

**ORDER OF THE OHIO BOARD OF PHARMACY**

(Case Number A-2023-0344)

In The Matter Of:

**Nirav R. Patel, RPh**  
7714 Hempston Circle  
Maineville, Ohio 45039  
(License No. 03-442290)

**INTRODUCTION**

On July 10, 2024, the Ohio Board of Pharmacy (Board) issued a Notice of Opportunity for Hearing (Notice) to Nirav Patel (Respondent) via registered email to Respondent's email of record with the Board. The Certified Record of Opening confirmed the Notice was delivered and opened on July 11, 2024. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within thirty days of service. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the matter came before the Board under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996) on February 4, 2025, before the following members of the Ohio Board of Pharmacy (Board): Mindy Ferris, RPh, *Presiding*; Jeff Huston, RPh, *Vice President*; Trina Buettner, RPh; Jason George, RPh; T.J. Grimm, RPh; Leonard Hubert, *Public Member*; Rich Miller, RPh; and Christine Pfaff, RPh.

Anthony Buchta, Sr., RPh; Absent.

Nirav Patel was not present and not represented by counsel. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

**State's Witnesses:**

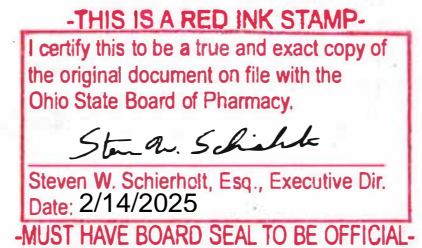
1. Michael Poe – Board Agent

**Respondent's Witnesses:**

1. None

**State's Exhibits:**

1. Notice Letter
2. Statement of Respondent
3. Statement of C.B.



4. Statement of C.C.
5. Statement of S.D.
6. Statement of J.H.
7. Records from Kroger
8. Texts #1
9. Texts #2
10. Proof of Service

Respondent's Exhibits:

- A. None

FINDINGS OF FACT

After hearing the testimony, observing the demeanor of the witnesses, considering the evidence, and weighing the credibility of each, the Board finds the following to be fact:

1. On or about July 11, 2023, Nirav Patel working as a pharmacist at Kroger Pharmacy, located at 6725 Dick Flynn Boulevard, Goshen, Ohio. Nirav Patel was the Responsible Person. C.C., who worked with him when he was the Responsible Person, was interviewed by an agent of the Board. She stated the following:
  - a. Nirav Patel immediately began flirting with employees while working as a pharmacist.
  - b. Mr. Patel gave preferential treatment to her and her cousin, B.B., who also worked with Mr. Patel. He texted technicians outside of work hours.
  - c. Mr. Patel would discuss his bedroom habits and “kinks” with B.B.
  - d. Mr. Patel and K.T. would touch each other in an intimate way, i.e. arms around shoulders, while working. Mr. Patel and K.T. would drive to/from work together.
2. J.H., who worked with Nirav Patel when he was the Responsible Person, was interviewed by an agent of the Board. She stated the following:
  - a. When Mr. Patel started working at the same pharmacy, she thought Mr. Patel was going to be a good manager “until [Mr. Patel] started coming on to the younger girls.”
  - b. Mr. Patel pursued B.B. pretty heavily, but then started seeing C.B., the youngest technician, who was 19 years old.
  - c. J.H. was told the following by C.B., the technician Mr. Patel was seeing:
    - i. Mr. Patel and C.B. had been dating since January 2023 and she was in love with him. This technician found out she was pregnant.
    - ii. Mr. Patel made statements about attempting self-harm, i.e. “I don’t want to live” and “my career is over, I might as well kill myself” and “I’m going to starve myself.”
    - iii. Mr. Patel drove her to a doctor’s visit and on the way home he drove the car onto the median of the road. She yelled at him to correct the car’s path. When she asked what he was doing, he replied “just thinking about killing us both.”
  - d. Mr. Patel told J.H. that she was becoming too involved with technicians.

