

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against

Svetlana Anic, M.D.

Physician's and Surgeon's
Certificate No. A 72349

Case No. 800-2016-028742

Respondent.

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on February 26, 2021.

IT IS SO ORDERED: January 28, 2021.

MEDICAL BOARD OF CALIFORNIA



Ronald H. Lewis, M.D., Chair
Panel A

1 XAVIER BECERRA
Attorney General of California
2 STEVE DIEHL
Supervising Deputy Attorney General
3 State Bar No. 235250
California Department of Justice
4 2550 Mariposa Mall, Room 5090
Fresno, CA 93721
5 Telephone: (559) 705-2313
Facsimile: (559) 445-5106
6 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:
12 **SVETLANA ANIC, M.D.**
13 **24511 W. Jayne Ave.**
14 **Coalinga State Hospital**
Coalinga, CA 93210-9503
15 **Physician's and Surgeon's Certificate No. A**
72349
16 Respondent.
17

Case No. 800-2016-028742
OAH No. 2020020300
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
23 California (Board). He brought this action solely in his official capacity and is represented in this
24 matter by Xavier Becerra, Attorney General of the State of California, by Steve Diehl,
25 Supervising Deputy Attorney General.

26 2. Respondent Svetlana Anic, M.D. (Respondent) is represented in this proceeding by
27 attorney Mark B. Connely, Esq., whose address is: 1319 Marsh Street, Second Floor, San Luis
28 Obispo, CA 93401.

1 3. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain
2 completely from the personal use or possession of controlled substances as defined in the
3 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and
4 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not
5 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide
6 illness or condition.

7 Within 15 calendar days of receiving any lawfully prescribed medications, Respondent
8 shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone
9 number; medication name, strength, and quantity; and issuing pharmacy name, address, and
10 telephone number.

11 4. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the
12 use of products or beverages containing alcohol.

13 5. PRESCRIBING PRACTICES COURSE. Within 60 calendar days of the effective
14 date of this Decision, Respondent shall enroll in a course in prescribing practices approved in
15 advance by the Board or its designee. Respondent shall provide the approved course provider
16 with any information and documents that the approved course provider may deem pertinent.
17 Respondent shall participate in and successfully complete the classroom component of the course
18 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully
19 complete any other component of the course within one (1) year of enrollment. The prescribing
20 practices course shall be at Respondent's expense and shall be in addition to the Continuing
21 Medical Education (CME) requirements for renewal of licensure.

22 A prescribing practices course taken after the acts that gave rise to the charges in the
23 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
24 or its designee, be accepted towards the fulfillment of this condition if the course would have
25 been approved by the Board or its designee had the course been taken after the effective date of
26 this Decision.

27 Respondent shall submit a certification of successful completion to the Board or its
28 designee not later than 15 calendar days after successfully completing the course, or not later than

1 15 calendar days after the effective date of the Decision, whichever is later.

2 6. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective
3 date of this Decision, Respondent shall enroll in a course in medical record keeping approved in
4 advance by the Board or its designee. Respondent shall provide the approved course provider
5 with any information and documents that the approved course provider may deem pertinent.
6 Respondent shall participate in and successfully complete the classroom component of the course
7 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully
8 complete any other component of the course within one (1) year of enrollment. The medical
9 record keeping course shall be at Respondent's expense and shall be in addition to the Continuing
10 Medical Education (CME) requirements for renewal of licensure.

11 A medical record keeping course taken after the acts that gave rise to the charges in the
12 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
13 or its designee, be accepted towards the fulfillment of this condition if the course would have
14 been approved by the Board or its designee had the course been taken after the effective date of
15 this Decision.

16 Respondent shall submit a certification of successful completion to the Board or its
17 designee not later than 15 calendar days after successfully completing the course, or not later than
18 15 calendar days after the effective date of the Decision, whichever is later.

