

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

**In the Matter of the First Amended
Accusation Against:**

Maria Lormina Ley Tupas, M.D.

**Physician's and Surgeon's
Certificate No. A 49568**

Respondent.

Case No. 800-2019-059645

DECISION

The attached Stipulated Surrender of License 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 September 23, 2021.

IT IS SO ORDERED September 16, 2021.

MEDICAL BOARD OF CALIFORNIA



**William Prasifka
Executive Director**

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Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
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10 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the First Amended Accusation
Against:

14 **MARIA LORMINA LEY TUPAS, M.D.**
15 **7832 E San Luis Dr.**
Orange, CA 92869-5653

16 **Physician's and Surgeon's Certificate**
17 **No. A 49568**

18 Respondent.

Case No. 800-2019-059645

OAH No. 2020120637

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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

22 **PARTIES**

23 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
24 California (Board). He brought this action solely in his official capacity and is represented in this
25 matter by Rob Bonta, Attorney General of the State of California, by Tessa L. Heunis, Deputy
26 Attorney General.

27 2. Maria Lormina Ley Tupas, M.D. (Respondent) is representing herself in this
28 proceeding and has chosen not to exercise her right to be represented by counsel.

1 3. On or about June 11, 1991, the Board issued Physician's and Surgeon's Certificate
2 No. A 49568 to Maria Lormina Ley Tupas, M.D. (Respondent). The Physician's and Surgeon's
3 Certificate was in full force and effect at all times relevant to the charges brought in First
4 Amended Accusation No. 800-2019-059645 and will expire on January 31, 2023, unless renewed.

5 **JURISDICTION**

6 4. On November 20, 2020, Accusation No. 800-2019-059645 was filed before the
7 Board. A true and correct copy of the Accusation and all other statutorily required documents
8 were properly served on Respondent, and Respondent timely filed her Notice of Defense
9 contesting the Accusation. On August 25, 2021, First Amended Accusation 800-2019-059645
10 was filed before the Board (superseding the Accusation filed on November 20, 2020) and is
11 currently pending against Respondent. A true and correct copy of First Amended Accusation No.
12 800-2019-059645 and all other statutorily required documents were properly served on
13 Respondent, and all allegations therein were deemed controverted. A true and correct copy of
14 First Amended Accusation No. 800-2019-059645 is attached as Exhibit A and incorporated
15 herein by reference.

16 **ADVISEMENT AND WAIVERS**

17 5. Respondent has carefully read, and fully understands, the charges and allegations in
18 First Amended Accusation No. 800-2019-059645. Respondent also has carefully read, and fully
19 understands, the effects of this Stipulated Surrender of License and Order.

20 6. Respondent is fully aware of her legal rights in this matter, including the right to a
21 hearing on the charges and allegations in the First Amended Accusation; the right to be
22 represented by counsel, at her own expense; the right to confront and cross-examine the witnesses
23 against her; the right to present evidence and to testify on her own behalf; the right to the issuance
24 of subpoenas to compel the attendance of witnesses and the production of documents; the right to
25 reconsideration and court review of an adverse decision; and all other rights accorded by the
26 California Administrative Procedure Act and other applicable laws.

27 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
28 every right set forth above.

1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in First
3 Amended Accusation No. 800-2019-059645, and hereby surrenders her Physician's and
4 Surgeon's Certificate No. A 49568 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation she enables the Board to issue
6 an order accepting the surrender of her Physician's and Surgeon's Certificate A 49568 without
7 further process.

8 CONTINGENCY

9 10. Business and Professions Code section 2224, subdivision (b), provides, in pertinent
10 part, that the Board "shall delegate to its executive director the authority to adopt a ... stipulation
11 for surrender of a license."

12 11. Respondent understands that, by signing this stipulation, she enables the Executive
13 Director of the Board to issue an order, on behalf of the Board, accepting the surrender of her
14 Physician's and Surgeon's Certificate No. A 49568 without further notice to, or opportunity to be
15 heard by, Respondent.

