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

10 In the Matter of the Accusation Against:

Case No. 800-2017-030422

11 **Anand Pandya, M.D.**  
12 **215 E 24th St., Apt. 321**  
13 **New York NY 10010-3804**

**ACCUSATION**

14 **Physician's and Surgeon's Certificate**  
15 **No. A 93032,**

Respondent.

16 **PARTIES**

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

20 2. On or about October 7, 2005, the Medical Board issued Physician's and Surgeon's  
21 Certificate Number A 93032 to Anand Pandya, M.D. (Respondent). The Physician's and  
22 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
23 herein and will expire on February 28, 2021, unless renewed.

24 **JURISDICTION**

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

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1           4.    Section 2227 of the Code states:

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

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

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

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

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

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

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

23           5.    Section 2234 of the Code, states:

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

27                           (a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
28                           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.

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

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

                         (d) Incompetence.

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

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

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

3 6. Section 2236 of the Code states:

4 (a) The conviction of any offense substantially related to the qualifications,  
5 functions, or duties of a physician and surgeon constitutes unprofessional conduct  
6 within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record  
of conviction shall be conclusive evidence only of the fact that the conviction  
occurred.

7 (b) The district attorney, city attorney, or other prosecuting agency shall notify  
8 the Medical Board of the pendency of an action against a licensee charging a felony  
or misdemeanor immediately upon obtaining information that the defendant is a  
9 licensee. The notice shall identify the licensee and describe the crimes charged and  
10 the facts alleged. The prosecuting agency shall also notify the clerk of the court in  
which the action is pending that the defendant is a licensee, and the clerk shall record  
prominently in the file that the defendant holds a license as a physician and surgeon.

11 (c) The clerk of the court in which a licensee is convicted of a crime shall,  
12 within 48 hours after the conviction, transmit a certified copy of the record of  
conviction to the board. The division may inquire into the circumstances surrounding  
13 the commission of a crime in order to fix the degree of discipline or to determine if  
the conviction is of an offense substantially related to the qualifications, functions, or  
14 duties of a physician and surgeon.

15 (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is  
16 deemed to be a conviction within the meaning of this section and Section 2236.1.  
The record of conviction shall be conclusive evidence of the fact that the conviction  
occurred.

17 7. Section 2239 of the Code states:

18 (a) The use or prescribing for or administering to himself or herself, of any  
19 controlled substance; or the use of any of the dangerous drugs specified in Section  
4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous  
20 or injurious to the 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  
21 one misdemeanor or any felony involving the use, consumption, or  
self-administration of any of the substances referred to in this section, or any  
22 combination thereof, constitutes unprofessional conduct. The record of the  
conviction is conclusive evidence of such unprofessional conduct.

23 (b) A plea or verdict of guilty or a conviction following a plea of nolo  
24 contendere is deemed to be a conviction within the meaning of this section. The  
Medical Board may order discipline of the licensee in accordance with Section 2227  
25 or the Medical Board may order the denial of the license when the time for appeal has  
elapsed or the judgment of conviction has been affirmed on appeal or when an order  
26 granting probation is made suspending imposition of sentence, irrespective of a  
subsequent order under the provisions of Section 1203.4 of the Penal Code allowing  
27 such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or  
setting aside the verdict of guilty, or dismissing the accusation, complaint,  
28 information, or indictment.

1 8. California Code of Regulations, title 16, section 1360, states:

2 For the purposes of denial, suspension or revocation of a license, certificate or  
3 permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime  
4 or act shall be considered to be substantially related to the qualifications, functions or  
5 duties of a person holding a license, certificate or permit under the Medical Practice  
6 Act if to a substantial degree it evidences present or potential unfitness of a person  
7 holding a license, certificate or permit to perform the functions authorized by the  
8 license, certificate or permit in a manner consistent with the public health, safety or  
9 welfare. Such crimes or acts shall include but not be limited to the following:  
10 Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
11 violation of, or conspiring to violate any provision of the Medical Practice Act.

12 **DEFINITIONS**

13 9. Methamphetamine is a schedule II controlled substance pursuant to Health and Safety  
14 Code Section 11055(d)(2) and dangerous drug pursuant to Business and Professions Code section  
15 4022.

16 **FACTS**

17 10. On September 15, 2016, United States Customs Officers at the Newark Liberty  
18 International Airport conducted a screening search of Respondent's luggage, after Respondent  
19 arrived on a flight from Germany. The Customs officers found approximately 16.3 ounces of  
20 methamphetamine in Respondent's suitcase, concealed in a baby powder container. The officers  
21 also found that Respondent was in possession of approximately twenty-five hypodermic needles.

22 11. Respondent has submitted a letter explaining that during August and September 2016,  
23 Respondent travelled outside the United States, and during that trip, he used methamphetamine.  
24 Respondent further explained that upon Respondent's return to the United States, Respondent  
25 brought methamphetamine into the United States, where customs officials discovered the  
26 methamphetamine in his luggage.

27 12. On April 17, 2017, in a criminal proceeding titled State of New Jersey v. Anand  
28 Pandya in Essex County Superior Court, Case Number 17-01-00264I, Respondent entered a  
guilty plea to a charge of Possession of Controlled Drug Substance (Third Degree), New Jersey  
Statutes 2C:35-10a, a misdemeanor, and was ordered to Pre-Trial Intervention Program.

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1 CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct, Criminal Conviction of a Crime, and Use of Controlled  
3 Substance)

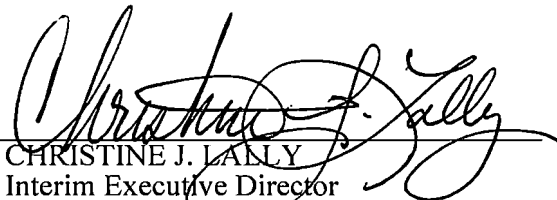
4 13. Respondent Anand Pandya, M.D. is subject to disciplinary action under section 2234  
5 (unprofessional conduct), and/or section 2236 and California Code of Regulations, title 16,  
6 section 1360 (criminal conviction), and /or section 2239 (use of controlled substance), based on  
7 the conduct and the criminal conviction/guilty plea described in paragraphs 10-12, above.

8 PRAYER

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

- 11 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 93032,  
12 issued to Anand Pandya, M.D.;
- 13 2. Revoking, suspending or denying approval of Anand Pandya, M.D.'s authority to  
14 supervise physician assistants and advanced practice nurses;
- 15 3. Ordering Anand Pandya, M.D., if placed on probation, to pay the Board the costs of  
16 probation monitoring; and
- 17 4. Taking such other and further action as deemed necessary and proper.

18  
19  
20 DATED: FEB 07 2020

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

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