19 7. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
20 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
21 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
22 Respondent shall participate in and successfully complete that program. Respondent shall
23 provide any information and documents that the program may deem pertinent. Respondent shall
24 successfully complete the classroom component of the program not later than six (6) months after
25 Respondent's initial enrollment, and the longitudinal component of the program not later than the
26 time specified by the program, but no later than one (1) year after attending the classroom
27 component. The professionalism program shall be at Respondent's expense and shall be in
28 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

1 A professionalism program taken after the acts that gave rise to the charges in the
2 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
3 or its designee, be accepted towards the fulfillment of this condition if the program would have
4 been approved by the Board or its designee had the program been taken after the effective date of
5 this Decision.

6 Respondent shall submit a certification of successful completion to the Board or its
7 designee not later than 15 calendar days after successfully completing the program or not later
8 than 15 calendar days after the effective date of the Decision, whichever is later.

9 8. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision,
10 Respondent shall submit to the Board or its designee for prior approval the name and
11 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who
12 has a doctoral degree in psychology and at least five years of postgraduate experience in the
13 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall
14 undergo and continue psychotherapy treatment, including any modifications to the frequency of
15 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

16 The psychotherapist shall consider any information provided by the Board or its designee
17 and any other information the psychotherapist deems relevant and shall furnish a written
18 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
19 psychotherapist with any information and documents that the psychotherapist may deem
20 pertinent.

21 Respondent shall have the treating psychotherapist submit quarterly status reports to the
22 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
23 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
24 probation, Respondent is found to be mentally unfit to resume the practice of medicine without
25 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the
26 period of probation shall be extended until the Board determines that Respondent is mentally fit
27 to resume the practice of medicine without restrictions.

28 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

1 9. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)
2 days of the effective date of this Decision, Respondent shall provide to the Board the names,
3 physical addresses, mailing addresses, and telephone numbers of any and all employers and
4 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's
5 worksite monitor, and Respondent's employers and supervisors to communicate regarding
6 Respondent's work status, performance, and monitoring.

7 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or
8 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff
9 privileges.

10 10. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
11 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
12 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
13 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall
14 make daily contact with the Board or its designee to determine whether biological fluid testing is
15 required. Respondent shall be tested on the date of the notification as directed by the Board or its
16 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at
17 any time, including weekends and holidays. Except when testing on a specific date as ordered by
18 the Board or its designee, the scheduling of biological fluid testing shall be done on a random
19 basis. The cost of biological fluid testing shall be borne by the Respondent.

20 During the first year of probation, Respondent shall be subject to 52 to 104 random tests.
21 During the second year of probation and for the duration of the probationary term, up to five (5)
22 years, Respondent shall be subject to 36 to 104 random tests per year. Only if there has been no
23 positive biological fluid tests in the previous five (5) consecutive years of probation, may testing
24 be reduced to one (1) time per month. Nothing precludes the Board from increasing the number
25 of random tests to the first-year level of frequency for any reason.

26 Prior to practicing medicine, Respondent shall contract with a laboratory or service,
27 approved in advance by the Board or its designee, that will conduct random, unannounced,
28 observed, biological fluid testing and meets all of the following standards:

- 1 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
2 Association or have completed the training required to serve as a collector for the United
3 States Department of Transportation.
- 4 (b) Its specimen collectors conform to the current United States Department of
5 Transportation Specimen Collection Guidelines.
- 6 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published
7 by the United States Department of Transportation without regard to the type of test
8 administered.
- 9 (d) Its specimen collectors observe the collection of testing specimens.
- 10 (e) Its laboratories are certified and accredited by the United States Department of Health
11 and Human Services.
- 12 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day
13 of receipt and all specimens collected shall be handled pursuant to chain of custody
14 procedures. The laboratory shall process and analyze the specimens and provide legally
15 defensible test results to the Board within seven (7) business days of receipt of the
16 specimen. The Board will be notified of non-negative results within one (1) business day
17 and will be notified of negative test results within seven (7) business days.
- 18 (g) Its testing locations possess all the materials, equipment, and technical expertise
19 necessary in order to test Respondent on any day of the week.
- 20 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens
21 for the detection of alcohol and illegal and controlled substances.
- 22 (i) It maintains testing sites located throughout California.
- 23 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line
24 computer database that allows the Respondent to check in daily for testing.
- 25 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff
26 access to drug test results and compliance reporting information that is available 24 hours a
27 day.
- 28 (l) It employs or contracts with toxicologists that are licensed physicians and have

1 knowledge of substance abuse disorders and the appropriate medical training to interpret
2 and evaluate laboratory biological fluid test results, medical histories, and any other
3 information relevant to biomedical information.

