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

12 In the Matter of the Accusation Against:

Case No. 800-2016-028742

13 **SVETLANA ANIC, M.D.**
475 W. Pleasant St.
Coalinga, CA 93210-2424

A C C U S A T I O N

14 **Physician's and Surgeon's Certificate**
15 **No. A 72349,**

16 Respondent.

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19 **PARTIES**

20 1. Christine J. Lally (Complainant) brings this Accusation solely in her official capacity
21 as the Interim Executive Director of the Medical Board of California, Department of Consumer
22 Affairs (Board).

23 2. On or about July 1, 2000, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A 72349 to Svetlana Anic, M.D. (Respondent). The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein and will expire on December 31, 2021, unless renewed.

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1 **JURISDICTION**

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

5 4. Section 2227 of the Code states:

6 (a) A licensee whose matter has been heard by an administrative law judge of
7 the Medical Quality Hearing Panel as designated in Section 11371 of the Government
8 Code, or whose default has been entered, and who is found guilty, or who has entered
9 into a stipulation for disciplinary action with the board, may, in accordance with the
10 provisions of this chapter:

11 (1) Have his or her license revoked upon order of the board.

12 (2) Have his or her right to practice suspended for a period not to exceed one
13 year upon order of the board.

14 (3) Be placed on probation and be required to pay the costs of probation
15 monitoring upon order of the board.

16 (4) Be publicly reprimanded by the board. The public reprimand may include a
17 requirement that the licensee complete relevant educational courses approved by the
18 board.

19 (5) Have any other action taken in relation to discipline as part of an order of
20 probation, as the board or an administrative law judge may deem proper.

21 (b) Any matter heard pursuant to subdivision (a), except for warning letters, medical
22 review or advisory conferences, professional competency examinations, continuing
23 education activities, and cost reimbursement associated therewith that are agreed to with the
24 board and successfully completed by the licensee, or other matters made confidential or
25 privileged by existing law, is deemed public, and shall be made available to the public by
26 the board pursuant to Section 803.1.

27 **STATUTORY PROVISIONS**

28 5. Section 2234 of the Code, states:

The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

(b) Gross negligence.

(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute

repeated negligent acts.

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2 (1) An initial negligent diagnosis followed by an act or omission medically
3 appropriate for that negligent diagnosis of the patient shall constitute a single
4 negligent act.

5 (2) When the standard of care requires a change in the diagnosis, act, or
6 omission that constitutes the negligent act described in paragraph (1), including, but
7 not limited to, a reevaluation of the diagnosis or a change in treatment, and the
8 licensee's conduct departs from the applicable standard of care, each departure
9 constitutes a separate and distinct breach of the standard of care.

(d) Incompetence.

7 (e) The commission of any act involving dishonesty or corruption which is
8 substantially related to the qualifications, functions, or duties of a physician and
9 surgeon.

10 (f) Any action or conduct which would have warranted the denial of a
11 certificate.

12 (g) The practice of medicine from this state into another state or country
13 without meeting the legal requirements of that state or country for the practice of
14 medicine. Section 2314 shall not apply to this subdivision. This subdivision shall
15 become operative upon the implementation of the proposed registration program
16 described in Section 2052.5.

17 (h) The repeated failure by a certificate holder, in the absence of good cause, to attend
18 and participate in an interview by the board. This subdivision shall only apply to a
19 certificate holder who is the subject of an investigation by the board.

20 6. Unprofessional conduct under section 2234 of the Code is conduct which breaches
21 the rules or ethical code of the medical profession, or conduct which is unbecoming a member in
22 good standing of the medical profession, and which demonstrates an unfitness to practice
23 medicine. (*Shea v. Bd. of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.)

24 7. Section 2239 of the Code states, in pertinent part:

25 (a) The use or prescribing for or administering to himself or herself, of any controlled
26 substance; or the use of any of the dangerous drugs specified in Section 4022, or of
27 alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the
28 licensee, or to any other person or to the public, or to the extent that such use impairs the
ability of the licensee to practice medicine safely or more than one misdemeanor or any
felony involving the use, consumption, or self-administration of any of the substances
referred to in this section, or any combination thereof, constitutes unprofessional conduct.
The record of the conviction is conclusive evidence of such unprofessional conduct.

