

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

In the Matter of the Accusation
Against:

Ryszard Jerzy Chetkowski, M.D.

Physician's and Surgeon's
Certificate No. G 47258

Respondent.

Case No. 800-2022-084809

DECISION

The attached Stipulated Surrender of License 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 18, 2025.

IT IS SO ORDERED February 11, 2025.

MEDICAL BOARD OF CALIFORNIA



Reji Varghese
Executive Director

1 ROB BONTA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 TESSA L. HEUNIS
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8 *Attorneys for Complainant*

10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 800-2022-084809

14 **RYSZARD JERZY CHETKOWSKI, M.D.,**
15 **519 Spotted Owl Ct**
Walnut Creek, CA 94595-3906

**STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY ORDER**

16 **Physician's and Surgeon's Certificate**
17 **No. G 47258**

18 Respondent.

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. Reji Varghese (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 Rob Bonta, Attorney General of the State of California, by Tessa L. Heunis, Deputy
25 Attorney General.

26 2. Ryszard Jerzy Chetkowski, M.D. (Respondent) is represented in this proceeding by
27 attorney Denise Billups-Slone, Esq., whose address is: 3480 Buskirk Avenue, Suite 250, Pleasant
28 Hill, CA 94523.

1 3. On or about April 12, 1982, the Board issued Physician's and Surgeon's Certificate
2 No. G 47258 to Ryszard Jerzy Chetkowski, 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 Accusation
4 No. 800-2022-084809 but expired on March 31, 2024, and has not been renewed.

5 **JURISDICTION**

6 4. Accusation No. 800-2022-084809 was filed before the Board and is currently pending
7 against Respondent. A true and accurate copy of the Accusation and all other statutorily required
8 documents were properly served on Respondent on January 8, 2025. Respondent timely filed his
9 Notice of Defense contesting the Accusation. A true and accurate copy of Accusation No. 800-
10 2022-084809 is attached as Exhibit A and incorporated by reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, fully discussed with counsel, and fully understands the
13 charges and allegations in Accusation No. 800-2022-084809. Respondent also has carefully read,
14 fully discussed with counsel, and fully understands the effects of this Stipulated Surrender of
15 License and Order.

16 6. Respondent is fully aware of his legal rights in this matter; including the right to a
17 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
18 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
19 to the issuance of subpoenas to compel the attendance of witnesses and the production of
20 documents; the right to reconsideration and court review of an adverse decision; and all other
21 rights accorded by the California Administrative Procedure Act and other applicable laws.

22 7. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently
23 waives and gives up each and every right set forth above.

24 8. Notwithstanding the provisions of Business and Professions Code section 2307,
25 Respondent has fully discussed with counsel and voluntarily, knowingly, and intelligently waives
26 and gives up the right to apply for reinstatement of his Physician's and Surgeon's Certificate
27 throughout the entirety of his lifetime.

28 ////

1 CULPABILITY

2 9. Respondent does not contest that, at an administrative hearing, Complainant could
3 establish a *prima facie* case with respect to the charges and allegations contained in Accusation
4 No. 800-2022-084809 and that his Physician's and Surgeon's Certificate No. G 47258 is therefore
5 subject to discipline.

6 10. Respondent hereby surrenders his Physician's and Surgeon's Certificate No. G 47258
7 for the Board's formal acceptance.

8 11. Respondent understands that by signing this stipulation he enables the Board to issue
9 an order accepting the surrender of his Physician's and Surgeon's Certificate No. G 47258
10 without further process.

11 CONTINGENCY

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

15 13. Respondent understands that, by signing this stipulation, he enables the Executive
16 Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his
17 Physician's and Surgeon's Certificate No. G 47258 without further notice to, or opportunity to be
18 heard by, Respondent.

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

27 15. The parties agree that this Stipulated Surrender of License and Disciplinary Order
28 shall be null and void and not binding upon the parties unless approved and adopted by the

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

17 **ADDITIONAL PROVISIONS**

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

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

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

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ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 47258, issued to Respondent RYSZARD JERZY CHETKOWSKI, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate No. G 47258 and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a physician and surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. The surrender of Respondent's Physician's and Surgeon's Certificate shall be in effect and binding for the entirety of Respondent's lifetime.

5. Respondent shall be barred from applying for reinstatement of his Physician's and Surgeon's Certificate throughout the entirety of his lifetime.

6. If Respondent should ever apply or reapply for a license or certification by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2022-084809 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Disciplinary Order and have fully discussed it with my attorney Denise Billups-Slone, Esq. I fully understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. G 47258. I enter into this Stipulated Surrender of License and Disciplinary Order voluntarily, knowingly, and

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

3
4 DATED: 2/3/2025

RM J Chetkowski
RYSZARD JERZY CHETKOWSKI, M.D.
Respondent

6 I have read and fully discussed with Respondent RYSZARD JERZY CHETKOWSKI,
7 M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License
8 and Disciplinary Order. I approve its form and content.

