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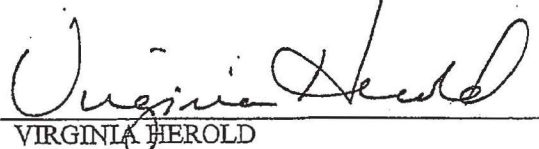
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9 **BEFORE THE**  
**BOARD OF PHARMACY**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
12 Against:  
13  
14 **ANIQA JAIGIRDAR**  
15  
16 Respondent.

Case No. 4327  
OAH No. 2012110613  
**WITHDRAWAL OF STATEMENT OF  
ISSUES**

17  
18 The Statement of Issues No. 4327 against Aniqua Jaigirdar (Respondent) is withdrawn  
19 without prejudice. Respondent has withdrawn her request for a hearing regarding the denial of  
20 her application for a pharmacist license. The denial of her application will therefore stand.  
21

22 DATED: 7/8/13  
23

  
24 VIRGINIA HEROLD  
Executive Officer  
25 Board of Pharmacy  
Department of Consumer Affairs  
26 State of California  
*Complainant*

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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.  
16

17  
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 Anika Jaigirdar (Respondent). On  
24 or about December 22, 2010, Anika 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.  
27  
28

## JURISDICTION

1  
2       3.    This Statement of Issues is brought before the Board of Pharmacy (Board),  
3 Department of Consumer Affairs, under the authority of the following laws. All section  
4 references are to the Business and Professions Code (Code) unless otherwise indicated.

5       4.    Section 480 of the Code states:

6           (a) A board may deny a license regulated by this code on the grounds that the  
7 applicant has one of the following:

8           ...  
9           (2) Done any act involving dishonesty, fraud, or deceit with the intent to  
10 substantially benefit himself or herself or another, or substantially injure another.

11           (3) (A) Done any act that if done by a licentiate of the business or profession in  
12 question, would be grounds for suspension or revocation of license.

13           ...

14       5.    Section 4300, subdivision (c) of the Code states "The board may refuse a license to  
15 any applicant guilty of unprofessional conduct."

## STATUTORY PROVISIONS

16       6.    Section 475 of the Code states:

17           (a) Notwithstanding any other provisions of this code, the provisions of this  
18 division shall govern the denial of licenses on the grounds of:

19           ...

20           (3) Commission of any act involving dishonesty, fraud or deceit with the  
21 intent to substantially benefit himself or another, or substantially injure another.

22           (4) Commission of any act which, if done by a licentiate of the business or  
23 profession in question, would be grounds for suspension or revocation of license.

24           .....

25       7.    Section 482 of the Code states:

26           Each board under the provisions of this code shall develop criteria to evaluate  
27 the rehabilitation of a person when:

28           (a) Considering the denial of a license by the board under Section 480; or

          (b) Considering suspension or revocation of a license under Section 490.

          Each board shall take into account all competent evidence of rehabilitation  
          furnished by the applicant or licensee.

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.

11 ....

### 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.

28 ....

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

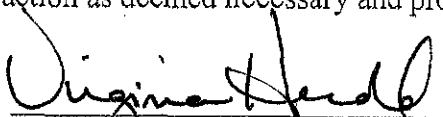
23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
24 and that following the hearing, the Board of Pharmacy issue a decision:

- 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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