

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

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

Holly A. Aguilar, M.D.

**Physician's and Surgeon's
Certificate No. A 126924**

Case No.: 800-2023-102998

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 October 10, 2025.

IT IS SO ORDERED: September 11, 2025.

MEDICAL BOARD OF CALIFORNIA

 **MD.**

**Veling Tsai, M.D., Chair
Panel A**

1 ROB BONTA
Attorney General of California
2 MICHAEL C. BRUMMEL
Supervising Deputy Attorney General
3 JOHN S. GATSCHET
Deputy Attorney General
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8 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

13 **HOLLY A. AGUILAR, M.D.**
14 **605 Gallery Court**
Fairfield, CA 94534-4089

15 **Physician's and Surgeon's Certificate**
16 **No. A 126924**

17 Respondent.

Case No. 800-2023-102998

OAH No. 2025030301

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. 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 John S. Gatschet, Deputy
25 Attorney General.

26 2. Respondent Holly A. Aguilar, M.D. (Respondent) is represented in this proceeding by
27 attorney Matthew A. Brinegar, Esq., whose address is: The Brinegar Law Firm, Medical Arts
28 Building, 2000 Van Ness Avenue, Suite 512, San Francisco, CA 94109.

1 3. On or about August 16, 2013, the Board issued Physician's and Surgeon's Certificate
2 No. A 126924 to Respondent. That Certificate was in full force and effect at all times relevant to
3 the charges brought in Accusation No. 800-2023-102998, and will expire on July 31, 2027, unless
4 renewed.

5 **JURISDICTION**

6 4. Accusation No. 800-2023-102998 was filed before the Board, and is currently
7 pending against Respondent. The Accusation and all other statutorily required documents were
8 properly served on Respondent on January 7, 2025. Respondent timely filed her Notice of
9 Defense contesting the Accusation.

10 5. A copy of Accusation No. 800-2023-102998 is attached as Exhibit A and
11 incorporated herein by reference.

12 **ADVISEMENT AND WAIVERS**

13 6. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Accusation No. 800-2023-102998. Respondent has also carefully read,
15 fully discussed with her counsel, and understands the effects of this Stipulated Settlement and
16 Disciplinary Order.

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

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 **CULPABILITY**

26 9. Respondent understands and agrees that the charges and allegations in Accusation
27 No. 800-2023-102998, if proven at a hearing, constitute cause for imposing discipline upon her
28 Physician's and Surgeon's Certificate No. A126924.

10. Respondent does not contest that, at an administrative hearing, complainant could establish a *prima facie* case with respect to the charges and allegations in Accusation No. 800-2023-102998, a true and correct copy of which is attached hereto as Exhibit A, and that she has thereby subjected her Physician's and Surgeon's Certificate, No. A 126924 to disciplinary action.

11. Respondent agrees that her Physician's and Surgeon's Certificate is subject to discipline, agrees to give up her right to contest the charges, and agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

12. ACKNOWLEDGMENT. Respondent acknowledges the Disciplinary Order below, requiring the disclosure of probation pursuant to Business and Professions Code section 2228.1, serves to protect the public interest.

CONTINGENCY

13. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

14. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to be an integrated writing representing the complete, final and exclusive embodiment of the agreement of the parties in this above-entitled matter.

15. Respondent agrees that if she ever petitions for early termination or modification of probation, or if an accusation and/or petition to revoke probation is filed against her before the Board, all of the charges and allegations contained in Accusation No. 800-2023-102998 shall be

1 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any
2 other licensing proceeding involving Respondent in the State of California.

3 16. The parties understand and agree that Portable Document Format (PDF) and facsimile
4 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
5 signatures thereto, shall have the same force and effect as the originals.