1 Health and Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to
2 Business and Professions Code section 4022.

3 **FACTUAL ALLEGATIONS**

4 14. On or about November 23, 2016, Respondent called in a prescription to a pharmacy
5 in Blue Jay, California. The prescription was for antibiotics and for Valium (diazepam), a
6 Schedule IV controlled substance. Respondent called the prescription in for a fictitious patient
7 named "Joanne Kenter." Respondent was not, in fact, treating any person by that name, and
8 intended to obtain the medications for her own use. The pharmacist who received the call noted
9 that "Joanne Kenter" had a recent prior prescription for Valium, and that the new prescription
10 appeared to be an early refill. Later that day, Respondent appeared at the pharmacy to pick up the
11 prescription. The pharmacist noted that Respondent's voice matched the voice of the doctor who
12 had called in the prescription, and refused to fill the prescription. Respondent became irate, and
13 an altercation ensued.

14 15. The same day, at approximately 6:25 p.m., San Bernardino County Sheriff's deputies
15 were dispatched regarding the altercation at the pharmacy. The pharmacist reported that the
16 individual involved was last seen walking away on State Highway 189. Respondent was
17 contacted by a Sheriff's deputy while walking southbound on State Highway 189, away from the
18 pharmacy. Respondent refused the deputy's commands to stop and come to him, and instead
19 turned her back, told the deputy to "go away," and continued to walk. Respondent refused to put
20 down her phone when the deputy commanded her to do so. When the deputy asked if she knew
21 why he was there, Respondent replied, "I don't care." When the deputy attempted to restrain
22 Respondent, she pulled away. The deputy struggled to handcuff Respondent, as she repeatedly
23 pulled her wrists away from him and kicked him. The deputy took Respondent to the ground, and
24 ultimately placed handcuffs on her. Respondent was placed in the backseat of a patrol car, where
25 she proceeded to kick the rear passenger window. After being warned to stop, Respondent kicked
26 the window a second time, and was placed in ankle restraints for approximately five minutes.
27 Respondent demonstrated an inability to maintain her balance, both before and after being placed
28 in the patrol car, and her upper body swayed in all directions. Respondent had slurred speech,

1 dilated pupils, and droopy eyelids. A blood sample was taken from Respondent at approximately
2 5:50 a.m. the following morning. The blood sample later tested positive for opiates and
3 benzodiazepines.

4 16. Respondent prescribed the following medications to herself, using the false names
5 "Joanne Kenter," "Joanna Kenter," or "Joanne Kanter:"

Date	Medication	Strength	Quantity
4/16/15	Clonazepam	1 mg	30 tablets
5/13/15	Phentermine	37.5 mg	60 tablets
5/13/15	Clonazepam	1 mg	90 tablets
6/23/15	Zolpidem tartrate	10 mg	30 tablets
6/23/15	Triazolam	0.25 mg	5 tablets
7/16/15	Lorazepam	1 mg	30 tablets
7/20/15	Clonazepam	1 mg	30 tablets
9/5/15	Clonazepam	0.5 mg	30 tablets
10/26/15	Lorazepam	1 mg	15 tablets
10/28/15	Lorazepam	1 mg	60 tablets
11/11/15	Zolpidem tartrate	10 mg	10 tablets
11/30/15	Zolpidem tartrate	10 mg	10 tablets
12/7/15	Zolpidem tartrate	10 mg	60 tablets
1/18/16	Zolpidem tartrate	10 mg	30 tablets
2/5/16	Zolpidem tartrate	10 mg	60 tablets
3/8/16	Zolpidem tartrate	10 mg	60 tablets
3/15/16	Clonazepam	0.5 mg	60 tablets
6/1/16	Zolpidem tartrate	10 mg	60 tablets
11/21/16	Clonazepam	1 mg	20 tablets

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1 17. Respondent prescribed the following medications to another possibly fictitious
2 patient, Patient A. In an investigative interview, Respondent stated that Patient A is a real person;
3 however, Patient A lives in Belgrade, Serbia, and Respondent kept no medical records for Patient
4 A apart from whatever records were maintained by Patient's A's physician in Belgrade.
5 Respondent explained that she prescribed to Patient A because Patient A was a former patient in
6 Respondent's private practice prior to 2012, and she was asked to prescribe to Patient A while
7 Patient A was visiting the United States.