4 (m) It will not consider a toxicology screen to be negative if a positive result is obtained
5 while practicing, even if the Respondent holds a valid prescription for the substance.

6 Prior to changing testing locations for any reason, including during vacation or other travel,
7 alternative testing locations must be approved by the Board and meet the requirements above.

8 The contract shall require that the laboratory directly notify the Board or its designee of
9 non-negative results within one (1) business day and negative test results within seven (7)
10 business days of the results becoming available. Respondent shall maintain this laboratory or
11 service contract during the period of probation.

12 A certified copy of any laboratory test result may be received in evidence in any
13 proceedings between the Board and Respondent.

14 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
15 administered to herself a prohibited substance, the Board shall order Respondent to cease practice
16 and instruct Respondent to leave any place of work where Respondent is practicing medicine or
17 providing medical services. The Board shall immediately notify all of Respondent's employers,
18 supervisors and work monitors, if any, that Respondent may not practice medicine or provide
19 medical services while the cease-practice order is in effect.

20 A biological fluid test will not be considered negative if a positive result is obtained while
21 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited
22 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

23 After the issuance of a cease-practice order, the Board shall determine whether the positive
24 biological fluid test is in fact evidence of prohibited substance use by consulting with the
25 specimen collector and the laboratory, communicating with the licensee, her treating physician(s),
26 other health care provider, or group facilitator, as applicable.

27 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the
28 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

1 For purposes of this condition, the term “prohibited substance” means an illegal drug, a
2 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
3 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been
4 instructed by the Board not to use, consume, ingest, or administer to herself.

5 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
6 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the
7 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to
8 any other terms or conditions the Board determines are necessary for public protection or to
9 enhance Respondent’s rehabilitation.

10 11. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty
11 (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or
12 its designee for prior approval as a worksite monitor, the name and qualifications of one or more
13 licensed physician and surgeon, other licensed health care professional if no physician and
14 surgeon is available, or, as approved by the Board or its designee, a person in a position of
15 authority who is capable of monitoring the Respondent at work.

16 The worksite monitor shall not have a current or former financial, personal, or familial
17 relationship with Respondent, or any other relationship that could reasonably be expected to
18 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its
19 designee. If it is impractical for anyone but Respondent’s employer to serve as the worksite
20 monitor, this requirement may be waived by the Board or its designee, however, under no
21 circumstances shall Respondent’s worksite monitor be an employee or supervisee of the licensee.

22 The worksite monitor shall have an active unrestricted license with no disciplinary action
23 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms
24 and conditions of Respondent’s disciplinary order and agrees to monitor Respondent as set forth
25 by the Board or its designee.

26 Respondent shall pay all worksite monitoring costs.

27 The worksite monitor shall have face-to-face contact with Respondent in the work
28 environment on as frequent a basis as determined by the Board or its designee, but not less than

1 once per week; interview other staff in the office regarding Respondent's behavior, if requested
2 by the Board or its designee; and review Respondent's work attendance.

3 The worksite monitor shall verbally report any suspected substance abuse to the Board and
4 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected
5 substance abuse does not occur during the Board's normal business hours, the verbal report shall
6 be made to the Board or its designee within one (1) hour of the next business day. A written
7 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and
8 any other information deemed important by the worksite monitor shall be submitted to the Board
9 or its designee within 48 hours of the occurrence.

10 The worksite monitor shall complete and submit a written report monthly or as directed by
11 the Board or its designee which shall include the following: (1) Respondent's name and
12 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)
13 the worksite monitor's license number, if applicable; (4) the location or location(s) of the
14 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the
15 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;
16 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can
17 lead to suspected substance abuse by Respondent. Respondent shall complete any required
18 consent forms and execute agreements with the approved worksite monitor and the Board, or its
19 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

20 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)
21 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior
22 approval, the name and qualifications of a replacement monitor who will be assuming that
23 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a
24 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the
25 monitor, Respondent shall receive a notification from the Board or its designee to cease the
26 practice of medicine within three (3) calendar days after being so notified. Respondent shall
27 cease the practice of medicine until a replacement monitor is approved and assumes monitoring
28 responsibility.

