



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
Telephone: 614/466-4143

THE STATE BOARD OF PHARMACY
(Docket No. D-890920-050)

In The Matter Of:

PRAMESH PATEL, R.Ph.
1785 Hampton Knoll Drive
Akron, Ohio 44313
(R.Ph. No. 03-3-17034)

INTRODUCTION

THE MATTER OF PRAMESH PATEL CAME TO HEARING ON APRIL 25, 1990 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY MOORE, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; METTA LOU HENDERSON, R.Ph.; NORMAN LEIBOW, R.Ph.; BETTY NICHOL, R.Ph.; AND ROBERT VALENTINE, R.Ph.

PRAMESH PATEL WAS REPRESENTED BY JAMES L. BURDON, AND THE STATE OF OHIO WAS REPRESENTED BY STEVE DLOTT, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Connie Rininger
- (2) George Pavlich - Ohio Board of Pharmacy

Respondent's Witnesses:

- (1) Pramesh Patel, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter for Pramesh Patel, R.Ph. dated September 20, 1989.
- (2) Exhibit B - Letter from Pramesh Patel, R.Ph. and Attorney James L. Burdon, Attorney at Law requesting a hearing dated October 16, 1989.

- (3) Exhibit C - Hearing Schedule Letter for Pramesh Patel, R.Ph. dated October 26, 1989.
- (4) Exhibit D - Hearing Schedule Letter to reschedule hearing for Pramesh Patel, R.Ph. dated January 12, 1990.
- (5) Exhibit E - Letter from James L. Burdon, Attorney requesting hearing for Pramesh Patel, R.Ph. be continued dated March 7, 1990.
- (6) Exhibit F - Letter granting a continuance and scheduling hearing for Pramesh Patel, R.Ph. dated March 20, 1990.
- (7) Exhibit 1 - Original application for pharmacist licensure for Pramesh Patel, R.Ph.; letter with grades from licensing examination; and pharmacist renewal application for 1989.
- (8) Exhibit 2 - Interview by George Pavlich with Dr. Ivy Lee dated December 12, 1988.
- (9) Exhibit 3 - Prescription No. 371475 dated January 30, 1988.
- (10) Exhibit 4 - Prescription bottle for Prescription No. 371475 dated January 30, 1988.
- (11) Exhibit 4 - Voluntary Statement of Pramesh Patel, R.Ph. dated February 3, 1988.

Respondent's Exhibits:

- (1) Exhibit 1 - Letter from Phil Lagnese, Revco District Supervisor, dated April 23, 1990.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Pramesh Patel has been licensed as a pharmacist since August 3, 1987, and is currently employed at Revco Discount Drug Center #1326, 1400 S. Arlington St., Akron, Ohio 44306.
- (2) From the evidence presented, the State Board of Pharmacy finds that Pramesh Patel did, on or about January 30, 1988, while practicing pharmacy at Revco Discount Drug Center #1326, sell or deliver at retail or to the consumer without a prescription from a physician a drug which can be sold only on prescription, to wit: when presented with a prescription for two capsules of Seconal 100mg for patient Connie Rininger, Pramesh Patel dispensed two capsules of Tuinal 100mg. Such conduct is in violation of Section 3715.52(L) of the Ohio Revised Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that Pramesh Patel did, on or about January 30, 1988, sell or hold or offer for sale a drug that was misbranded pursuant to Section 3715.64(A)(11)(d), to wit: when presented with a prescription for two capsules of Seconal 100mg for patient Connie Rininger, Pramesh Patel dispensed two capsules of Tuinal 100mg. Such conduct is in violation of Section 3715.52(A) of the Ohio Revised Code.

- (4) From the evidence presented, the State Board of Pharmacy finds that Pramesh Patel did, on or about January 31, 1988, knowing that an investigation was likely to be instituted, destroy, conceal, or remove a record with purpose to impair its availability as evidence in such investigation, to wit: Pramesh Patel destroyed prescription number 371475, written for patient Connie Rininger, after having filled it contrary to the prescribing practitioner's orders. Such conduct is in violation of Section 2921.12 of the Ohio Revised Code.
- (5) From the evidence presented, the State Board of Pharmacy finds that Pramesh Patel did, on and after January 31, 1988, fail to retain on file a prescription and/or record of prescribing for a period of three years, to wit: by destroying prescription number 371475, Pramesh Patel failed to retain it. Such conduct is in violation of Section 4729.37 of the Ohio Revised Code and Rule 4729-5-17 of the Ohio Administrative Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (5) of the Findings Of Fact constitutes unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (5) of the Findings Of Fact constitutes willfully violating provisions of Chapters 3719. or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-3-17034, held by Pramesh Patel:

(A) On the basis of paragraph (1) and (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of five hundred dollars (\$500.00), due and owing within thirty (30) days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.

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Order of the Board

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Section 119.12 of the Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
#P 497 578 709

ORDER MAILED: JUNE 29, 1990

FZW/la

By



Franklin Z. Wickham, Executive Director

cc: Steve Dlott, Assistant Attorney General
James L. Burdon, Attorney for Respondent;
73 East Mill Street, Akron, Ohio 44308