including devices and medications; shall not handle prescriptions; shall not advise or consult with any patient, and is prohibited from being present within the prescription filling area of any pharmacy[.]

COUNT ONE

7. Complainant restates and realleges the General Allegations above as if fully set forth verbatim herein.

8. Subsequent to the execution of the 2008 Order, Respondent sought and obtained employment as a pharmacist at East Orange Pharmacy and Surgicals, 310 Central Avenue, Suite 111, East Orange, New Jersey 07018 ("East Orange Pharmacy").

9. During his employment by East Orange Pharmacy, Respondent filled at least seventy-two (72) prescriptions on at least the following eighteen (18) dates: June 19, 2010, September 11, 2010, September 18, 2010, September 25, 2010, October 9, 2010, October 16, 2010, October 30, 1010, November 4, 2010, November 6, 2010, December 18, 2010, January 15, 2011, January 29, 2011, February 26, 2011, March 12, 2011, March 26, 2011, April 9, 2011, April 16, 2011, and May 14, 2011.

10. During his employment by East Orange Pharmacy, Respondent counseled at least six (6) patients on at least the following five (5) dates: June 19, 2010, September 25, 2010, October 9, 2010, March 12, 2011, and May 14, 2011.By filling prescriptions and

counseling patients while his license to practice pharmacy was suspended, Respondent engaged in the unlawful practice of pharmacy in violation of N.J.S.A. 45:14-49(a).

11. By engaging in the unlawful practice of pharmacy in violation of N.J.S.A. 45:14-49(a), Respondent failed to comply with the provisions of an act administered by the Board, thereby providing a basis for discipline pursuant to N.J.S.A. 45:1-21(h).

COUNT TWO

12. Complainant restates and realleges the General Allegations and the allegations of Count One above as if fully set forth verbatim herein.

13. During his employment by East Orange Pharmacy, Respondent was present within the prescription filling area of East Orange Pharmacy on at least eighteen (18) occasions between June 19, 2010 and May 14, 2011.

14. By engaging in the conduct described in this Complaint, Respondent failed to comply with the Board's 2008 Order, an order duly entered by the Board.

15. Respondent's failure to comply with the Board's 2008 Order constitutes professional misconduct pursuant to N.J.A.C. 13:45C-1.4, thereby providing a basis for discipline pursuant to N.J.S.A. 45:1-21(e).

WHEREFORE, the Acting Attorney General respectfully demands that the Board enter an Order:

1. Suspending or revoking Respondent's license to practice pharmacy pursuant to N.J.S.A. 45:1-21;

2. Imposing penalties upon the Respondent for each separate offense set forth herein, pursuant to N.J.S.A. 45:1-22, N.J.S.A. 45:1-25, and N.J.S.A. 45:1-18.2(b);

3. Imposing costs upon the Respondent, including, but not limited to, investigative costs, attorneys' fees, and costs of hearing, such as transcript costs, pursuant to N.J.S.A. 45:1-25(d); and

4. Providing such other and further relief as the Board shall deem just and appropriate.

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: _____
Christopher Salloum
Deputy Attorney General

Dated: December 17, 2015