3. A.B., who worked with Nirav Patel when he was the Responsible Person, was interviewed by an agent of the Board. She stated the following:
  - a. Mr. Patel dated K.T. who also worked at Kroger Pharmacy. The two of them were seen in the back corner of the pharmacy cuddling with an arm on the other person's shoulder.
  - b. When Mr. Patel was pursuing one of the other technicians, B.B., the two of them would flirt at the pharmacy. Mr. Patel afforded her special considerations, i.e. allowing her to work a flexible schedule to assist with childcare.
  - c. When B.B. decided not to pursue a relationship with him, he became hostile toward her. Mr. Patel was hard on her work and no longer allowed her to work a flexible schedule. He would send back prescriptions- stating there were data entry issues- even when there were not. It was around this time when B.B. called and advised him she could not come to work; Mr. Patel told her she would be fired if she did not come to work.
  - d. Mr. Patel's relationship with C.B. impacted the day-to-day operation of the pharmacy, i.e. C.B. would leave the pharmacy crying. Mr. Patel told staff she had mental health issues.
  - e. Mr. Patel became aware Kroger's Corporate Office was aware of his relationship with C.B. Mr. Patel began to give A.B. "grief" at this time. For example, when A.B. was out sick, he told the lead technician to fire her. When she was not fired, Mr. Patel told her to write up A.B. Note: A.B. never received formal discipline.
  - f. Mr. Patel yelled at her for "sticking up for [B.B.]" and stated he was "tired of everyone acting like bitches" and he was "sick of all the bullshit."
4. On or about July 12, 2023, an agent of the Board interviewed a pharmacist who worked with Nirav Patel when she was a pharmacy intern. She stated the following:
  - a. Mr. Patel sniffed her and made comments like "you smell good."
  - b. Mr. Patel was persistent with attempts to date her casually.
  - c. In a text message about work related issues, he stated "my mom thinks you're so beautiful, and you still owe me a date."
  - d. She was told by technicians Mr. Patel worked with that he "slid into their DMs."
  - e. Mr. Patel flirted by complimenting her and asked her out on dates over and over again.
5. C.B., who worked with Nirav Patel when he was the Responsible Person, was interviewed by an agent of the Board. She stated the following:
  - a. She confirmed she was in a romantic relationship with Mr. Patel. The relationship began when she was a technician and he was the Responsible Person.
  - b. The tone of the conversations changed when he started to say things like, "you look good today" and other compliments. Mr. Patel and C.B. mutually pursued each other.
  - c. She became pregnant with Mr. Patel's child.
  - d. The day that Mr. Patel went to a doctor appointment with her, she stated he lost focus and drifted into the median. They got into an argument when they got home. Mr. Patel stated, "you know, I just really wanted to end it today. I'm so tired of suffering." (Mr. Patel never stated what he wanted to end.)
6. On or about July 24, 2023, Nirav Patel was interviewed by an agent of the Board. He stated the following:

- a. When he worked as an Intern at Kroger, he dated [K.T.]. Everything with her occurred outside of work.
- b. He became the manager at Kroger (Goshen) on October 9, 2022.
- c. He liked developing friendships with technicians, as he liked to keep his staff happy.
- d. He developed a professional relationship with C.B. They worked together for about a month before anything started. They both ended their relationship and shortly after, she found out she was pregnant. Mr. Patel went “crazy” because he had just become a pharmacist.
- e. He spoke about the car ride with C.B. Mr. Patel stated he was “down” and had anxiety; he saw an object in the road and avoided that object.
- f. Around that time, he feared losing his job and pharmacist license and would be viewed as a failure by his patients. He told C.B. he didn’t know if he wanted to live anymore. He had back-to-back panic attacks. He told her he wanted to end his life.

#### CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of April 6, 2023, each violation constituting a minor misdemeanor:
  - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2)(b); and
  - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, ORC 4729.16(A)(2)(e); and
  - c. Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.16(A)(2)(l).
2. Such conduct as set forth in the Findings of Fact Section, each constitutes a violation of each of the following divisions of Rule 4729:1-4-01(B)(2) of the OAC as effective April 25, 2022:
  - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, OAC Rule 4729:1-4-01(B)(2)(b); and
  - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 4729. of the Revised Code, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925., 3796., 3719. or 4752. of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729:1-4-01(B)(2)(d); and
  - c. Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations,

speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired vehicle registration, OAC Rule 4729:1-4-01(B)(2)(k); and

- d. Failed to conform to prevailing standards of care of similar pharmacists under the same or similar circumstances, whether or not actual injury to a patient is established, OAC Rule 4729:1-4-01(B)(2)(n).

#### DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the Ohio Board of Pharmacy hereby imposes a reprimand on Nirav Patel's license to practice pharmacy in the State of Ohio, license no. 03-442290.

Further, pursuant to Section 4729.16 of the Ohio Revised Code, the Ohio Board of Pharmacy imposes the following terms:

1. Nirav Patel may not serve as a responsible person for a period of five years from the date of this Order. Following the five-year period, Nirav Patel may petition the Board for permission to serve as a responsible person. Mr. Patel must appear before the Board before such permission may be granted.
2. A monetary penalty in the amount of \$1,000.00. This fine will be attached to the license record for Nirav Patel and must be paid no later than 180 days from the date of this Order. To pay this fine, Nirav Patel must log in to [www.license.ohio.gov](http://www.license.ohio.gov) and process the items in the cart.
3. Nirav Patel must obtain three hours of approved continuing pharmacy education (0.3 CEUs) which may not also be used for license renewal. The 0.3 CEUs must include the following: two hours of ethics and one hour of sexual harassment training. The CEUs must be completed within six months from the effective date of this Order. Copies of completed CEUs must be e-mailed to [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov).

Ms. Pfaff moved for Findings of Fact; Mr. George seconded the motion. Motion passed (Yes-7/No-0).

Ms. Pfaff moved for Conclusions of Law; Mr. George seconded the motion. Motion passed (Yes-7/No-0).

Ms. Pfaff moved for Action of the Board; Mr. George seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

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

#### **TIME AND METHOD TO PERFECT AN APPEAL**

Any party desiring to appeal shall file a Notice of Appeal with the Ohio Board of Pharmacy, 77 South High Street, 17<sup>th</sup> Floor, Columbus, OH 43215, setting forth the order appealed from and stating that the agency's order is not supported by reliable, probative, and substantial evidence and is not in

accordance with law. The notice of appeal may, but need not, set forth the specific grounds of the party's appeal beyond the statement that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The Notice of Appeal shall also be filed by the appellant in the court of common pleas of the county in which the place of business of the licensee is located or the county in which the licensee is a resident. If the appellant is not a resident of and has no place of business in this state, the party may appeal to the court of common pleas of Franklin County. Such notices of appeal shall be filed within fifteen (15) days after the service of the notice of the Ohio Board of Pharmacy's Order as provided in Section 119.12 of the Ohio Revised Code.

**BY ORDER OF THE STATE BOARD OF PHARMACY**

ORDER MAILED & EFFECTIVE: **February 14, 2025**

By:



---

Steven W. Schierholt, Esq., Executive Director

SWS/alg/kl





**-THIS IS A RED INK STAMP-**  
I certify this to be a true and exact copy of the original document on file with the Ohio State Board of Pharmacy.  
*Steven W. Schierholt*  
Steven W. Schierholt, Esq., Executive Dir.  
Date: Jul 10, 2024  
**-MUST HAVE BOARD SEAL TO BE OFFICIAL-**

**NOTICE OF OPPORTUNITY FOR HEARING  
PROPOSAL TO TAKE DISCIPLINARY ACTION AGAINST LICENSEE**

**IN THE MATTER OF:**

**CASE NO. A-2023-0344**

**Nirav R. Patel, RPh**  
7714 Hempston Circle  
Maineville, Ohio 45039

**License No. 03-442290**

July 10, 2024

Dear Mr. Patel:

**You are hereby notified, in accordance with the provisions of Section 119.07 of the Ohio Revised Code the Ohio Board of Pharmacy (Board) proposes to take action against your license for violations of Chapter 4729. of the Revised Code and Section 4729 of the Administrative Code under authority of Section 4729.16 of the Revised Code.**