16 12. This Stipulated Surrender of License and Disciplinary Order shall be subject to the
17 approval of the Executive Director on behalf of the Board. The parties agree that this Stipulated
18 Surrender of License and Disciplinary Order shall be submitted to the Executive Director for his
19 consideration in the above-entitled matter and, further, that the Executive Director shall have a
20 reasonable period of time in which to consider and act on this Stipulated Surrender of License and
21 Disciplinary Order after receiving it. By signing this stipulation, Respondent fully understands
22 and agrees that she may not withdraw her agreement or seek to rescind this stipulation prior to the
23 time the Executive Director, on behalf of the Medical Board, considers and acts upon it.

24 13. The parties agree that this Stipulated Surrender of License and Disciplinary Order
25 shall be null and void and not binding upon the parties unless approved and adopted by the
26 Executive Director on behalf of the Board, except for this paragraph, which shall remain in full
27 force and effect. Respondent fully understands and agrees that in deciding whether or not to
28 approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive

1 Director and/or the Board may receive oral and written communications from its staff and/or the
2 Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the
3 Executive Director, the Board, any member thereof, and/or any other person from future
4 participation in this or any other matter affecting or involving Respondent. In the event that the
5 Executive Director on behalf of the Board does not, in his discretion, approve and adopt this
6 Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it
7 shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied
8 upon or introduced in any disciplinary action by either party hereto. Respondent further agrees
9 that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason
10 by the Executive Director on behalf of the Board, Respondent will assert no claim that the
11 Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review,
12 discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or
13 of any matter or matters related hereto.

14 **ADDITIONAL PROVISIONS**

15 14. This Stipulated Surrender of License and Disciplinary Order is intended by the parties
16 herein to be an integrated writing representing the complete, final and exclusive embodiment of the
17 agreements of the parties in the above-entitled matter.

18 15. The parties agree that copies of this Stipulated Surrender of License and Disciplinary
19 Order, including copies of the signatures of the parties, may be used in lieu of original documents
20 and signatures and, further, that such copies shall have the same force and effect as originals.

21 16. In consideration of the foregoing admissions and stipulations, the parties agree the
22 Executive Director of the Board may, without further notice to or opportunity to be heard by
23 Respondent, issue and enter the following Disciplinary Order on behalf of the Board:

24 **ORDER**

25 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 49568, issued
26 to Respondent Maria Lormina Ley Tupas, M.D., is surrendered and accepted by the Board.

27 1. This stipulation shall become a part of respondent's license history with the Medical
28 Board of California.

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

DATED: September 9, 2021

Respectfully submitted,

ROB BONTA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General



TESSA L. HEUNIS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 800-2019-059645

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

In the Matter of the First Amended Accusation . Against: MARIA LORMINA LEY TUPAS, M.D. 7832 E. San Luis Dr. Orange, CA 92869-5653 Physician's and Surgeon's Certificate No. A 49568, Respondent.	Case No. 800-2019-059645 FIRST AMENDED ACCUSATION
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PARTIES

1. William Prasifka (Complainant) brings this First Amended Accusation solely in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).
2. On or about June 11, 1991, the Medical Board issued Physician's and Surgeon's Certificate Number A 49568 to Maria Lormina Ley Tupas, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2023, unless renewed.

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1 **JURISDICTION**

2 3. This First Amended Accusation, which supersedes the Accusation filed on
3 November 20, 2020, in the above-entitled matter, is brought before the Board under the authority
4 of the following laws. All section references are to the Business and Professions Code (Code)
5 unless otherwise indicated.