1 12. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING

2 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of
3 probation.

4 A. If Respondent commits a major violation of probation as defined by section
5 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
6 one or more of the following actions:

7 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
8 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
9 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
10 order issued by the Board or its designee shall state that Respondent must test negative for at least
11 a month of continuous biological fluid testing before being allowed to resume practice. For
12 purposes of determining the length of time a Respondent must test negative while undergoing
13 continuous biological fluid testing following issuance of a cease-practice order, a month is
14 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until
15 notified in writing by the Board or its designee that he or she may do so.

16 (2) Increase the frequency of biological fluid testing.

17 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or
18 other action as determined by the Board or its designee.

19 B. If Respondent commits a minor violation of probation as defined by section
20 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
21 one or more of the following actions:

22 (1) Issue a cease-practice order;

23 (2) Order practice limitations;

24 (3) Order or increase supervision of Respondent;

25 (4) Order increased documentation;

26 (5) Issue a citation and fine, or a warning letter;

27 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in
28 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of

1 Regulations, at Respondent's expense;

2 (7) Take any other action as determined by the Board or its designee.

3 C. Nothing in this Decision shall be considered a limitation on the Board's authority
4 to revoke Respondent's probation if he or she has violated any term or condition of probation. If
5 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
6 opportunity to be heard, may revoke probation and carry out the disciplinary order that was
7 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed
8 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
9 is final, and the period of probation shall be extended until the matter is final.

10 13. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
11 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
12 Chief Executive Officer at every hospital where privileges or membership are extended to
13 Respondent, at any other facility where Respondent engages in the practice of medicine,
14 including all physician and locum tenens registries or other similar agencies, and to the Chief
15 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
16 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
17 calendar days.

18 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

19 14. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
20 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
21 advanced practice nurses.

22 15. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
23 governing the practice of medicine in California and remain in full compliance with any court
24 ordered criminal probation, payments, and other orders.

25 16. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
26 under penalty of perjury on forms provided by the Board, stating whether there has been
27 compliance with all the conditions of probation.

28 Respondent shall submit quarterly declarations not later than 10 calendar days after the end

1 of the preceding quarter.

2 17. GENERAL PROBATION REQUIREMENTS.

3 Compliance with Probation Unit

4 Respondent shall comply with the Board's probation unit.

5 Address Changes

6 Respondent shall, at all times, keep the Board informed of Respondent's business and
7 residence addresses, email address (if available), and telephone number. Changes of such
8 addresses shall be immediately communicated in writing to the Board or its designee. Under no
9 circumstances shall a post office box serve as an address of record, except as allowed by Business
10 and Professions Code section 2021, subdivision (b).

11 Place of Practice

12 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
13 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
14 facility.

15 License Renewal

16 Respondent shall maintain a current and renewed California physician's and surgeon's
17 license.

18 Travel or Residence Outside California

19 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
20 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
21 (30) calendar days.

22 In the event Respondent should leave the State of California to reside or to practice
23 ,Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
24 departure and return.

25 18. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
26 available in person upon request for interviews either at Respondent's place of business or at the
27 probation unit office, with or without prior notice throughout the term of probation.

28 \\\

1 19. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
2 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
3 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
4 defined as any period of time Respondent is not practicing medicine as defined in Business and
5 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
6 patient care, clinical activity or teaching, or other activity as approved by the Board. If
7 Respondent resides in California and is considered to be in non-practice, Respondent shall
8 comply with all terms and conditions of probation. All time spent in an intensive training
9 program which has been approved by the Board or its designee shall not be considered non-
10 practice and does not relieve Respondent from complying with all the terms and conditions of
11 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
12 on probation with the medical licensing authority of that state or jurisdiction shall not be
13 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
14 period of non-practice.

15 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
16 months, Respondent shall successfully complete the Federation of State Medical Boards's Special
17 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
18 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
19 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

20 Respondent's period of non-practice while on probation shall not exceed two (2) years.

21 Periods of non-practice will not apply to the reduction of the probationary term.

22 Periods of non-practice for a Respondent residing outside of California will relieve
23 Respondent of the responsibility to comply with the probationary terms and conditions with the
24 exception of this condition and the following terms and conditions of probation: Obey All Laws;
25 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
26 Controlled Substances; and Biological Fluid Testing..

27 20. COMPLETION OF PROBATION. Respondent shall comply with all financial
28 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the

1 completion of probation. Upon successful completion of probation, Respondent's certificate shall
2 be fully restored.

3 21. LICENSE SURRENDER. Following the effective date of this Decision, if
4 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
5 the terms and conditions of probation, Respondent may request to surrender her license. The
6 Board reserves the right to evaluate Respondent's request and to exercise its discretion in
7 determining whether or not to grant the request, or to take any other action deemed appropriate
8 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
9 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
10 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
11 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
12 application shall be treated as a petition for reinstatement of a revoked certificate.

13 22. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
14 with probation monitoring each and every year of probation, as designated by the Board, which
15 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
16 California and delivered to the Board or its designee no later than January 31 of each calendar
17 year.

18 23. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
19 a new license or certification, or petition for reinstatement of a license, by any other health care
20 licensing action agency in the State of California, all of the charges and allegations contained in
21 Accusation No. 800-2016-028742 shall be deemed to be true, correct, and admitted by
22 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
23 restrict license.

24
25 **ACCEPTANCE**

26 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
27 discussed it with my attorney, Mark B. Connely, Esq. I understand the stipulation and the effect
28 it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement

1 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
2 Decision and Order of the Medical Board of California.

3
4 DATED: _____
5 SVETLANA LABAT ANIC, M.D.
6 *Respondent*

7 I have read and fully discussed with Respondent Svetlana Labat Anic, M.D. the terms and
8 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
9 I approve its form and content.

10 DATED: _____
11 MARK B. CONNELLY, ESQ.
12 *Attorney for Respondent*

13 **ENDORSEMENT**

14 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
15 submitted for consideration by the Medical Board of California.

16 DATED: _____
17 Respectfully submitted,
18 XAVIER BECERRA
19 Attorney General of California

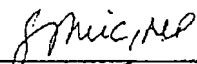
20 STEVE DIEHL
21 Supervising Deputy Attorney General
22 *Attorneys for Complainant*

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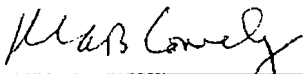
1 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
2 Decision and Order of the Medical Board of California.

3
4 DATED: 10/30/2020


SVETLANA LABAT ANIC, M.D.
Respondent ✓

6 I have read and fully discussed with Respondent Svetlana Labat Anic, M.D. the terms and
7 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
8 I approve its form and content.

9 DATED: 10/30/2020


MARK B. CONNELLY, ESQ.
Attorney for Respondent

11
12
13 **ENDORSEMENT**

14 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
15 submitted for consideration by the Medical Board of California.

16 DATED: 11/3/2020

17 Respectfully submitted,
18 XAVIER BECERRA
Attorney General of California


19 STEVE DIEHL
20 Supervising Deputy Attorney General
21 Attorneys for Complainant

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23
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Exhibit A

Accusation No. 800-2016-028742

1 XAVIER BECERRA
Attorney General of California
2 STEVE DIEHL
Supervising Deputy Attorney General
3 State Bar No. 235250
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8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 800-2016-028742

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

ACCUSATION

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.

10 (d) Incompetence.

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

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

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

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

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

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

(a) The use or prescribing for or administering to himself or herself, of any 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 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 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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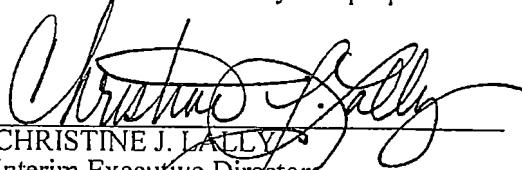
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PRAYER

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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