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7 8 I 1	SABEL BARRAZA, Legal Analyst Telephone: (415) 703-5737	
9	DEFAI	Эр тиг
10	BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
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12		Com No. (044
	In the Matter of the Statement of Issues Against:	Case No. 6044
14	ADARSH KONDA	
15 A	Applicant for Intern Pharmacist License	STATEMENT OF ISSUES
16	Respondent.	
17		
18	Complainant alleges:	
19	PARTIES	
20	1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official	
21 🛛 c	capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.	
22	2. On or about September 14, 2016, the Board of Pharmacy, Department of Consumer	
23 A	Affairs received an application for an Application for Registration as an Intern Pharmacist from	
24	Adarsh Konda (Respondent). On or about August 16, 2016, Adarsh Konda certified under	
25 F	penalty of perjury to the truthfulness of all statements, answers, and representations in the	
26	Application. The Board denied the application on or about January 6, 2017.	
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		STATEMENT OF ISSUES (Case No. 604

1	JURISDICTION
2	3. This Statement of Issues is brought before the Board of Pharmacy (Board),
3	Department of Consumer Affairs, under the authority of the following laws. All section
4	references are to the Business and Professions Code (Code) unless otherwise indicated.
5	STATUTORY AND REGULATORY PROVISIONS
6	4. Section 4300, subdivision (c), of the Code states in pertinent part:
7	"(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The
8	board may, in its sole discretion, issue a probationary license to any applicant for a license who is
9	guilty of unprofessional conduct and who has met all other requirements for licensure. The board
10	may issue the license subject to any terms or conditions not contrary to public policy"
11	5. Section 4301 of the Code provides, in pertinent part, that "unprofessional conduct" is
12	defined to include, but not be limited to, any of the following:
13	(h) The administering to oneself, of any controlled substance, or the use of any dangerous
14	drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
15	oneself, to a person holding a license under this chapter, or to any other person or to the public, or
16	to the extent that the use impairs the ability of the person to conduct with safety to the public the
17	practice authorized by the license.
18	
19	(1) The conviction of a crime substantially related to the qualifications, functions, and
20	duties of a licensee under this chapter.
21	6. Section 480 of the Code states, in pertinent part:
22	"(a) A board may deny a license regulated by this code on the grounds that the applicant
23	has one of the following:
24	"(1) Been convicted of a crime Any action which a board is permitted to take following
25	the establishment of a conviction may be taken irrespective of a subsequent order under the
26	provisions of Section 1203.4 of the Penal Code.
27	"(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially
28	benefit himself or another, or substantially injure another; or
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	STATEMENT OF ISSUES (Case No. 6044)

1	"(3) Done any act which if done by a licentiate of the business or profession in question,	
2	would be grounds for suspension or revocation of license.	
3	"The board may deny a license pursuant to this subdivision only if the crime or act is	
4	substantially related to the qualifications, functions, or duties of the [license]."	
5	7. California Code of Regulations, title 16, section 1770, states:	
6	"For the purpose of denial, suspension, or revocation of a personal or facility license	
7	pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a	
8	crime or act shall be considered substantially related to the qualifications, functions or duties of a	
9	licensee or registrant if to a substantial degree it evidences present or potential unfitness of a	
10	licensee or registrant to perform the functions authorized by his license or registration in a manner	
11	consistent with the public health, safety, or welfare."	
12	CAUSE FOR DENIAL OF APPLICATION	
13	(Conviction of Substantially Related Crimes(s))	
14	8. Respondent's application is subject to denial under section(s) of the Code: 480(a)(1);	
15	480(a)(3) by reference to 4301(1); and/or 4300(c) by reference to 4301(1) and California Code of	
16	Regulations, title 16, section 1770, for conviction of a substantially related crime, in that on or	
17	about November 6, 2013, in the criminal case People of the State of California v. Adarsh Konda,	
18	Case No. 1430527 in Santa Barbara County Superior Court, Respondent was convicted by plea of	
19	nolo contendere of violating Vehicle Code section 23103.5 - Wet and Reckless, a misdemeanor.	
20	The conviction was entered as follows:	
21	9. On or about February 19, 2013, a car driven by Respondent was involved in a minor	
22	traffic collision at an intersection of the campus of the University of California Santa Barbara.	
23	Witnesses identified Respondent as the driver involved in the accident and reported that prior to	
24	the accident he was observed driving erratically and crossing over into the on-coming lane.	
25	Respondent rear ended a vehicle stopped at a red light. The responding officer from the	
26	University of California Police Department observed that Respondent had difficulty determining	
	what documents to give to the officer and seemed confused. The officer noticed Respondent's	
28	speech was slow and slurred, he swayed while standing, and his eyes were red and watery. The	
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officer did not detect any odor of alcohol emitting from Respondent's breath or person. The 1 Officer conducted a Horizontal Gaze Nystagmus test and noted that Respondent had difficulty 2 following directions to follow the pen with his eyes. Respondent's pupils were constricted and 3 non reactive to the light. Respondent's tongue was yellow with a brown spot. Respondent 4 admitted to smoking marijuana the day before and having taken Benadryl that morning. 5 Respondent was unable to satisfactorily perform the field sobriety tests. His movements were 6 slow, and he would stare off, and seemed dazed and confused. Based on the officer's 7 observations, statements from witnesses, and Respondent's symptoms of possible intoxication, he 8 placed Respondent under arrest for driving under the influence. Respondent consented to a 9 chemical breath test which indicated no presence of alcohol in his system. He was then 10 transported to the Goleta Valley Cottage Hospital where he submitted to a chemical blood test. 11 While at the hospital and in the patrol vehicle, Respondent fell asleep several times. He was later 12 booked at the Santa Barbara County Jail on charges of violating misdemeanor Vehicle Code 13 section 23152(a) - Driving Under the Influence of Drugs/Alcohol. The toxicology screening 14 results from Respondent's blood sample indicated a presence of benzodiazepines, cocaine and 15 marijuana in his system at the time of his arrest. The Santa Barbara County DA's office filed a 16 misdemeanor complaint charging Respondent with the following violations: 1) Misdemeanor 17 Vehicle Code section 23152(a) - Driving Under the Influence of a Drug; and 2) Misdemeanor 18 Health and Safety Code section 11550(a) – Under the Influence of a Controlled Substance 19 (Cocaine). The complaint was later amended to add Count 3, misdemeanor Vehicle Code section 2023103.5 – Wet and Reckless Driving. Respondent pled guilty to and was convicted of violating 21 Count 3. The Court dismissed counts 1 and 2. Respondent was granted formal probation for a 22 period of three years with terms and conditions, not limited to: Serve 1 day in Santa Barbara 23 county jail; Pay fines/restitution; complete a 12 hour drug counseling program, and submit to 24 testing if requested. Respondent paid his restitution in full and completed a 12-hour drug and 25 alcohol counseling program. Respondent's probation was modified from formal probation to 26 summary (unsupervised) probation. 27

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III

1	<u>PRAYER</u>	
2	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
3	and that following the hearing, the Board of Pharmacy issue a decision:	
4	1. Denying the application of Adarsh Konda for an Intern Pharmacist registration;	
5	2. Taking such other and further action as deemed necessary and proper.	
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7	DATED: 6/30/17 Unginia Herd	
8	VIRGINIA HEROLD Executive Officer	
9	Board of Pharmacy Department of Consumer Affairs	
10	State of California Complainant	
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