6 17. In consideration of the foregoing admissions and stipulations, the parties agree that
7 the Board may, without further notice or opportunity to be heard by the Respondent, issue and
8 enter the following Disciplinary Order:

9 **DISCIPLINARY ORDER**

10 **IT IS HEREBY ORDERED** that Physician's and Surgeon's Certificate No. A 126924
11 issued to Respondent HOLLY A. AGUILAR, M.D. is revoked. However, the revocation is
12 stayed and Respondent is placed on probation for four (4) years on the following terms and
13 conditions:

14 1. **PATIENT DISCLOSURE.** Before a patient's first visit following the effective date
15 of this order and while Respondent is on probation, Respondent must provide all patients, or
16 patient's guardian or health care surrogate, with a separate disclosure that includes Respondent's
17 probation status, the length of the probation, the probation end date, all practice restrictions
18 placed on Respondent by the Board, the Board's telephone number, and an explanation of how
19 the patient can find further information on Respondent's probation on the Respondent's profile
20 page on the Board's website. Respondent shall obtain from the patient, or the patient's guardian
21 or health care surrogate, a separate, signed copy of that disclosure. Respondent shall not be
22 required to provide a disclosure if any of the following applies: (1) The patient is unconscious or
23 otherwise unable to comprehend the disclosure and sign the copy of the disclosure and a guardian
24 or health care surrogate is unavailable to comprehend the disclosure and sign the copy; (2) The
25 visit occurs in an emergency room or an urgent care facility or the visit is unscheduled, including
26 consultations in inpatient facilities; (3) Respondent is not known to the patient until immediately
27 prior to the start of the visit; (4) Respondent does not have a direct treatment relationship with the
28 patient.

1 2. 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 3. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the
12 use of products or beverages containing alcohol.

13 4. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)
14 days of the effective date of this Decision, Respondent shall provide to the Board the names,
15 physical addresses, mailing addresses, and telephone numbers of any and all employers and
16 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's
17 worksite monitor, and Respondent's employers and supervisors to communicate regarding
18 Respondent's work status, performance, and monitoring. For purposes of this section,
19 "supervisors" shall include the Chief of Staff and Health or Well Being Committee Chair, or
20 equivalent, if applicable, when the Respondent has medical staff privileges.

21 5. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
22 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
23 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
24 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall
25 make daily contact with the Board or its designee to determine whether biological fluid testing is
26 required. Respondent shall be tested on the date of the notification as directed by the Board or its
27 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at
28 any time, including weekends and holidays. Except when testing on a specific date as ordered by

1 the Board or its designee, the scheduling of biological fluid testing shall be done on a random
2 basis. The cost of biological fluid testing shall be borne by the Respondent.

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

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

12 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry
13 Association or have completed the training required to serve as a collector for the United
14 States Department of Transportation.

15 (b) Its specimen collectors conform to the current United States Department of
16 Transportation Specimen Collection Guidelines.

17 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published
18 by the United States Department of Transportation without regard to the type of test
19 administered.

20 (d) Its specimen collectors observe the collection of testing specimens.

21 (e) Its laboratories are certified and accredited by the United States Department of Health
22 and Human Services.

23 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day
24 of receipt and all specimens collected shall be handled pursuant to chain of custody
25 procedures. The laboratory shall process and analyze the specimens and provide legally
26 defensible test results to the Board within seven (7) business days of receipt of the
27 specimen. The Board will be notified of non-negative results within one (1) business day
28 and will be notified of negative test results within seven (7) business days.

1 (g) Its testing locations possess all the materials, equipment, and technical expertise
2 necessary in order to test Respondent on any day of the week.

3 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens
4 for the detection of alcohol and illegal and controlled substances.

5 (i) It maintains testing sites located throughout California.

6 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line
7 computer database that allows the Respondent to check in daily for testing.

8 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff
9 access to drug test results and compliance reporting information that is available 24 hours a
10 day.

11 (l) It employs or contracts with toxicologists that are licensed physicians and have
12 knowledge of substance abuse disorders and the appropriate medical training to interpret
13 and evaluate laboratory biological fluid test results, medical histories, and any other
14 information relevant to biomedical information.

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

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

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

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

25 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
26 administered to himself or herself a prohibited substance, the Board shall order Respondent to
27 cease practice and instruct Respondent to leave any place of work where Respondent is practicing
28 medicine or providing medical services. The Board shall immediately notify all of Respondent's

1 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or
2 provide medical services while the cease-practice order is in effect.

