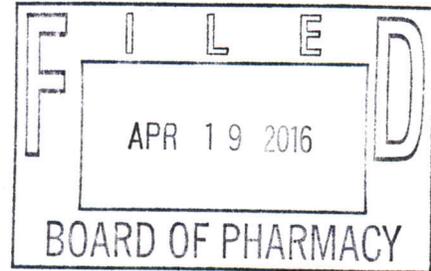


ROBERT LOUGY  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
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Tel. (973) 648-2779



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

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IN THE MATTER OF THE SUSPENSION OR  
REVOCAION OF THE LICENSE OF  
  
**SANJAY I. PATEL, R.Ph.,**  
**License No. RI211360**  
  
TO PRACTICE PHARMACY  
IN THE STATE OF NEW JERSEY

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: Administrative Action  
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: **CONSENT ORDER**  
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This matter was opened to the New Jersey State Board of Pharmacy ("Board") by Robert Lougy, Acting Attorney General of New Jersey, Christopher Salloum, Deputy Attorney General, appearing, upon receipt of information that the Respondent, Sanjay I. Patel, R.Ph., had violated the terms of a Board order.

By Consent Order filed May 15, 2008, the Board suspended the 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"). Because the Respondent's license to practice pharmacy in the State of New York has not been reinstated without restriction<sup>1</sup>, Respondent's license to practice pharmacy in this State was suspended during all times relevant hereto. Among other things, the 2008 Order expressly provided that the Respondent shall be "prohibited from being present within the prescription filling area of any pharmacy[.]"

In May 2012, the Board received an anonymous complaint alleging that Respondent had been observed violating the 2008 Order. A subsequent investigation revealed that Respondent had been present in the prescription filling area of East Orange Pharmacy on multiple occasions.

The Board finds that the Respondent's conduct, as described above, violated the terms of the 2008 Order, and, therefore, constitutes professional or occupational misconduct pursuant to N.J.A.C. 13:45C-1.4, thereby providing a basis for discipline against the Respondent pursuant to N.J.S.A. 45:1-21(e).

The Respondent, on the advice of counsel, agreeing to the terms of this Consent Order, and the Board, finding the within disposition adequately protective of the public health, safety, and welfare, and good cause having been shown:

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<sup>1</sup> Respondent's license to practice pharmacy in the State of New York was reinstated with restrictions on August 25, 2014.



IT IS, THEREFORE, on this 19<sup>th</sup> day of April 2016,

ORDERED AND AGREED that:

1. Respondent's license to practice pharmacy in the State of New Jersey shall be, and hereby is, suspended indefinitely pending further order of the Board.

2. Effective immediately, Respondent shall continue to cease and desist from engaging in the practice of pharmacy in this State, including, without limitation, the following restrictions: Respondent shall not handle, order, inventory, compound, count, fill, refill, or dispense any drug; Respondent shall not handle anything requiring a prescription, including devices and medications; Respondent shall not handle prescriptions; Respondent shall not advise or consult with patients; Respondent shall not be present within any area of a pharmacy in this State that is not open to the general public, including, without limitation, the prescription filling area of a pharmacy.

3. Respondent shall be, and hereby is, assessed a civil penalty in the amount of Eighteen Thousand and 00/100 Dollars (\$18,000) pursuant to N.J.S.A. 45:1-22 ("Civil Penalty"). Respondent shall pay \$9,000 of the Civil Penalty simultaneously upon the execution of this Order. The remainder of the Civil Penalty shall be stayed provided that the Respondent complies with the terms of this Consent Order. Failure to comply with the terms



of this Consent Order shall automatically activate the stayed civil penalty, which shall then be immediately due and owing.

4. Respondent shall be, and hereby is, assessed costs in the amount of Eleven Thousand Eight Hundred Ninety-Two and 40/100 Dollars (\$11,892.40) ("Costs"), of which \$7,812.40 represents investigative costs, and \$4,080.00 represents attorneys' fees. Beginning on May 13, 2016, Respondent shall pay the Costs in six monthly installments as follows: One Thousand Nine Hundred Eighty-Two and 07/100 Dollars (\$1,982.07) for the first five installments, and One Thousand Nine Hundred Eighty-Two and 05/100 Dollars (\$1,982.05) for the sixth and final installment, all of which shall be due by the thirteenth (13th) day of each month.