9
10 DATED: Feb. 3, 2025

Denise Billups-Slone
DENISE BILLUPS-SLONE, ESQ.
Attorney for Respondent

11
12
13 **ENDORSEMENT**

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

17 DATED: February 5, 2025

Respectfully submitted,

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

21 *Tessa L. Heunis*
22 TESSA L. HEUNIS
23 Deputy Attorney General
24 *Attorneys for Complainant*
25
26
27
28

Exhibit A

Accusation No. 800-2022-084809

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14 **RYSZARD JERZY CHETKOWSKI, M.D.**
15 **519 Spotted Owl Ct**
Walnut Creek, CA 94595-3906

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. G 47258,**

Respondent.

18
19 **PARTIES**

20 1. Reji Varghese (Complainant) brings this Accusation solely in his official capacity as
21 the Executive Director of the Medical Board of California, Department of Consumer Affairs
22 (Board).

23 2. On or about April 12, 1982, the Medical Board issued Physician's and Surgeon's
24 Certificate No. G 47258 to Ryszard Jerzy Chetkowski, 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 expired on March 31, 2024. It has not been renewed.

27 *////*

28 *////*

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 (Code) unless otherwise indicated.

4. Section 2004 of the Code states:

The board shall have the responsibility for the following:

(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

(b) The administration and hearing of disciplinary actions.

(c) Carrying out disciplinary actions appropriate to findings made by a panel or an administrative law judge.

(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.

(e) Reviewing the quality of medical practice carried out by physician and surgeon certificate holders under the jurisdiction of the board.

...

5. Section 118 of the Code states:

...

(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

...

6. Section 2220 of the Code states:

Except as otherwise provided by law, the board may take action against all persons guilty of violating this chapter. The board shall enforce and administer this article as to physician and surgeon certificate holders, including those who hold certificates that do not permit them to practice medicine, such as, but not limited to, retired, inactive, or disabled status certificate holders, and the board shall have all the powers granted in this chapter for these purposes ...

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7. Section 2227 of the Code states:

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

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

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

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

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

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

...

STATUTORY PROVISIONS

8. 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.

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

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

• • •

9. Section 2266 of the Code states:

The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct.

10. Unprofessional conduct under Business and Professions Code section 2234 is conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine.¹

COST RECOVERY

11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FACTUAL ALLEGATIONS

12. At all relevant times, Respondent was board-certified in obstetrics and gynecology, with a sub-specialty in reproductive endocrinology and infertility.

13. It is the standard of care that physical examinations should be explained to the patient appropriately, undertaken only with the patient's informed consent and performed with the minimal amount of physical contact required to obtain data for diagnosis and treatment. All aspects of consent should be documented.

14. It is the standard of care that the presence and name of any chaperone be documented.

Patient 1²:

15. On or about December 30, 2021, Respondent performed a transvaginal ultrasound on Patient 1.

16. Prior to inserting the ultrasound transducer, Respondent rubbed Patient 1's clitoris.

¹ *Shea v. Board of Medical Examiners*, (1978) 81 Cal.App.3d 564, 575.

² Patient names are known to all parties but not disclosed to protect patient privacy.

1 17. Respondent used his fingers to open Patient 1's labia wider than was required or usual
2 for performing a transvaginal ultrasound.

3 18. Respondent did not obtain Patient 1's informed consent for his actions as described in
4 paragraph 17, above, which were offensive to Patient 1.

5 19. Respondent did not document his encounter with Patient 1. An office note for the
6 encounter is neither signed nor acknowledged by Respondent and makes no mention of whether a
7 chaperone was present or, if so, the identity of the chaperone.

8 Patient 2:

9 20. On or about November 1, 2019, Respondent performed a transvaginal ultrasound on
10 Patient 2.

11 21. Prior to inserting the ultrasound transducer, Respondent applied gel lubricant on one
12 of his hands and fingers and applied it directly to Patient 2's vulva, and also inserted his fingers
13 into Patient 2's vagina. Respondent's hand was on Patient 2's thigh during the procedure and
14 also during follow-up questions, after the transducer had been withdrawn, all of which was
15 offensive to Patient 2.

16 22. Respondent did not obtain Patient 2's informed consent for his actions as described in
17 paragraph 21, above.

18 23. Respondent's note for his encounter with Patient 2 makes no mention of whether a
19 chaperone was present or, if so, the identity of the chaperone.

20 Patient 3:

21 24. In January 2022, Respondent performed a transvaginal ultrasound on Patient 3.

22 25. Prior to inserting the ultrasound transducer, Respondent rubbed and/or fondled and/or
23 stroked her vagina in a way that was neither usual nor required for performing a transvaginal
24 ultrasound and/or was offensive to Patient 3.

