



TEXAS STATE BOARD OF PHARMACY

April 17, 2009

Minutes of the Temporary Suspension Hearing of Raven's Corner Pharmacy and Vikas Patel

Chairman Dennis F. Wiesner, R.Ph., called the meeting to order at 12:35 p.m., in conference room number 400A, Tower II, 333 Guadalupe Street, Austin, Texas 78701. Board Members, W. Benjamin Fry, R.Ph. and Kim A. Caldwell, R.Ph. (via teleconference) were present.

Staff present: Gay Dodson, R.Ph., Executive Director/Secretary; Kerstin E. Arnold, General Counsel; Julie C. Hildebrand, Litigation Counsel; Wayne Jones, Investigator; Karen Guenther, Compliance Inspector; and Tabatha Lowden, Legal Assistant.

Respondents: C. Dean Davis and Amanda Ellis, Counsels for Raven's Corner Pharmacy and Vikas Patel; and Vikas Patel.

Also Present: Paul Holder, R.Ph., Pharm.D., Assistant Director of Enforcement; Caroline Hotchkiss, Staff Attorney; Sharon Dimmick, Compliance Inspector; Sueli Tovar, Pharmacist Intern; Cindy Sanchez, employee of Raven's Corner Pharmacy; and Dr. Patel, family member of Vikas Patel.

Court Reporter: Tonda Werchan.

A. Opening:

The Chairman called the case of the Application for the Temporary Suspension in the Matter of the pharmacy license #23198 issued to Raven's Corner Pharmacy and the pharmacist license #41161 issued to Vikas Patel. He inquired into whether or not a panel member wished to be recused. Mr. Fry and Mr. Caldwell answered no.

The Chairman requested the parties to go on record stating their names and who they are representing beginning with the Board's staff attorney and then the Respondents.

Board Staff: Julie Hildebrand, attorney for the Board.

Respondents: C. Dean Davis and Amanda Ellis, attorneys for Raven's Corner Pharmacy and Vikas Patel.

B. Presentation by Board's Staff Attorney Julie Hildebrand:

1. Verbal synopsis of allegations.
2. Introduction of documents into evidence. All admitted.
3. Testimony of Board witnesses: Karen Guenther, Compliance Inspector; Wayne Jones, Investigator; Cindy Sanchez; Vikas Patel; and Karri Starling (via teleconference).
4. Cross examination of Cindy Sanchez, Sandy Sagredo (via teleconference); Kenneth Ellis (via teleconference); and Vikas Patel.
5. Closing Statement.

C. Presentation by Respondent's Attorney C. Dean Davis:

1. Opening Statement
2. Introduction of documents into evidence. All admitted.
3. Testimony of witnesses: Cindy Sanchez; Sandy Sagredo (via teleconference); Kenneth Ellis (via teleconference), and Vikas Patel.
4. Cross examination of Karen Guenther, Compliance Inspector; Wayne Jones, Investigator; Cindy Sanchez; and Karri Starling (via teleconference).

D. Motions

1. A motion was made by Mr. Fry to go into Executive Session pursuant to the Open Meetings Act, Section 551.071 of the Government Code, and Section 552.011 of the Texas Pharmacy Act, to consult with counsel regarding the admission of hearsay as evidence. Mr. Caldwell seconded the motion. The motion passed unanimously.

(The Board members went into Executive Session at 2:05 p.m.)

Chairman Wiesner reconvened the meeting at 2:20 p.m., and announced that no action was taken during Executive Session.

2. A motion was made by Mr. Fry to go into Executive Session pursuant to the Open Meetings Act, Section 551.071 of the Government Code, and Section 552.011 of the Texas Pharmacy Act, to consult with counsel regarding pending disciplinary action against the Respondents. Mr. Caldwell seconded the motion. The motion passed unanimously.

(The Board members went into Executive Session at 6:45 p.m.)

Chairman Wiesner reconvened the meeting at 7:11 p.m., and announced that no action was taken during Executive Session.

3. A motion was made by Mr. Fry that the Application for the Temporary Suspension of the pharmacy license #23198 issued to Raven's Corner Pharmacy and the pharmacist license #41161 issued to Vikas Patel be granted, in that the evidence and information indicated that the practice of pharmacy by Mr. Patel and the operation of Raven's Corner Pharmacy are a continuing threat to the public welfare, and recommended that the orders

of suspension remain in effect until superseded by subsequent orders of the Board. Mr. Caldwell seconded the motion. The motion passed unanimously with the Temporary Suspension Orders to be adopted effective immediately.

The Chairman announced that the pharmacy license #23198 issued to Raven's Corner Pharmacy and the pharmacist license #41161 issued to Vikas Patel are suspended.

4. A motion was made by Mr. Fry to adjourn. Mr. Caldwell seconded the motion. The motion passed unanimously.

Chairman Wiesner adjourned the hearing at 7:14 p.m.

APPROVED:

Dennis Wiesner, R.Ph.
Chairman

Gay Dodson, R.Ph.
Executive Director/Secretary