Date	Medication	Strength	Quantity
3/22/15	Clonazepam	1 mg	30 tablets
4/16/15	Clonazepam	1 mg	2 tablets
7/30/15	Amphetamines	20 mg	240 tablets
12/7/15	Zolpidem tartrate	10 mg	60 tablets
12/14/15	Amphetamines	20 mg	21 tablets
1/7/16	Zolpidem tartrate	10 mg	10 tablets

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16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Gross Negligence)**

18 18. Respondent Svetlana Anic, M.D. is subject to disciplinary action under section 2234,
19 subdivision (b), in that she engaged in acts amounting to gross negligence. The circumstances are
20 set forth in paragraphs 14 through 17, above, which are incorporated by reference as if fully set
21 forth. Additional circumstances are as follows:

22 19. The standard of care is to write prescriptions that accurately state the person for
23 whom the medication is intended. Writing a prescription in the name of a false or fictitious
24 person potentially makes it impossible to determine if the actual patient is receiving an excessive
25 amount of controlled substances. Respondent's acts of writing prescriptions for controlled
26 substances for her own use, using a false or fictitious name, constitutes gross negligence.

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THIRD CAUSE FOR DISCIPLINE

(Dishonest and Corrupt Acts)

24. Respondent Svetlana Anic, M.D. is subject to disciplinary action under section 2234, subdivision (e), in that she engaged in dishonest and corrupt acts that were substantially related to the qualifications, functions, or duties of a physician and surgeon. The circumstances are set forth in paragraphs 14 through 17, above, which are incorporated by reference as if fully set forth.

FOURTH CAUSE FOR DISCIPLINE

(Prescribing to Self or Use in a Dangerous Manner)

25. Respondent Svetlana Anic, M.D. is subject to disciplinary action under section 2239, subdivision (e), in that she prescribed or administered to herself a controlled substance, or used a dangerous drug in such a manner as to be dangerous or injurious to herself or another person or to the public. The circumstances are set forth in paragraphs 14 through 17, above, which are incorporated by reference as if fully set forth.

FIFTH CAUSE FOR DISCIPLINE

(General Unprofessional Conduct)

26. Respondent Svetlana Anic, M.D. is subject to disciplinary action under section 2234 in that she engaged in unprofessional conduct. The circumstances are set forth in paragraphs 14 through 17, above, which are incorporated by reference as if fully set forth.

SIXTH CAUSE FOR DISCIPLINE

(Dishonest and Corrupt Acts)

27. Respondent Svetlana Anic, M.D. is subject to disciplinary action under section 2266, in that she failed to maintain adequate and accurate records relating to the provision of services to herself or to Patient A. The circumstances are set forth in paragraphs 14 through 17, and 21 through 22, above, which are incorporated by reference as if fully set forth.

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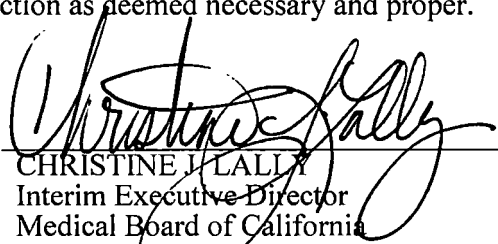
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PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 72349, issued to Svetlana Anic, M.D.;
2. Revoking, suspending or denying approval of Svetlana Anic, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Svetlana Anic, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: December 18, 2019


CHRISTINE J. LALLY
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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