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7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 4968

11 **AMAL AGEET SINGH**
12 **1349 Judson Street**
13 **Seaside, CA 93955**

A C C U S A T I O N

14 **Pharmacy Technician License No. TCH 80336**

15 Respondent.

16 Complainant alleges:

17 PARTIES

18 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
19 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

20 2. On or about June 2, 2008, the Board of Pharmacy issued Pharmacy Technician
21 License No. TCH 80336 to Amal Ageet Singh (Respondent). The License was in force and effect
22 at all times relevant to the charges herein and will expire on August 31, 2015, unless renewed.

23
24 JURISDICTION

25 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
26 Consumer Affairs, under the authority of the following laws. All section references are to the
27 Business and Professions Code (Code) unless otherwise indicated.

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1 4. Section 4011 of the Code provides that the Board shall administer and enforce both
2 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
3 Act [Health & Safety Code, § 11000 et seq.].

4 5. Section 4300(a) of the Code provides that every license issued by the Board may be
5 suspended or revoked.

6 6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or
7 suspension of a Board-issued license, the placement of a license on a retired status, or the
8 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to
9 commence or proceed with any investigation of, or action or disciplinary proceeding against, the
10 licensee or to render a decision suspending or revoking the license.

11
12 STATUTORY AND REGULATORY PROVISIONS

13 7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action
14 against any holder of a license who is guilty of "unprofessional conduct," defined to include, but
15 not be limited to, any of the following:

16 (h) The administering to oneself, of any controlled substance, or the use of any dangerous
17 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
18 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
19 to the extent that the use impairs the ability of the person to conduct with safety to the public the
20 practice authorized by the license.

21 (i) The conviction of a crime substantially related to the qualifications, functions, and duties
22 of a licensee under this chapter.

23 8. Section 4060 of the Code provides, in pertinent part, that no person shall possess any
24 controlled substance, except that furnished upon a valid prescription/drug order.

25 9. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess
26 a controlled substance in Schedule I, subdivision(s) (b), (c), or (f)(1), Schedule II, subdivision(s)
27 (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

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1 10. Section 490 of the Code provides, in pertinent part, that the Board may suspend or
2 revoke a license when it finds that the licensee has been convicted of a crime substantially related
3 to the qualifications, functions or duties of the license.

4 11. California Code of Regulations, title 16, section 1770, states:

5 “For the purpose of denial, suspension, or revocation of a personal or facility license
6 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
7 crime or act shall be considered substantially related to the qualifications, functions or duties of a
8 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
9 licensee or registrant to perform the functions authorized by her license or registration in a
10 manner consistent with the public health, safety, or welfare.”

11 COST RECOVERY

12
13 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
14 administrative law judge to direct a licentiate found to have committed a violation of the licensing
15 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.
16

17 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

18 13. Section 4021 of the Code states:

19 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section
20 11053) of Division 10 of the Health and Safety Code.”

21 14. Section 4022 of the Code states, in pertinent part:

22 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self use,
23 except veterinary drugs that are labeled as such, and includes the following:

24 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without
25 prescription,’ ‘Rx only,’ or words of similar import.

26 . . .

27 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
28 prescription or furnished pursuant to Section 4006.”

1 Vehicle Code section(s) 23103 pursuant to 23103.5 (Reckless Driving with Alcohol Involved
2 ["Wet Reckless"]), a misdemeanor. Respondent entered a plea of guilty to Count (3) and was
3 granted deferred entry of judgment (DEJ), with terms and conditions including attendance at 4
4 Narcotics Anonymous (NA) meetings per week, and enrollment in Valley Health Associates (a
5 drug treatment program). Respondent entered a plea of nolo contendere to Count (4). All other
6 charges, enhancements, and special allegations were dismissed pursuant to the plea.

7 d. Pursuant to Respondent's nolo contendere plea to Count (4), imposition of
8 sentence was suspended and Respondent was placed on probation for a period of three (3) years,
9 on terms and conditions including two (2) days in jail (2 days CTS), drug and alcohol testing as
10 required, completion of the 12 Hour Wet Reckless Program, and fines and fees.

11
12 THIRD CAUSE FOR DISCIPLINE

13 (Dangerous or Injurious Use of Alcohol)

14 18. Respondent is subject to discipline under section 4301(h) of the Code, in that, as
15 described in paragraph 17 above, Respondent used alcohol in a dangerous or injurious manner.

16
17 FOURTH CAUSE FOR DISCIPLINE

18 (Possession of Controlled Substance)

19 19. Respondent is subject to discipline under section section(s) 4301(j), (o) and/or 4060
20 of the Code, and/or Health and Safety Code section 11350, in that Respondent, as described in
21 paragraph 17 above, possessed, conspired to possess, and/or assisted in or abetted possession of, a
22 controlled substance, without a prescription.

23
24 FIFTH CAUSE FOR DISCIPLINE

25 (Unprofessional Conduct)

26 20. Respondent is subject to discipline under section 4301 of the Code in that, as
27 described in paragraphs 16 to 19 above, Respondent engaged in unprofessional conduct.

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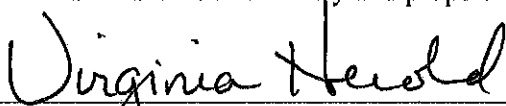
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacy Technician License No. TCH 80336, issued to Amal Ageet Singh (Respondent);
2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as is deemed necessary and proper.

DATED: 2/15/14


VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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