6 4. Section 820 of the Code states:

7 Whenever it appears that any person holding a license, certificate or permit
8 under this division or under any initiative act referred to in this division may be
9 unable to practice his or her profession safely because the licentiate's ability to
10 practice is impaired due to mental illness, or physical illness affecting competency,
11 the licensing agency may order the licentiate to be examined by one or more
12 physicians and surgeons or psychologists designated by the agency. The report of the
13 examiners shall be made available to the licentiate and may be received as direct
14 evidence in proceedings conducted pursuant to Section 822.

11 5. Section 822 of the Code states:

12 If a licensing agency determines that its licentiate's ability to practice his or her
13 profession safely is impaired because the licentiate is mentally ill, or physically ill
14 affecting competency, the licensing agency may take action by any one of the
15 following methods:

15 (a) Revoking the licentiate's certificate or license.

16 (b) Suspending the licentiate's right to practice.

17 (c) Placing the licentiate on probation.

18 (d) Taking such other action in relation to the licentiate as the licensing agency
19 in its discretion deems proper.

20 The licensing section shall not reinstate a revoked or suspended certificate or
21 license until it has received competent evidence of the absence or control of the
22 condition which caused its action and until it is satisfied that with due regard for the
23 public health and safety the person's right to practice his or her profession may be
24 safely reinstated.

23 **FACTUAL ALLEGATIONS**

24 **SECTION 822 CAUSE FOR ACTION**

25 **(Mental Illness and/or Physical Illness Affecting Competency)**

26 6. Respondent's Physician's and Surgeon's Certificate No. 49568 is subject to action
27 under section 822 of the Code in that her ability to practice medicine safely is impaired because
28 she is mentally ill or physically ill affecting competency, as more particularly alleged hereinafter:

1 7. Since on or about February 5, 2021, Respondent has been under the care of a
2 neurologist.

3 8. The neurologist compared three MRI scans performed on Respondent, namely, in
4 April 2016, April 2019, and July 2020. The neurologist found that Respondent's MRI scans
5 show a progressive atrophy of the frontal and temporal lobes, worse in the right hemisphere.

6 9. On or about March 4, 2021, a fluorodeoxyglucose (FDG)-positron emission
7 tomography (PET)¹ scan was conducted on Respondent.

8 10. The FDG-PET scan showed glucose hypometabolism² in the (right greater than left)
9 frontal and temporal lobes, with associated cortical atrophy.

10 11. The neurologist diagnosed Respondent with a behavioral variant frontotemporal lobar
11 dementia. Respondent's major deficits are behavioral (for instance, lack of insight [anosognosia],
12 change in personality, loss of empathy, increased religiosity, obsessive compulsive behaviors, and
13 frontal disinhibition), with mild dementia affecting executive, language, and memory abilities.

14 12. In the opinion of the neurologist, Respondent suffers from a neurodegenerative illness
15 and is unable to practice medicine safely now, or at any time in the future.

16 **PRAYER**

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

19 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 49568,
20 issued to Respondent Maria Lormina Ley Tupas, M.D.;

21 2. Revoking, suspending or denying approval of Respondent Maria Lormina Ley Tupas,
22 M.D.'s authority to supervise physician assistants and advanced practice nurses;

23 ////

24 ¹FDG is used to monitor glucose accumulation in the cells with increased metabolism.
25 FDG accumulates in the body in proportion to glucose metabolism. Positron emission
tomography (PET) is a type of nuclear medicine procedure that measures metabolic activity of the
26 cells of body tissues.

27 ² The brain can use two different types of fuel for energy: one is glucose and the other is
ketone bodies, also known as ketones. When the brain is unable to use glucose as its primary
energy source, the problem is called brain (or cerebral) glucose hypometabolism.
28 Hypometabolism, characterized by decreased brain glucose consumption, is a common feature of
many neuro-degenerative diseases.


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3. Taking action as authorized by section 822 of the Code as the Medical Board, in its discretion, deems necessary and proper;

4. Ordering Respondent Maria Lormina Ley Tupas, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

5. Taking such other and further action as deemed necessary and proper.

DATED: AUG 25 2021



WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant