

IN THE MATTER OF	*	BEFORE THE
SIDDHARTH PATEL	*	STATE BOARD
APPLICANT	*	OF
Registration No.: T06208	*	PHARMACY
(Non-Renewed)	*	Case No. PT-16-011

* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to Md. Health Occ. Ann. ("H.O.") §§ 12-101, *et seq.* (2014 Repl. Vol. II) (the "Act"), on May 6, 2016, the Board issued SIDDARTH PATEL, the Applicant, a Notice of Initial Denial regarding his application for reinstatement of his Pharmacy Technician (Pharm Tech) registration under the Act.

On July 6, 2016 a Case Resolution Conference was held in which the Board and the Applicant reached an agreement as follows:

The pertinent provisions of the Act state:

§ 12-6B-09. Grounds for reprimand or denial, probation, suspension, or revocation of registration:

Subject to the hearing provision of § 12-315 of this title, the Board may deny a pharmacy technician's registration to any applicant, reprimand a registered pharmacy technician, place any pharmacy technician's registration on probation, or suspend or revoke a pharmacy technician's registration if the applicant or pharmacy technician registrant:

- (2) Fraudulently or deceptively obtains or attempts to obtain a pharmacy technician's registration for the applicant or assists or attempts to assist another in fraudulently or deceptively obtaining a pharmacy technician's registration;
- (23) Violates any provision of this title;

(25) Violates any regulation adopted by the Board.

§ 12-6B-02. Qualifications

B (1) and (2) of this regulation.

(a) *In general.* -- To qualify for registration an applicant shall be an individual who:

* * *

(2) Meets the requirements of this section.

(b) *Good moral character; age; education.* -- The applicant shall:

(1) Be of good moral character [;].

The Board also denies the Respondent a registration for violating the following regulations Code Md. Regs. tit. 10 §34 (2008):

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(7) "Pharmacy student" means an individual who is enrolled as a student in a school or college of pharmacy approved by the Board or accredited by the Accreditation Council for Pharmacy Education.

.05 Pharmacy Students.

B. Pharmacy students performing pharmacy technician functions who are not in a school of pharmacy sanctioned experiential learning program shall:

(1) Submit to the Board a signed completed application for exemption from the registration requirements of Regulation .04 of this chapter; and;

(2) Comply with the following conditions:

- (a) Provide verification of enrollment and good standing at an accredited school of pharmacy;
 - (b) Pay an exemption fee as set forth in COMAR10.34.09;
 - (c) Submit a request for a State Criminal History Records check.
- C. A Pharmacy student may begin work under this exemption upon compliance with regulation. (Emphasis added)
- D. Pharmacy students granted an exemption from registration requirement of Regulation .04 of this chapter:
- (1) Are not subject to the renewal requirements as set forth in Regulation .08 of this chapter; and
 - (2) Shall provide to the Board proof of enrollment in good standing at an accredited school of pharmacy once a year and upon request of the Board.

FINDINGS OF FACT

1. The Applicant first applied for and was granted a Pharm Tech registration on August 14, 2009. The registration expired on August 31, 2012.

2. By document dated December 19, 2014, and received by the Board on March 10, 2015, the Applicant submitted a pharmacy student exemption application that allows an individual to practice pharmacy as a Pharm Tech while in pharmacy school. With that application was an affidavit of enrollment signed on December 19, 2014, by the Dean of University A¹. The affidavit also certified that the Applicant began his studies in August 2013 and would be completing them in May 2017.

3. Based upon the information in the affidavit and the application, on

¹All facilities are confidential.

March 13, 2015, the Board approved the Applicant's exemption as a student Pharm Tech. That exemption expired on its face on October 31, 2015.²

4. Pharmacy A, which is part of a pharmacy within a grocery store chain, hired the Applicant in its Gaithersburg, Montgomery County, Maryland location as a Student Pharm Tech on March 2, 2015. The Board did not authorize the Applicant to practice until March 13, 2015.