5. Respondent shall not submit, and the Board shall not entertain, an application seeking the reinstatement of his license unless and until Respondent demonstrates to the Board's reasonable satisfaction that:

a. Respondent's license in the State of New York has been reinstated without restriction;

b. Respondent has not engaged in the practice of pharmacy in any jurisdiction for at least sixty consecutive months;

c. Respondent has satisfied all continuing education obligations required by Board statutes and regulations;



d. Respondent remits payment of \$9,000, which represents the stayed amount of the Civil Penalty as described in paragraph three (3) above.

6. Upon the Respondent's submission of an application seeking the reinstatement of his license consistent with paragraph five (5) above, the Board shall consider scheduling the Respondent to appear before the Board, or a committee thereof, to discuss his readiness to reenter the practice of pharmacy in this State. At the time of his appearance, Respondent shall be prepared to propose and discuss his plans for future practice in the State of New Jersey, and to discuss how he will integrate the lessons learned during his suspension.

7. During any appearance that the Board might schedule pursuant to paragraph six (6) above, Respondent shall provide the Board with:

a. Evidence that he is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety, and welfare, and that he is not suffering from any mental or physical impairment that could affect his ability to practice;

b. A full account of his conduct during the intervening period of time from the Effective Date of this Order to his appearance before the Board.



8. Should the Board decide to grant the Respondent's application for the reinstatement of his license, the Board shall be permitted to impose restrictions on his return to practice, including, without limitation, the following:

a. A requirement that the Respondent attend and successfully complete any continuing education courses that the Board deems necessary and appropriate;

b. A requirement that the Respondent retain, at his sole expense, a Board-approved monitor who will review his practice of pharmacy and provide periodic reports to the Board regarding the Respondent's compliance with Board statutes and regulations;

c. A requirement that the Respondent successfully complete the NAPLEX licensing examination prior to the reinstatement of his license; and

d. A requirement that the Respondent successfully complete the Multistate Pharmacy Jurisprudence Examination with a score of seventy-five or better prior to the reinstatement of his license.

9. Nothing in this Order shall be construed to require the Board at any point to (a) provide the Respondent a hearing regarding any application that he may submit seeking the reinstatement of his license; or (b) grant the Respondent's application for the reinstatement of his license.



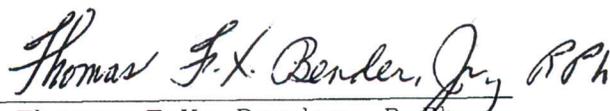
10. Any and all payments required to be made by this Consent Order shall be made by wire transfer or by bank check, money order, or certified check made payable to the State of New Jersey and sent to Executive Director Anthony Rubinaccio, New Jersey Board of Pharmacy, P.O. Box 45013, Newark, New Jersey 07101. Any payment in a form other than those noted herein shall be rejected and returned. Failure to make timely payment shall result in the filing of a Certificate of Debt pursuant to N.J.S.A. 45:1-24 for the total amount due and owing at the time the Certificate of Debt is filed. Subsequent violations of Board statutes, regulations, or orders, including this Consent Order, will subject Respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

11. This Order shall take effect on the date that the Order is filed ("Effective Date"), and shall supersede the 2008 Order.

12. The entry of this Consent Order shall be without prejudice to further investigation and/or action by this Board, the Attorney General, the Director of the Division of Consumer Affairs, or any other law enforcement entities resulting from Respondent's conduct not addressed by the terms of this Order.

NEW JERSEY STATE BOARD OF PHARMACY

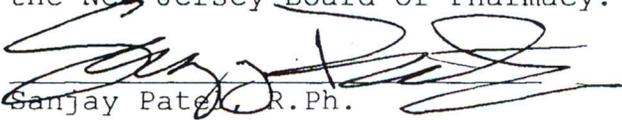
By:



Thomas F.X. Bender, R.Ph.  
President

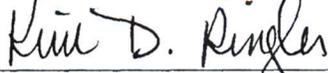
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I have read the within Order  
and understand it. I agree to  
be bound by its terms and hereby  
consent to it being entered by  
the New Jersey Board of Pharmacy.

  
Sanjay Patel, R.Ph.

Consent as to form and entry:

The Ringler Law Firm  
Attorneys for Respondent

By:   
\_\_\_\_\_  
Kim Ringler, Esq.