

**BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA**

Re:)	Case No. 2004-59
Pharmacist License of)	
KIRITKUMAR V. PATEL,)	STATEMENT OF CHARGES
License No. 17569,)	
Respondent.)	

COMES NOW, the Complainant, Lloyd K. Jessen, and states:

1. He is the Executive Secretary/Director for the Iowa Board of Pharmacy Examiners (hereinafter referred to as the "Board") and files this Statement of Charges solely in his official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 155A and 272C (2003).
3. On February 19, 1991, the Board issued Respondent, Kiritkumar V. Patel, by examination, a license to engage in the practice of pharmacy in Iowa, as evidenced by license number 17569, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's Iowa pharmacist license renewal application is pending/current and active until June 30, 2005.
5. Respondent's current address is 1848 Maryland Drive, Elk Grove Village, IL 60007.

A. CHARGES

COUNT I – VIOLATION OF LAWS RELATING TO PHARMACY

Respondent is charged under Iowa Code §§ 155A.12(1) and 155A.12(8) (2003) and 657 Iowa Administrative Code § 36.1(4)(j) with violating a law of the United States which relates to the practice of pharmacy and the distribution of prescription drugs.

COUNT II – CONVICTION OF A FELONY

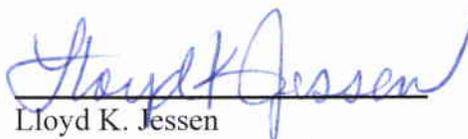
Respondent is charged under Iowa Code § 155A.12(1) (2003) and 657 Iowa Administrative Code § 36.1(4)(e) with conviction of a felony related to the profession of pharmacy.

B. CIRCUMSTANCES

On or about May 27, 2004, Respondent self-reported – in connection with his license renewal application – conviction of a felony (mail fraud) in connection with his practice of pharmacy in Illinois. A review of the records related to the conviction reveals the following:

1. Respondent pled guilty to one count of mail fraud in United States District Court, Northern District, Illinois, on October 8, 2002.
2. The conviction arose from Respondent filling prescriptions for Illinois Medicaid patients, then billing Illinois Medicaid for the service. The prescriptions were written by an Illinois physician who had been barred from the Illinois Medicaid program.

WHEREFORE, the Complainant prays that a hearing be held in this matter and that the Board take such disciplinary action as it may deem to be appropriate under the law.



Lloyd K. Jessen
Executive Secretary/Director

On this 15 day of December 2004, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



Michael J Seifert, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa

**BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA**

Re:)	ORDER
Pharmacist License of)	ACCEPTING
Kiritkumar V. Patel)	SURRENDER OF
License No. 17569)	PHARMACIST LICENSE

COMES NOW, Michael J. Seifert, Chairperson of the Iowa Board of Pharmacy Examiners, on the 16th day of November, 2005, and declares that:

1. On October 11, 2005, Respondent executed a voluntary surrender of his pharmacist license number 17569.

3. On November 16, 2005, the Board reviewed Respondent's voluntary surrender of his pharmacist license and agreed to accept it.

This surrender, pursuant to 657 Iowa Administrative Code § 36.15, shall be considered a revoked license with respect to any future request for reinstatement. Any request for reinstatement will be handled under terms established by 657 Iowa Administrative Code § 36.13.

WHEREFORE, it is hereby ordered that Respondent's voluntary surrender of his Iowa pharmacist license number 17569 is hereby accepted.

IOWA BOARD OF PHARMACY EXAMINERS



LEMAN E. OLSON, Vice Chairperson

VOLUNTARY SURRENDER OF PHARMACIST LICENSE

I, Kiritkumar V. Patel, a resident of Elk Grove Village, Illinois, of my own free will and without any mental reservation and not as a result of any inducement, promise or threat on the part of anyone, do hereby voluntarily surrender my State of Iowa pharmacist license, number 17569, to the Iowa Board of Pharmacy Examiners, for an indefinite period of time. This surrender of license shall become effective upon my notarized signature being affixed to this voluntary surrender document.