**JURISDICTION**

1. Pursuant to division (A)(1) of Section 4729.16 (effective April 6, 2023) of the Ohio Revised Code (ORC), the Board may impose any one or more of the following sanctions on a pharmacist or pharmacy intern if the Board finds the individual engaged in any of the conduct set forth in division (A)(2) of this section:
  - a. Revoke, suspend, restrict, limit, or refuse to grant or renew a license, ORC 4729.16(A)(1)(a); and/or
  - b. Reprimand or place the license holder on probation, ORC 4729.16(A)(1)(b); and/or
  - c. Impose a monetary penalty or forfeiture not to exceed in severity any penalty designated under the Revised Code for a similar offense or in the case of a violation of a section of the Revised Code that does not bear a penalty, impose a monetary penalty or forfeiture of not more than \$500, ORC 4729.16(A)(1)(c).
2. Rule 4729:1-4-01 of the Ohio Administrative Code (OAC) provides that the Board may discipline or deny the issuance of a license to practice pharmacy as a pharmacist in Ohio.
3. Nirav Patel is a licensed pharmacist in the State of Ohio under license number 03-442290.

**ALLEGATIONS**

1. On or about July 11, 2023, you were working as a pharmacist at Kroger Pharmacy, located at 6725 Dick Flynn Boulevard, Goshen, Ohio. You were the Responsible Person. C.C., who worked with you when you were the Responsible Person, was interviewed by an agent of the Board. She stated the following:
  - a. You immediately began flirting with employees while working as a pharmacist.
  - b. You gave preferential treatment to her and her cousin, B.B., who also worked with you. You texted technicians outside of work hours.
  - c. You would discuss your bedroom habits and “kinks” with B.B.
  - d. You and K.T. would touch each other in an intimate way, i.e. arms around shoulders, while working. You would drive to/from work together.
  
2. J.H., who worked with you when you were the Responsible Person, was interviewed by an agent of the Board. She stated the following:
  - a. When you started working at the same pharmacy, she thought you were going to be a good manager “until [you] started coming on to the younger girls.”
  - b. You pursued B.B. pretty heavily, but then started seeing C.B., the youngest technician, who was 19 years old.
  - c. J.H. was told the following by C.B., the technician you were seeing:
    - i. You and C.B. had been dating since January 2023 and she was in love with you. This technician found out she was pregnant.
    - ii. You made statements about attempting self-harm, i.e. “I don’t want to live” and “my career is over, I might as well kill myself” and “I’m going to starve myself.”
    - iii. You drove her to a doctor’s visit and on the way home you drove the car onto the median of the road. She yelled at you to correct the car’s path. When she asked what you were doing, you replied “just thinking about killing us both.”
  - d. You told J.H. that she was becoming too involved with technicians.
  
3. A.B., who worked with you when you were the Responsible Person, was interviewed by an agent of the Board. She stated the following:
  - a. You dated K.T. who also worked at Kroger Pharmacy. You two were seen in the back corner of the pharmacy cuddling with an arm on the other person’s shoulder.
  - b. When you were pursuing one of the other technicians, B.B., you two would flirt at the pharmacy. You afforded her special considerations, i.e. allowing her to work a flexible schedule to assist with childcare.
  - c. When B.B. decided not to pursue a relationship with you, you became hostile toward her. You were hard on her work and no longer allowed her to work a flexible schedule. You would send back prescriptions- stating there were data entry issues- even when there were not. It was around this time when B.B. called and advised you she could not come to work; you told her she would be fired if she did not come to work.
  - d. Your relationship with C.B. impacted the day-to-day operation of the pharmacy, i.e. C.B. would leave the pharmacy crying. You told staff she had mental health issues.
  - e. You became aware Kroger’s Corporate Office was aware of one of your relationships with C.B. You began to give A.B. “grief” at this time. For example, when A.B. was out sick, you told the lead technician to fire her. When she was not fired, you told her to write-up A.B. Note: A.B. never received formal discipline.

