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

In the Matter of the Accusation Against: **ANIL JAMNU SAHIJWANI, M.D.** **1811 W. Hills Ave.** **Tampa, FL 33606-3224** **Physician's and Surgeon's Certificate** **No. C 140423** Respondent.	Case No. 800-2017-033623 **DEFAULT DECISION AND ORDER** [Gov. Code §11520]

1. On October 2, 2017, an employee of the Medical Board of California (Board), served by Certified Mail a copy of Accusation No. 800-2017-033623 (Accusation), Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 on Anil Jamnu Sahijwani, M.D. (Respondent) at the Respondent's address of record with the Board, which was and is 1811 W. Hills Ave., Tampa, Florida 33606-3224. According to the U.S. Postal Service Tracking Information, the mail "could not be delivered to the address of record, was held for the required number of days, and returned to the Sender." (Exhibit Package, **Exhibit 1**[1]: Accusation, related documents, Declarations of Service, and U.S. Postal Service Tracking Information.)

[1] The evidence in support of this Default Decision and Order is contained in the accompanying "Default Decision Exhibit Package."

2. The Respondent did not respond to the Accusation. On October 19, 2017, an employee of the Attorney General's Office sent by certified mail addressed to the Respondent at his address of record a courtesy notice of default, advising the Respondent of the Accusation and providing the Respondent with an opportunity to request relief from default. The envelope containing the courtesy notice of default was returned to the Attorney General's Office stamped "Unclaimed Return to Sender." (Exhibit Package, **Exhibit 2**: Courtesy Notice of Default.)

FINDINGS OF FACT

I

Complainant Kimberly Kirchmeyer is the Executive Director of the Board. The charges and allegations in Accusation No. 800-2017-033623 were at all times brought and made solely in the official capacity of the Board's Executive Director.

II

On or about January 28, 2016, the Board issued Physician's and Surgeon's Certificate No. C 140423 to the Respondent. The Physician's and Surgeon's Certificate is renewed and current with an expiration date of January 31, 2018. (Exhibit Package, **Exhibit 3**: Certificate of License.)

III

On October 2, 2017, the Respondent was served with an Accusation, alleging causes for discipline against the Respondent. A Courtesy Notice of Default was thereafter served on the Respondent. The Respondent failed to file a Notice of Defense.

IV.

The allegations of the Accusation are true as follows:

On June 8 2017, the State of Florida Department of Health issued an Order of Emergency Suspension of License, immediately suspending the license of the Respondent to practice medicine in Florida. The suspension was based on the following finding in the Order of Emergency Suspension:

> On or about March 14, 2017, in the United States District Court, Middle District of Florida, Tampa Division, in case number 8:16-cr-463-T-36MAP, Dr. Sahijwani pled guilty to one felony count of distributing and dispensing, and possessing with the intent to distribute and dispense, Oxycodone and Amphetamine, Schedule II controlled substances, not for a legitimate medical purpose and not in the usual course

of a professional practice, in violation of Title 21, United States Code, Section 841(a)(1); and one felony count of distributing and dispensing, and possessing with the intent to distribute and dispense, Oxycodone, a Schedule II controlled substance, not for a legitimate medical purpose and not in the usual course of a professional practice, in violation of Title 21, United States Code, Section 841(a)(1).

The Florida Order of Emergency Suspension of License is marked as **Exhibit A** to **Exhibit 1** in the Exhibit Package.

On July 26, 2017, the Medical Board of California suspended the Respondent's California Physician's and Surgeon's Certificate, under Business and Professions Code section 2310, based on the emergency suspension of the Respondent's Florida license.

On August 29, 2017, judgment was entered against the Respondent in the United States District Court, Middle District of Florida, Tampa Division, Case Number 8:16-cr-463-T-36MAP, based on the Respondent's pleas of guilty to the following two offenses:

- Conspiracy to possess with intent to distribute and dispense oxycodone and amphetamine, not for a legitimate medical purpose, beginning on an unknown date but at least from on or about May 19, 2012 through on or about July 31, 2012, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 846, and Code of Federal Regulations, Section 1306.04; and
- Conspiracy to possess with intent to distribute and dispense oxycodone, not for a legitimate medical purpose, beginning on an unknown date but at least from on or about February 24, 2012 through on or about August 8, 2012, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 846, and Code of Federal Regulations, Section 1306.04.

DETERMINATION OF ISSUES

I

Pursuant to the foregoing Findings of Fact, the Respondent's conduct and the action of the State of Florida Department of Health constitute cause for discipline within the meaning of Business and Professions Code sections 2305 and 141, and the Respondent's physician's and surgeon's certificate is subject to revocation.

///

II.

Pursuant to the foregoing Findings of Fact, the Respondent's criminal convictions violated Business and Professions Code sections 2236, 2237 and 2238 and constitute cause for discipline and revocation of the Respondent's physician's and surgeon's certificate.

ORDER

IT IS SO ORDERED that Physician's and Surgeon's Certificate No. C140423, heretofore issued to Respondent Anil Jamnu Sahijwani, M.D., is revoked.

