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

11 In the Matter of the Statement of Issues
12 Against:

Case No. 4327

13 **ANIQA JAIGIRDAR**

STATEMENT OF ISSUES

14 **Pharmacist License Applicant**

15 Respondent.
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18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official
21 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 22 2. On or about December 30, 2010, the Board of Pharmacy, Department of Consumer
23 Affairs received an application for a Pharmacist License from Aniqua Jaigirdar (Respondent). On
24 or about December 22, 2010, Aniqua Jaigirdar certified under penalty of perjury to the truthfulness
25 of all statements, answers, and representations in the application. The Board denied the
26 application on December 6, 2011.
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1 8. Section 4301 of the Code states:

2 The board shall take action against any holder of a license who is guilty of
3 unprofessional conduct or whose license has been procured by fraud or
4 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is
5 not limited to, any of the following:

6 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
7 deceit, or corruption, whether the act is committed in the course of relations as a
8 licensee or otherwise, and whether the act is a felony or misdemeanor or not.

9 (j) The violation of any of the statutes of this state, of any other state, or of the
10 United States regulating controlled substances and dangerous drugs.

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12 REGULATORY PROVISIONS

13 9. California Code of Regulations, title 16, section 1769 states:

14 (a) When considering the denial of a facility or personal license under Section
15 480 of the Business and Professions Code, the board, in evaluating the rehabilitation
16 of the applicant and his present eligibility for licensing or registration, will consider
17 the following criteria:

18 (1) The nature and severity of the act(s) or offense(s) under consideration as
19 grounds for denial.

20 (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under
21 consideration as grounds for denial under Section 480 of the Business and Professions
22 Code.

23 (3) The time that has elapsed since commission of the act(s) or crime(s) referred
24 to in subdivision (1) or (2).

25 (4) Whether the applicant has complied with any terms of parole, probation,
26 restitution or any other sanctions lawfully imposed against the applicant.

27 (5) Evidence, if any, of rehabilitation submitted by the applicant.

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

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

1 **DRUG**

2 11. Hydrocodone is a Schedule II controlled substance as designated by Health and
3 Safety Code section 11055(b)(1)(i), and is a dangerous drug pursuant to Business ad Professions
4 Code section 4022. Hydrocodone is a narcotic pain reliever.

5 **FIRST CAUSE FOR DENIAL OF APPLICATION**

6 **(Commission of Dishonest Acts)**

7 12. Respondent's application is subject to denial under Code sections 480(a)(2) and
8 480(a)(3)(A) in that on or about August 19, 2009 and April 12, 2011, she committed dishonest
9 acts which would also be grounds for suspension or revocation for a licensed pharmacist under
10 Code section 4301(f). The circumstances are as follows.

11 13. On or about August 19, 2009 at approximately 12:00 p.m., a pharmacy technician at
12 Walgreens Pharmacy located in Hemet, California received a telephone call from a female
13 identifying herself as Dr. H.A. and requesting that a prescription be filled in the name of Jason S.
14 for fifty tablets of hydrocodone with one refill. Approximately twenty minutes later, a nervous
15 sounding male telephoned the pharmacy staff inquiring about the status of that prescription.
16 Since he appeared nervous, the pharmacist contacted Dr. H.A. to verify that the doctor had issued
17 the prescription to Jason S. Dr. H.A. told the pharmacist that she had been retired from the
18 practice of medicine since 1995, did not call in a prescription for Jason S. to Walgreens and that
19 the telephone call was the second telephone call she had received from Walgreens Pharmacy
20 inquiring about the validity of a prescription for hydrocodone on this day.

21 14. At approximately 12:44 p.m. on August 19, 2009, Respondent and her then boyfriend
22 stopped at the Walgreens Pharmacy "drive through" window to obtain Jason S.'s prescription for
23 hydrocodone. The pharmacy staff telephoned the Hemet Police Department who sent officers to
24 detain Respondent and her boyfriend. Respondent told the police officer that Jason S. was her
25 friend and that they were in the process of obtaining the hydrocodone from Walgreens for her
26 boyfriend, not Jason S. The police officer searched Respondent's vehicle and located two
27 documents (torn yellow notes) with the names, Jason S. and Michael M. and birthdates, addresses
28 and telephone numbers handwritten on them. These two yellow notes were written by

1 Respondent. The two yellow notes along with the prescription were booked into evidence and
2 Respondent was arrested.

3 15. On April 12, 2011 at approximately 9:15 p.m., Respondent was shopping at a
4 Walmart store in Lake Forest, California. A Walmart Asset Protection Officer observed
5 Respondent place a dog collar under her purse in a shopping cart and a mascara in her shopping
6 cart and conceal an empty package which contained toothbrush heads behind two tissue boxes on
7 a shelf (Respondent's companion was observed placing the toothbrush heads into Respondent's
8 purse). Respondent exited the store without purchasing the toothbrush heads, dog collar and
9 mascara. The Walmart Asset Protection Officer confronted Respondent in the parking lot and
10 asked for the return of the stolen items. The Asset Protection Officer then obtained the
11 toothbrushes and dog collar from Respondent and her companion. She subsequently detained
12 Respondent in the Asset Protection Office to await the Sheriff's Department's arrival when the
13 Asset Protection Officer found the mascara in question under the seat where Respondent had been
14 sitting in the office. Respondent was cited for shoplifting by the Sheriff's Department and
15 released.

16 **SECOND CAUSE FOR DENIAL OF APPLICATION**

17 **(Violating Laws Regulating Controlled Substances)**

18 16. Respondent's application is subject to denial under Code sections 480(a)(3)(A) in that
19 on or about August 19, 2009, Respondent violated the California Uniform Controlled Substances
20 Act (Health and Safety Code sections 11000, *et seq.*), which would be grounds for discipline for a
21 licensed pharmacist under Code section 4301(j), as is more fully described in paragraphs 13-14.

22 **PRAYER**

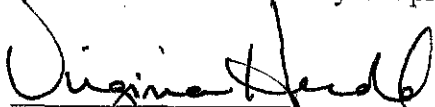
23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
24 and that following the hearing, the Board of Pharmacy issue a decision:

- 25 1. Denying the application of Aniqja Jaigirdar for a Pharmacist License;
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2. Taking such other and further action as deemed necessary and proper.

DATED: 10/25/12



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

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