- f. You yelled at her for “sticking up for [B.B.]” and stated you were “tired of everyone acting like bitches” and you were “sick of all the bullshit.”
4. On or about July 12, 2023, an agent of the Board interviewed a pharmacist who worked with you when she was a pharmacy intern. She stated the following:
  - a. You sniffed her and made comments like “you smell good.”
  - b. You were persistent with attempts to date her casually.
  - c. In a text message about work related issues, you stated “my mom thinks you’re so beautiful, and you still owe me a date.”
  - d. She was told by technicians you worked with that you “slid into their DMs.”
  - e. You flirted by complimenting her and asked her out on dates over and over again.
5. C.B., who worked with you when you were the Responsible Person, was interviewed by an agent of the Board. She stated the following:
  - a. She confirmed she was in a romantic relationship with you. The relationship began when she was a technician and you were the Responsible Person.
  - b. The tone of your conversations changed when you started to say things like, “you look good today” and other compliments. You mutually pursued each other.
  - c. She became pregnant with your child.
  - d. The day that you went to a doctor appointment with her, she stated you lost focus and drifted into the median. You got into an argument when you got home. You stated, “you know, I just really wanted to end it today. I’m so tired of suffering.” (You never stated what you wanted to end.)
6. On or about July 24, 2023, you were interviewed by an agent of the Board. You stated the following:
  - a. When you worked as an Intern at Kroger, you dated [K.T.]. Everything with her occurred outside of work.
  - b. You became the manager at Kroger (Goshen) on October 9, 2022.
  - c. You liked developing friendships with technicians, as you liked to keep your staff happy.
  - d. You developed a professional relationship with C.B. You worked together for about a month before anything started. You both ended your relationship and shortly after she found out she was pregnant. You went “crazy” because you had just become a pharmacist.
  - e. You spoke about the car ride with C.B. You stated you were “down” and had anxiety; you saw an object in the road and avoided that object.
  - f. Around that time, you feared losing your job and pharmacist license and would be viewed as a failure by your patients. You told C.B. you didn’t know if you wanted to live anymore. You had back-to-back panic attacks. You told her you wanted to end your life.

#### **POTENTIAL VIOLATIONS OF LAW**

1. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of April 6, 2023, each violation constituting a minor misdemeanor, each punishable by a maximum penalty of \$150:

- a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2)(b); and/or
  - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, ORC 4729.16(A)(2)(e); and/or
  - c. Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.16(A)(2)(l).
2. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of each of the following divisions of Rule 4729:1-4-01(B)(2) of the OAC as effective April 25, 2022, each violation punishable by a maximum penalty of \$500:
- a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, OAC Rule 4729:1-4-01(B)(2)(b); and/or
  - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 4729. of the Revised Code, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925., 3796., 3719. or 4752. of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729:1-4-01(B)(2)(d); and/or
  - c. Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired vehicle registration, OAC Rule 4729:1-4-01(B)(2)(k); and/or
  - d. Failed to conform to prevailing standards of care of similar pharmacists under the same or similar circumstances, whether or not actual injury to a patient is established, OAC Rule 4729:1-4-01(B)(2)(n).

YOU ARE FURTHER NOTIFIED, in accordance with the provisions of Chapters 119. and 4729. of the Ohio Revised Code, that you are entitled to a hearing before the Ohio Board of Pharmacy, if you request such a hearing within thirty (30) days of the date of the service of this notice.

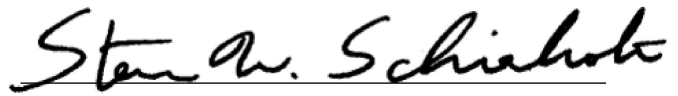
**IF YOU DESIRE A HEARING**, such request shall either be mailed to the Ohio Board of Pharmacy, Attn: Legal, 77 South High Street, 17<sup>th</sup> Floor, Columbus, Ohio 43215-6126 or an e-mail request may be sent to [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov) (**please note faxes will not be accepted**). **YOUR REQUEST MUST BE RECEIVED ON OR PRIOR TO THE 30<sup>TH</sup> DAY FOLLOWING THE SERVICE DATE OF THIS NOTICE.** Please note that if you submit a request via email, your request will be acknowledged within one business day of receipt. If you do not receive an acknowledgment, please contact the Board offices at 614-466-4143 and request the legal department. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your

position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

**YOU ARE FURTHER ADVISED that if there is no request for such a hearing received by the Board on or prior to the 30<sup>th</sup> day following the service of this notice, the Ohio Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing, and may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division RC 4729.16(A).**

**If you have questions regarding the Chapter 119. Administrative Hearing process, please e-mail your questions to [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov) or call the Board office at 614-466-4143 and ask for the legal department.**

BY ORDER OF THE STATE BOARD OF PHARMACY



Steven W. Schierholt, Esq., Executive Director

SWS/alg/kll

