

IN THE MATTER OF * BEFORE THE
KETANKUMAR PATEL, P.D. * STATE BOARD
License No. 10301 * OF
Respondent * PHARMACY

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Govt. Code Ann. §10-226 (c) (2004 Repl. Vol. and 2008 Supp.), the State Board of Pharmacy (the "Board") hereby suspends the license to practice pharmacy in Maryland issued to Ketankumar Patel, P.D., (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. § 12-101, et seq., (2000 Repl. Vol. and 2008 Supp.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

BACKGROUND

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first licensed on August 2, 1984. The Respondent's license expires on October 31, 2009.
2. At all times relevant hereto, the Respondent was the owner and sole pharmacist at Deepa, Inc., doing business as The Medicine Shoppe # 1183, located at 11813 ½ Reisterstown Road in Baltimore County, Maryland.
3. From on or about late 2007, a confidential source (CS) bought thousands of Oxycontin tablets from the Respondent, using forged prescriptions. With regard to those forged prescriptions, the Respondent gave the CS a note on how to better write

the prescriptions.

4. The CS used not only his/her name, but names of other persons to buy drugs. The CS also used names of various physicians. For some of these prescriptions, the Respondent billed insurers, including Medicaid.

5. The Respondent initially charged the CS \$750 cash per 60 tablets of 80 mg of OxyContin, but increased the price by March 2009 to \$1800 per prescription. By March 2009, the CS was passing five fraudulent prescriptions per week in exchange for \$7500 cash. The CS purchased as many as 600 OxyContin pills per week from the Respondent. The CS also purchased Percocet/oxycodone and other controlled drugs from the Respondent. The CS paid the Respondent approximately \$310,170 for the oxycodone products over the course of his relationship with the Respondent.

6. On June 30, 2009, the DEA served a search warrant on the Respondent and arrested the Respondent for illegal distribution of Oxycontin and other Controlled Dangerous Substances (CDS).

7. A grand jury issued a six-count indictment against the Respondent on that date, as follows:

Count One: from at least in or the beginning of 2008 up to and including the date of the indictment, the Defendant (the Respondent) and the pharmacy did knowingly and unlawfully agree to willfully distribute and possess with intent to distribute a mixture of substance which contains oxycodone, also known as OxyContin and Percocet, a Schedule II controlled substance, in violation of the Federal law;

Count Two: On or about March 26, 2009, the Defendants distributed a

mixture or substance containing oxycodone;

Count Three: On or about March 27, 2009, the Defendants did knowingly distribute a mixture or substance containing oxycodone;

Count Four: On or about April 1, 2009, the Defendants knowingly distributed a substance containing oxycodone;

Count Five: On or about May 21, 2009, the Defendants did knowingly distribute a quantity of a mixture or substance containing Alprazolam, also known as Xanax, a scheduled substance;

Count Six: On or about June 5, 2009, the Defendants did knowingly distribute a quantity of a mixture or substance containing Alprazolam, also known as Xanax.

8. Forfeiture was also instituted against the Defendants for \$310,170 by seizing the Respondent's property, including his residence, the pharmacy, bank accounts, and automobiles.

9. The Respondent faces a sentence of 20 years and a \$1 million fine.

10. The DEA revoked the Respondent's DEA registry for his pharmacist, which gave him permission to distribute controlled substances, and seized those substances.

FINDINGS OF FACT

1. As set forth above, by distributing Oxycontin and other controlled substances based on obviously forged prescriptions and, at times billing insurers for those drugs, including Medicaid, the Respondent is a threat to the public health, safety

or welfare.

2. The above actions also constitute violations of the Act. Specifically, the Respondent violated the following provision § 12-313 of the Act:

(b) Subject to the hearing provisions of § 12-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant for a pharmacist's license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:

(2) Fraudulently or deceptively uses a license;

(21) Is professionally...incompetent;

(24) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

(25) Violates any rule or regulation adopted by the Board [;].

In addition, the Board charges the Respondent with a violation of its Pharmacy and Pharmacist Technician Code of Conduct, Code Md. Regs. tit. 10 § .34.10. (January 28, 2008):

.01 Patient Safety and Welfare.

A. A pharmacist shall:

(1) Abide by all federal and State laws relating to the practice of pharmacy and the dispensing, distribution, storage, and labeling of drugs and devices, including but not limited to:

(a) United States Code, Title 21,

(b) Health-General Article, Titles 21 and 22, Annotated Code of Maryland,

(c) Health Occupations Article, Title 12, Annotated Code of Maryland,

(d) Criminal Law Article, Title 5, Annotated Code of Maryland, and

(e) COMAR 10.19.03;

(2) Verify the accuracy of the prescription before dispensing the drug or device if the pharmacist has reason to believe that the prescription contains an error; and

B. A pharmacist may not:

(1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist;

(3) Engage in unprofessional conduct.

CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Gov't. Code Ann. §10-226(c) (2) (2004 Repl. Vol.).

ORDER

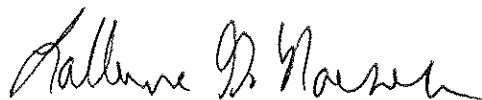
Based on the foregoing, it is therefore this 14th day of **July, 2009**, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted by the Board by Md. St. Gov't. Code Ann. §10-226(c) (2) (2004 Repl. Vol.), the license held by the Respondent to practice pharmacy in Maryland, License No. 10301, is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED, that upon the Board's receipt of a written request from the Respondent, a Show Cause Hearing shall be scheduled within a reasonable time of said request, at which the Respondent will be given an opportunity to be heard as to whether the Summary

Suspension should be continued, regarding the Respondent's fitness to practice pharmacy and the danger to the public; and be it further

ORDERED, that the Respondent shall immediately turn over to the Board his wall certificate and wallet-sized license to practice pharmacy issued by the Board; and be it further

ORDERED, that this document constitutes a final Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. State Gov't Code Ann. §10-617(h) (2004 Repl. Vol.).



LaVerne G. Naesea, Executive Director
Board of Pharmacy

NOTICE OF HEARING

A Show Cause hearing to determine whether the Summary Suspension shall be continued will be held before the Board at 4201 Patterson Avenue, Baltimore, 21215 following a written request by the Respondent for same.