I, Kiritkumar V. Patel, of my own free will and without any mental reservation and not as a result of any inducement, promise or threat by any representative, officer, or employee of the Iowa Board of Pharmacy Examiners, or by any other state official, do hereby further acknowledge that by signing this surrender statement I am knowingly and willingly giving up my right to exercise the following legal rights:

- (1) My right to a formal hearing before the Iowa Board of Pharmacy Examiners on the matter of my continued licensure as a pharmacist pursuant to Iowa Code Chapter 155A (2005).
- (2) My right to be represented by an attorney in preparation for and during such formal hearing before the Iowa Board of Pharmacy Examiners.
- (3) My right to submit evidence and to have witnesses called on my own behalf at formal hearing.

I, Kiritkumar V. Patel, do hereby further acknowledge that, pursuant to 657 Iowa Administrative Code § 36.15, a pharmacist license that has been voluntarily surrendered shall be considered a revoked license with respect to any future request for reinstatement. Any request for reinstatement will be handled under terms established by 657 Iowa Administrative Code § 36.13, which provides:

Any person whose license to practice pharmacy or to operate a pharmacy or whose wholesale drug license or permit to handle precursor substances or whose pharmacy technician registration or pharmacist-intern registration has been revoked or suspended shall meet the following eligibility requirements for reinstatement:

36.13(1) Prerequisites. The individual shall satisfy all terms of the order of revocation or suspension or court proceedings as they apply to that revocation or suspension. If the order of revocation or suspension did not establish terms and conditions upon which reinstatement might occur, or if the license, registration, or permit was voluntarily surrendered, an initial application for

reinstatement may not be made until one year has elapsed from the date of the board's order or the date of voluntary surrender.

36.13(2) Pharmacist license revoked or surrendered--examinations required. A person whose license to practice pharmacy was revoked or voluntarily surrendered must successfully pass the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination as determined by NABP and the Multistate Pharmacy Jurisprudence Examination (MPJE), Iowa Edition.

36.13(3) Proceedings. The respondent shall initiate all proceedings for reinstatement by filing with the board an application for reinstatement of the license, registration, or permit. The application shall be docketed in the original case in which the license, registration, or permit was revoked, suspended, or surrendered. All proceedings upon petition for reinstatement, including all matters preliminary and ancillary thereto, shall be subject to the same rules of procedure as other cases before the board. The board and the respondent may informally settle the issue of reinstatement. The respondent may choose to have an informal reinstatement conference before the board, as provided in rule 36.14(17A,124B,147,155A,272C).

36.13(4) Burden of proof. An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the revocation or suspension no longer exists and that it will be in the public interest for the license, registration, or permit to be reinstated. The burden of proof to establish such facts shall be on the respondent.

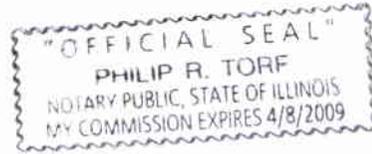
36.13(5) Order. An order for reinstatement shall be based upon a decision that incorporates findings of facts and conclusions of law and shall be based upon the affirmative vote of a quorum of the board. This order shall be available to the public as provided in 657--Chapter 14.

I, Kiritkumar V. Patel, hereby further give my assurance that, in the future, I shall not engage – in any manner – in the practices of a pharmacist in the State of Iowa for which a license is required.

OCTOBER, 11, 2005
Date of signature

Kiritkumar V. Patel
Kiritkumar V. Patel

State of ILLINOIS :
County of COOK : SS



Subscribed and sworn to before me by Kiritkumar V. Patel on this 11th day of OCTOBER 2005.

[Signature]
NOTARY PUBLIC FOR THE STATE OF ILLINOIS

Patel-surrender.doc

TORF LAW FIRM

555 SKOKIE BLVD • SUITE 500 • NORTHBROOK, ILLINOIS 60062

TELEPHONE: 847-291-3441 • FACSIMILE: 847-291-3436

October 21, 2005

Mr. Scott Galenbeck, Esq.
Iowa Attorney General's Office
Hoover State Office Building
2nd Floor
Des Moines, IA 50319

OCT 24 2005 (RD)

Re: Kiritkumar Patel

Dear Mr. Galenbeck:

I have enclosed the signed Voluntary Surrender of Pharmacist License. Thank you for your work on this matter. Please let me know if need any additional documents or information.

Very truly yours,



Philip R. Torf, R.Ph., J.D.