5. At the time that the Applicant submitted his Student Pharm Tech (exemption) application in March 2015, he had already dropped out of University A, which had certified that he was enrolled in its facility in December 2014, and qualified him to obtain a Student Pharm Tech exemption. The Applicant dropped out of school in January 2015, falsely applying for a student exemption when he was not a student.

6. By a document dated October 5, 2015, the Applicant submitted an application for a Pharm Tech registration reinstatement.

7. Under the "Personal Attestation Questions" of the application, Question 3 asks: "Have you surrendered or failed to renew a healthcare registration or license in any state?" The Applicant answered "No". This answer was false because the Applicant had allowed his Pharm Tech registration to expire in 2012.

8. By falsely obtaining a Pharm Tech student exemption in March 2015

²The exemption does not "expire" but the student needs to provide proof of enrollment in school by a certain date. In this instance, by October 31, 2015.

when he had already dropped out of school in January 2015 and working as a Pharm Tech with that student exemption from March to October 2015, the Applicant violated § 12-06B-09 (2), (23), (25) and § 12-6B-02 (a), (2) (b) (1), and COMAR 10.34.34.02.A and B-D.

9. By filling out his reinstatement application falsely, including the fact that he was no longer a student, that he had let his registration expire, and had practiced since that expiration, the Applicant violated §§12-06B-09 (2), (23), (25) and § 12-6B-02 (a), 2 (b) (1).

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Applicant violated §12-06B-09 (2), (23), (25) and § 12-6B-02 (a), 2 (b) (1).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the Board and the Applicant, it is this 6th day of September 2016, by a majority of a quorum of the Board,

ORDERED that the Applicant's Registration be REINSTATED, provided he is otherwise eligible for reinstatement;

ORDERED that the Applicant shall be immediately be placed on **PROBATION** for two years with the following conditions:

1. The Applicant shall provide a copy of the Consent Order to his

pharmacy employer(s) and ensure that his pharmacy employer(s) provide the Board with signed verification that a copy has been received;

2. The Applicant shall ensure that his pharmacy employer(s) provide quarterly progress reports to the Board;
3. The Applicant shall complete a six (6) hour Board-pre-approved continuing education course in ethics within the first 90 days of Probation;
4. Upon the first renewal of his registration following reinstatement, the Applicant shall submit to a State criminal history records check;
5. After completion of two years of Probation, the Applicant may petition the Board for termination of Probation provided that he has been fully compliant with the terms of Probation and there are no pending complaints filed against him; and,
6. The Respondent shall bear the costs of compliance with the Order.

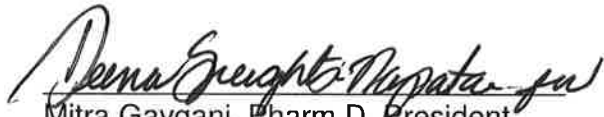
ORDERED that the Consent Order is effective as of the date of its signing by the Board; and be it

ORDERED that the Applicant shall practice in accordance with the laws and regulations governing the practice of pharmacy technicians in Maryland; and be it further

ORDERED that, should the Board receive information that the Applicant has

violated the Act or if the Applicant violates any conditions of this Order or of Probation, after providing the Applicant with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Applicant, including suspension or revocation. The burden of proof for any action brought against the Applicant as a result of a breach of the conditions of the Order or of Probation shall be on the Applicant to demonstrate compliance with the Order or conditions; and be it

ORDERED, that for purposes of public disclosure, as permitted by Md. General Provisions. Code Ann. §§ 4-101, *et seq.* (Repl. Vol. 2014), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order, and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.


Mitra Gavvani, Pharm.D. President
State Board of Pharmacy

CONSENT OF SIDDHARTH PATEL

I, Siddharth Patel, acknowledge that I am not represented by counsel, and knowingly and voluntarily waived my right to counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

9/2/16

Date

Siddharth Patel

Siddharth Patel

STATE OF Maryland :

CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 2nd day of September 2016, before me, JAYA CHAWLA, a Notary Public of the foregoing State and (City/County),
(Print Name)
personally appeared Siddharth Patel and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Jaya Chawla
Notary Public
Montgomery County, Maryland
Commission Exp: 2/21/2018



Notary Public

My Commission Expires: _____