25 26. Respondent did not obtain Patient 3's informed consent for his actions as described in
26 paragraph 25, above.

27 27. Respondent's note for his encounter with Patient 3 makes no mention of whether a
28 chaperone was present or, if so, the identity of the chaperone.

Patient 4:

28. On or about December 8, 2021, Respondent performed a transvaginal ultrasound on Patient 4.

29. Prior to inserting the ultrasound transducer, Respondent stroked and/or manipulated and/or massaged Patient 4's labia in a way that was neither usual nor required for performing a transvaginal ultrasound and/or was offensive to Patient 4.

30. Respondent did not obtain Patient 4's informed consent for his actions as described in paragraph 29, above.

31. Respondent's note for his encounter with Patient 4 makes no mention of whether a chaperone was present or, if so, the identity of the chaperone.

Patient 5:

32. On or about February 23, 2022, Respondent performed a transvaginal ultrasound on Patient 5.

33. Prior to inserting the ultrasound transducer, Respondent spread Patient 5's labia in a way that felt wider than was required or usual for performing a transvaginal ultrasound and/or paused and studied Patient 5's genitalia for longer than was required, all of which was offensive to Patient 5.

34. Respondent did not obtain Patient 5's informed consent for his actions as described in paragraph 33, above.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

35. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of the Code, in that he committed gross negligence in his care and treatment of Patient 1, Patient 2, Patient 3, and Patient 4, as more particularly alleged hereinafter:

36. Paragraphs 12 through 34, above, are hereby realleged and incorporated by this reference as if fully set forth herein.

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1 37. Respondent touched Patient 1, Patient 2, Patient 3, and/or Patient 4 outside of what
2 was required for the medical visit and/or without their informed consent.

3 38. Respondent failed to adequately document the medical visit of Patient 1.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Repeated Negligent Acts)**

6 39. Respondent is further subject to disciplinary action under sections 2227 and 2234, as
7 defined by section 2234, subdivision (c), of the Code, in that he committed repeated negligent
8 acts in his care and treatment of Patient 1, Patient 2, Patient 3, and Patient 4, as more particularly
9 alleged hereinafter:

10 40. Paragraphs 12 through 38, above, are hereby realleged and incorporated by this
11 reference as if fully set forth herein.

12 41. Respondent failed to adequately document the medical visits of Patient 1, Patient 2,
13 Patient 3, and/or Patient 4.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Failure to Maintain Adequate and Accurate Records)**

16 42. Respondent is further subject to disciplinary action under sections 2227 and 2234, as
17 defined by section 2266, of the Code, in that he failed to maintain adequate and accurate records
18 relating to his provision of services to Patient 1, Patient 2, Patient 3, and Patient 4, as more
19 particularly alleged in paragraphs 12 through 41, above, which are hereby realleged and
20 incorporated by this reference as if fully set forth herein.

21 **FOURTH CAUSE FOR DISCIPLINE**

22 **(General Unprofessional Conduct)**

23 43. Respondent is further subject to disciplinary action under section 2234 of the Code in
24 that he has engaged in conduct which breaches the rules or ethical code of the medical profession,
25 or conduct that is unbecoming to a member in good standing of the medical profession, and which
26 demonstrates an unfitness to practice medicine, as more particularly alleged in paragraphs 12
27 through 42, above, which are hereby realleged and incorporated by this reference as if fully set
28 forth herein.

1 DISCIPLINARY CONSIDERATIONS

2 44. To determine the degree of discipline, if any, to be imposed on Respondent Ryszard
3 Jerzy Chetkowski, M.D., Complainant alleges that on December 15, 1997, in a prior disciplinary
4 action titled *In the Matter of the Public Letter of Reprimand Issued to Ryszard Chetkowski, M.D.*,
5 Case No. 12-95-46238, the Respondent was issued a Public Letter of Reprimand pursuant to
6 Business and Professions Code section 2233. That decision is now final and is incorporated by
7 reference as if fully set forth herein.

8 PRAYER

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

- 11 1. Revoking or suspending Physician's and Surgeon's Certificate No. G 47258, issued
12 to Respondent Ryszard Jerzy Chetkowski, M.D.;
- 13 2. Revoking, suspending or denying approval of Respondent Ryszard Jerzy Chetkowski,
14 M.D.'s authority to supervise physician assistants and advanced practice nurses;
- 15 3. Ordering Respondent Ryszard Jerzy Chetkowski, M.D., to pay the Board the costs of
16 the investigation and enforcement of this case, and if placed on probation, the costs of probation
17 monitoring; and
- 18 4. Taking such other and further action as deemed necessary and proper.

19
20 DATED: JAN 08 2025

21 JENNA JONES FOR
22 REJI VARGHESE
23 Executive Director
24 Medical Board of California
25 Department of Consumer Affairs
26 State of California
27 Complainant
28