Respondent shall not be deprived of making a request for relief from default as set forth in Government Code section 11520, subdivision (c), for good cause shown. However, such showing must be made in writing by way of a motion to vacate the default decision and directed to the Medical Board of California at 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815 within seven (7) days after service of the Decision on Respondent.

This Decision shall become effective on January 12, 2018 at 5:00 p.m.

It is so ORDERED December 13, 2017

MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By _____
Kimberly Kirchmeyer
Executive Director

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Oct 2, 2017
BY [illegible] ANALYST

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

In the Matter of the Accusation Against:	Case No. 800-2017-033623
Anil Jamnu Sahijwani, M.D. **1811 W. Hills Ave.** **Tampa, FL 33606-3224** **Physican's and Surgeon's Certificate No. C140423,** Respondent.	**A C C U S A T I O N**

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On January 28, 2016, the Medical Board issued Physican's and Surgeon's Certificate Number C140423 to Anil Jamnu Sahijwani, M.D. (Respondent). The certificate was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2018, unless renewed.

///

///

JURISDICTION

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

4. Section 2004 provides that the Board shall have the responsibility for the enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

5. Section 2227 provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

6. Section 2234 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.
>
> . . . .

7. Section 141 states:

> (a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.
>
> (b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country.

8. Section 2305 states:

> The revocation, suspension, or other discipline, restriction, or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter, shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state.

9. Section 2236 states:

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

. . . .

(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is 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.

10. Section 2237, subdivision (a) states:

The conviction of a charge of violating any federal statutes or regulations or any statute or regulation of this state, regulating dangerous drugs or controlled substances, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of such unprofessional conduct. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

11. Section 2238 of the Code provides, in part:

A violation of any federal statute or federal regulation or any of the statutes or regulations of this state regulating dangerous drugs or controlled substances constitutes unprofessional conduct.

FIRST CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by another State)

12. On June 8 2017, the State of Florida Department of Health issued an Order of Emergency Suspension of License, immediately suspending the license of the Respondent to practice medicine in Florida. The suspension was based on the following finding in the Order of Emergency Suspension:

On or about March 14, 2017, in the United States District Court, Middle District of Florida, Tampa Division, in case number 8:16-cr-463-T-36MAP, Dr. Sahijwani pled guilty to one felony count of distributing and dispensing, and possessing with the intent to distribute and dispense, Oxycodone and Amphetamine, Schedule II controlled substances, not for a legitimate medical purpose and not in the usual course of a professional practice, in violation of Title 21, United States Code, Section 841(a)(1); and one felony count of distributing and dispensing, and possessing with the intent to distribute and dispense, Oxycodone, a Schedule II controlled substance, not for a legitimate medical purpose and not in the usual course of a professional practice, in violation of Title 21, United States Code, Section 841(a)(1).

The Florida Order of Emergency Suspension of License is attached and incorporated herein as **Exhibit A**.

13. On July 26, 2017, the Medical Board of California suspended the Respondent's California Physician's and Surgeon's Certificate, under Code section 2310, based on the emergency suspension of the Respondent's Florida license.

14. Respondent's conduct and the action of the State of Florida Department of Health as set forth above constitute unprofessional conduct within the meaning of section 2305 and conduct subject to discipline within the meaning of section 141(a).

SECOND CAUSE FOR DISCIPLINE

(Substantially Related Criminal Convictions)

15. On August 29, 2017, judgment was entered against the Respondent in the United States District Court, Middle District of Florida, Tampa Division, Case Number 8:16-cr-463-T-36MAP, based on the Respondent's pleas of guilty to the following two offenses:

- Conspiracy to possess with intent to distribute and dispense oxycodone and amphetamine, not for a legitimate medical purpose, beginning on an unknown date but at least from on or about May 19, 2012 through on or about July 31, 2012, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 846, and Code of Federal Regulations, Section 1306.04; and
- Conspiracy to possess with intent to distribute and dispense oxycodone, not for a legitimate medical purpose, beginning on an unknown date but at least from on or about February 24, 2012 through on or about August 8, 2012, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 846, and Code of Federal Regulations, Section 1306.04.

16. The Respondent's criminal convictions constitute unprofessional conduct and are cause for discipline pursuant to sections 2236, 2237, and 2238.

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 Physican's and Surgeon's Certificate Number C140423, issued to Anil Jamnu Sahijwani, M.D.;

2. Revoking, suspending or denying approval of Anil Jamnu Sahijwani, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Anil Jamnu Sahijwani, 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: October 2, 2017

KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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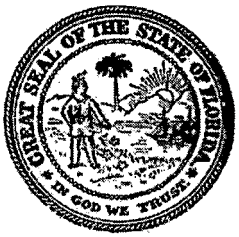
EXHIBIT A

CERTIFICATION OF PUBLIC RECORD(S)

I, **Jill Thompson**, hereby certify that I am an official custodian of records for the Florida Department of Health, Division of Medical Quality Assurance. I hereby verify that I have conducted a thorough search of the official records of the Division of Medical Quality Assurance and have determined that the attached records consisting of **4 (FOUR)** pages, are true, correct and complete copies of **ANIL JAMNU SAHIJWANI, ME85487**. I further certify that these records are received and required to be filed or recorded, are actually filed or recorded, and originals are maintained in the public office of the Division of Medical Quality Assurance. The attached is a regularly received and retained record in the ordinary course of business. This certification is made pursuant to Sections 90.803(8), and 90.902(4), Florida Statutes (2016).



Jill Thompson 6/30/17
Jill Thompson Date
Public Records Custodian

STATE OF FLORIDA
COUNTY OF LEON

Before me, personally appeared Jill Thompson whose identity is personally known to me, and who, acknowledges that his/her signature appears above.

Sworn and subscribed to, before me, this 30 day of June, 2017.

Lawanda M. Bell
Signature-Notary Public-State of Florida

LAWANDA M BELL
MY COMMISSION # FF969275
EXPIRES May 09, 2020
Notary Printed Name

Final Order No. DOH-17-1070-ESD - MQA
FILED DATE - JUN 0 8 2017
Department of Health
By: [signature]
Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTH

In Re: Emergency Suspension of the License of
Anil Jamnu Sahijwani, M.D.
License No.: ME 85487
Case No.: 2017-06714

ORDER OF EMERGENCY SUSPENSION OF LICENSE

Celeste Philip, M.D., M.P.H., State Surgeon General, ORDERS the emergency suspension of the license of Anil Jamnu Sahijwani, M.D. ("Dr. Sahijwani"), to practice as a medical doctor in the State of Florida. Dr. Sahijwani holds license number ME 85487. His address of record is 1811 West Hills Avenue, Tampa, Florida 33606. The following Findings of Fact and Conclusions of Law support the emergency suspension of Dr. Sahijwani's license to practice as a medical doctor in the State of Florida.

FINDINGS OF FACT

1. The Department of Health (Department) is the state agency charged with regulating the practice of medicine pursuant to Chapters 20, 456, and 458, Florida Statutes (2016). Section 456.074(1), Florida Statutes (2016), authorizes the Department to summarily suspend Dr. Sahijwani's license to practice as a medical doctor.

2. At all times material to this Order, Dr. Sahijwani was licensed to practice as a medical doctor in the State of Florida pursuant to Chapter 458, Florida Statutes (2016).

3. On or about March 14, 2017, in the United States District Court, Middle District of Florida, Tampa Division, in case number 8:16-cr-463-T-36MAP, Dr. Sahijwani pled guilty to one felony count of distributing and dispensing, and possessing with the intent to distribute and dispense, Oxycodone and Amphetamine, Schedule II controlled substances, not for a legitimate medical purpose and not in the usual course of a professional practice, in violation of Title 21, United States Code, Section 841(a)(1); and one felony count of distributing and dispensing, and possessing with the intent to distribute and dispense, Oxycodone, a Schedule II controlled substance, not for a legitimate medical purpose and not in the usual course of a professional practice, in violation of Title 21, United States Code, Section 841(a)(1).[1]

4. Section 456.074(1)(a), Florida Statutes, provides that the Department *shall* issue an emergency order suspending the license of any person licensed under Chapter 458, Florida Statutes, who pleads guilty to a felony under 21 U.S.C. Sections 801-970.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the State Surgeon General concludes as follows:

1. The Department has jurisdiction over this matter pursuant to Section 20.43, and Chapter 456.074(1)(a), Florida Statutes (2016), and Chapter 458, Florida Statutes (2016), as set forth above.

[1] According to the Superseding Information in criminal case number 8:16-cr-463-T-36MAP, all counts to which Dr. Sahijwani pled guilty were also in violation of 21 U.S.C. Sections 846 and 841(b)(1)(c).

2. The Department is mandated to summarily suspend Dr. Sahijwani's license to practice as a medical doctor in accordance with Section 456.074(1)(a), Florida Statutes (2016).

WHEREFORE, in accordance with Section 456.074(1)(a), Florida Statutes (2016), it is ORDERED THAT:

1. The license of Anil Jamnu Sahijwani, M.D., license number ME 85487, is immediately suspended.

2. A proceeding seeking formal discipline of the license of Anil Jamnu Sahijwani, M.D., to practice as a medical doctor will be promptly instituted and acted upon in compliance with Section 120.569, Florida Statutes (2016).

DONE and ORDERED this 8 day of June, 2017.

Celeste Philip, M.D., M.P.H.
Surgeon General and Secretary

PREPARED BY:
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NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to Section 120.68, Florida Statutes, this Order is judicially reviewable. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing a Petition for Review, in accordance with Florida Rule of Appellate Procedure 9.100, accompanied by a filing fee prescribed by law with the District Court of Appeal, and providing a copy of that Petition to the Department of Health within thirty (30) days of the date this Order is filed.