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

11 In the Matter of the Accusation Against:
12 **AMINISH SINGH**
13 **9480 Hillsborough Way**
14 **Chowchilla, CA 93610**
15 **Pharmacy Technician License**
16 **No. TCH 80448**
17 Respondent.

Case No. 4087

ACCUSATION

18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
22 2. On or about January 7, 2008, the Board of Pharmacy issued Pharmacy Technician
23 License Number TCH 80448 to Aminish Singh (Respondent). The Pharmacy Technician License
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 June 30, 2011, unless renewed.

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JURISDICTION

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

4. Section 4300 of the Code states, in pertinent part:

(a) Every license issued may be suspended or revoked.

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

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5. Section 4301 of the Code states, in pertinent part:

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

.....

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

.....

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

.....

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

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2 (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting
3 the violation of or conspiring to violate any provision or term of this chapter or of the
4 applicable federal and state laws and regulations governing pharmacy, including
5 regulations established by the board or by any other state or federal regulatory
6 agency.

6. Section 4060 of the Code states:

7 No person shall possess any controlled substance, except that furnished to a person
8 upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
9 naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order
10 issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner
11 pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1, or
12 naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either
13 subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph
14 (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession
15 of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist,
16 physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
17 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers
18 correctly labeled with the name and address of the supplier or producer.

19 Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a
20 physician assistant, or a naturopathic doctor, to order his or her own stock of
21 dangerous drugs and devices.

7. Health and Safety Code section 11350, subdivision (a), states:

22 Except as otherwise provided in this division, every person who possesses (1) any
23 controlled substance specified in subdivision (b) or (c), or paragraph (1) of
24 subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of
25 subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section
26 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled
27 substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon
28 the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to
practice in this state, shall be punished by imprisonment pursuant to subdivision (h)
of Section 1170 of the Penal Code.

8. Section 118, subdivision (b), of the Code provides that the expiration of a license
shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
within which the license may be renewed, restored, reissued or reinstated.

COST RECOVERY

9. Section 125.3 of the Code states, in pertinent part, that the Board may request the
administrative law judge to direct a licentiate found to have committed a violation or violations of
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case.

1 **DRUGS**

2 10. "Vicodin" and "Norco" are brand names for Hydrocodone, which is a Schedule III
3 controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(4),
4 and a dangerous drug as defined in Code section 4022.

5 11. "Viagra" is a brand name for Sildenafil, which is a dangerous drug as defined in Code
6 section 4022.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Dishonest or Corrupt Acts)**

9 12. Respondent is subject to disciplinary action under section 4301, subdivision (f) in that
10 he committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption. The
11 circumstances are as follows:

12 13. Between approximately March of 2010 and August of 2010, Respondent stole
13 approximately 23,000 tablets of hydrocodone-containing schedule III controlled substance
14 medications and 60 tablets of Viagra, a dangerous drug, from CVS Pharmacy of Merced,
15 California, while on duty as a licensed pharmacy technician.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Unlawful Possession of Controlled Substances)**

18 14. Respondent is subject to disciplinary action under section 4301, subdivisions (j) and
19 (o), in that he violated the statutes of this state regulating controlled substances and dangerous
20 drugs. The circumstances are as follows:

21 15. Between approximately March of 2010 and August of 2010, Respondent stole
22 approximately 23,000 tablets of hydrocodone-containing schedule III controlled substance
23 medications. Respondent was in possession of the stolen hydrocodone, without a prescription for
24 that controlled substance, in violation of Code section 4060 and Health and Safety Code section
25 11350, subdivision (a).

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unlawful Self-Administration of a Controlled Substance)**

3 16. Respondent is subject to disciplinary action under section 4301, subdivision (h), in
4 that he administered controlled substances to himself. The circumstances are as follows:

5 17. Between approximately March of 2010 and August of 2010, per his own admission,
6 Respondent self-administered hydrocodone-containing schedule III controlled substances, in
7 violation of law.

8 **PRAYER**

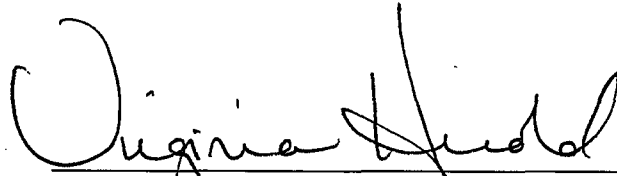
9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Pharmacy issue a decision:

11 1. Revoking or suspending Pharmacy Technician License Number TCH 80448, issued
12 to Aminish Singh.;

13 2. Ordering Aminish Singh to pay the Board of Pharmacy the reasonable costs of the
14 investigation and enforcement of this case, pursuant to Business and Professions Code section
15 125.3;

16 3. Taking such other and further action as deemed necessary and proper.

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19 DATED: 7/14/11



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

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