

STATE OF NORTH CAROLINA  
NORTH CAROLINA BOARD OF PHARMACY

In the Matter of: )

Rohitkumar S. Patel )  
(License No. 9077) )

**ORDER REINSTATING LICENSE  
WITH CONDITIONS**

THIS MATTER came on to be heard before the North Carolina Board of Pharmacy (the "Board") on November 17, 2008, pursuant to a Notice of Hearing, dated September 29, 2008, and was heard by Board President L. Stan Haywood and Board Members Rebecca W. Chater, Dr. J. Parker Chesson, Jr., Dr. Betty H. Dennis, Robert McLaughlin, Jr., and Wallace E. Nelson at the offices of the North Carolina Board of Pharmacy. Rohitkumar S. Patel (License No. 9077) (hereinafter, "Respondent" or "Patel") was present and was represented by counsel. After hearing the testimony of witnesses, adjudging the credibility of the witnesses, and receiving evidence, the Board hereby makes the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Between July 26, 1985 and May 14, 2007, Patel was licensed to practice pharmacy by the Board and was the holder of license number 9077.
2. On January 31, 2007, Patel was employed as a licensed pharmacist working at Gaston Memorial Hospital Pharmacy through a temporary employment agency.
3. On that date, Patel reported to work at Gaston Memorial Hospital Pharmacy at approximately 9:00 a.m. and shortly thereafter was found by pharmacy staff to be severely impaired. Patel was taken to the emergency room at Gaston Memorial Hospital Pharmacy.

When his blood was tested at approximately 12:04 p.m., Patel had a blood alcohol content of 371 mg/dl.

4. On May 14, 2007, Patel voluntarily surrendered his license to practice pharmacy.

5. On September 19, 2007, Patel voluntarily entered into a program of substance abuse treatment and monitoring with North Carolina Pharmacist Recovery Network, Inc. ("NCPRN").

6. In January 2008, Patel entered a ninety (90) day alternative treatment program at an ashram in India, referred by Mr. Jeff Georgi of the Duke University Medical Center. Patel completed the treatment program and continues to maintain spiritual and medical advisors in India and in the United States.

7. On May 14, 2008, Patel reported for an evaluation at the Professional Renewal Center ("PRC"). The evaluation was completed on May 21, 2008.

8. PRC determined that Mr. Patel suffered from alcohol dependency that was in early remission. PRC made eight (8) specific recommendations, including maintaining regular meetings and consultations with Patel's spiritual advisers and others in his faith community. Patel has complied, and continues to comply, with the recommendations directed to his conduct.

9. Paul Peterson, Executive Director of NCPRN, testified that Patel has been in recent compliance with his NCPRN contract.

#### **CONCLUSIONS OF LAW**

The evidence demonstrates, and the Board concludes, that Patel has violated North Carolina General Statutes Section 90-85.38(a)(3). However, Patel has demonstrated that he has been in a period of successful recovery and compliance with his NCPRN contract. The Board, in

its discretion, concludes that Patel can safely resume the practice of pharmacy upon the satisfaction of certain conditions set forth below.

**IT IS THEREFORE ORDERED** that Patel's request that his license to practice pharmacy be reinstated is hereby **GRANTED**. Mr. Patel's license is reinstated, subject to the following conditions:

1. Before reinstatement, Patel shall take and pass the Multistate Pharmacy Jurisprudence Examination, administered by National Association of Boards of Pharmacy.
2. Patel shall abstain from the use of alcohol and all other mood-altering chemicals unless they are specifically prescribed by his treating physician.
3. Patel shall continue participation in the practices that he has currently established with the approval of his spiritual and medical advisors.
4. Patel shall enter a new intensive monitoring contract with NCPRN for a period of five (5) years from the date of his reinstatement and shall comply with each and every requirement of the contract. Such contract will include random, unannounced urine toxicology screening for alcohol and substances of abuse for as long as Patel is a participant in the NCPRN contract, and such tests may include breathalyzer studies, standard drug screens, and urine tests for ethyl glucuronide. Such tests are to be performed at his expense by the Board or its agents, and Patel shall supply urine, blood, hair, nail, or any other bodily fluid or tissue sample required for the screening. Results of the screening shall not disclose the presence of any controlled substances, prescription drug, or alcohol, which was not previously prescribed for Patel by a practitioner acting in the normal course of medical treatment of Patel.

5. Patel shall participate in regular educational programming and meetings as requested by NCPRN.

6. Patel shall consult with a licensed mental health and substance abuse professional and develop a comprehensive plan for ongoing treatment to be approved by NCPRN and the Board's Executive Director before Patel's license may be reinstated.

7. Patel shall advise the Board promptly in writing of any change of address or change in practice status.

8. Patel shall obtain prior approval of all employment as a pharmacist from the Board's Executive Director.

9. Patel shall not serve as pharmacist manager of any pharmacy.

10. Patel shall not serve as a preceptor of pharmacy students.

11. Patel may not be employed as a pharmacist more than forty (40) hours per week, on the average.

12. Patel shall authorize NCPRN and any treating physician or other health care provider to release Patel's medical records to the Board.

13. Prior to the commencement of employment as a pharmacist, Patel shall submit documentation of his current continuing education hours to the Board's Executive Director.

14. Patel shall violate no laws governing the practice of pharmacy or the distribution of drugs.

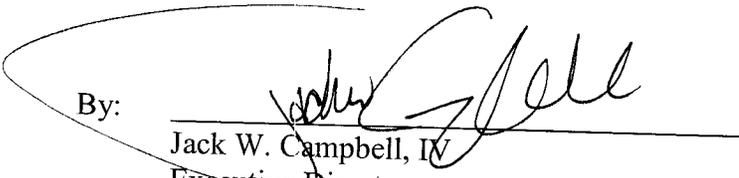
15. Patel shall violate no rules or regulations of the Board.

16. If Patel fails to comply with any terms or conditions of the Order, Patel may be subject to additional disciplinary action by the Board.

This, the 24<sup>th</sup> day of November, 2008.

NORTH CAROLINA BOARD OF PHARMACY

By:



Jack W. Campbell, IV  
Executive Director

**CERTIFICATE OF SERVICE**

I certify that on November 25, 2008, I caused a copy of this Order Reinstating License with Conditions to be served on Petitioner by registered mail, return-receipt requested.

  
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Jack W. Campbell IV  
Executive Director