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

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

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

12 For purposes of this condition, the term "prohibited substance" means an illegal drug, a
13 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
14 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been
15 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

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

21 6. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
22 LICENSEES . Failure to fully comply with any term or condition of probation is a violation of
23 probation.

24 A. If Respondent commits a major violation of probation as defined by section
25 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take
26 one or more of the following actions:

27 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
28 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of

1 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
2 order issued by the Board or its designee shall state that Respondent must test negative for at least
3 a month of continuous biological fluid testing before being allowed to resume practice. For
4 purposes of determining the length of time a Respondent must test negative while undergoing
5 continuous biological fluid testing following issuance of a cease-practice order, a month is
6 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until
7 notified in writing by the Board or its designee that he or she may do so.

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

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

11 B. If Respondent commits a minor violation of probation as defined by section
12 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take
13 one or more of the following actions:

14 (1) Issue a cease-practice order;

15 (2) Order practice limitations;

16 (3) Order or increase supervision of Respondent;

17 (4) Order increased documentation;

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

19 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in
20 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
21 Regulations, at Respondent's expense;

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

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

1 is final, and the period of probation shall be extended until the matter is final.

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

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

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

14 9. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
15 ordered to reimburse the Board its costs of investigation and enforcement, including, but not
16 limited to, expert review, legal review, and investigation, as applicable, in the amount of
17 \$13,500.00 (thirteen thousand five hundred dollars). Costs shall be payable to the Medical Board
18 of California. Failure to pay such costs shall be considered a violation of probation.

19 Payment must be made in full within 30 calendar days of the effective date of the Order, or
20 by a payment plan approved by the Medical Board of California. Any and all requests for a
21 payment plan shall be submitted in writing by Respondent to the Board. Failure to comply with
22 the payment plan shall be considered a violation of probation.

23 The filing of bankruptcy by Respondent shall not relieve Respondent of the responsibility
24 to repay investigation and enforcement costs.

25 10. 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 11. 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 12. 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 13. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or

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

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

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

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

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

26 14. COMPLETION OF PROBATION. Respondent shall comply with all financial
27 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
28 completion of probation. This term does not include cost recovery, which is due within 30

1 calendar days of the effective date of the Order, or by a payment plan approved by the Medical
2 Board and timely satisfied. Upon successful completion of probation, Respondent's certificate
3 shall be fully restored.

4 15. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
5 of probation is a violation of probation. If Respondent violates probation in any respect, the
6 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
7 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
8 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
9 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
10 the matter is final.

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

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

26 18. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
27 a new license or certification, or petition for reinstatement of a license, by any other health care
28 licensing action agency in the State of California, all of the charges and allegations contained in

1 Accusation No. 800-2023-102998 shall be deemed to be true, correct, and admitted by
2 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
3 restrict license.

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1 ACCEPTANCE

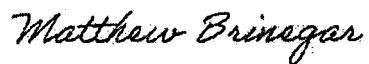
2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Matthew A. Brinegar, Esq. I understand the stipulation and the
4 effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated
5 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
6 bound by the Decision and Order of the Medical Board of California.

7
8 DATED: 7.1.25


9 HOLLY A. AGUILAR, M.D.
Respondent

10 I have read and fully discussed with Respondent Holly A. Aguilar, M.D. the terms and
11 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
12 I approve its form and content.

13
14 DATED: 7-1-25


15 MATTHEW A. BRINEGAR, ESQ.
Attorney for Respondent

16
17 ENDORSEMENT

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

20 DATED: July 2, 2025

21 Respectfully submitted,

22 ROB BONTA
Attorney General of California
23 MICHAEL C. BRUMMEL
Supervising Deputy Attorney General

24 John Gatschet Digitally signed by John Gatschet
Date: 2025.07.02 09:34:12 -07'00'

25 JOHN S. GATSCHE
26 Deputy Attorney General
Attorneys for Complainant

27 SA2024305150
28 39131681

Exhibit A

Accusation No. 800-2023-102998

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Attorneys for Complainant

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9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
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11 In the Matter of the Accusation Against:

Case No. 800-2023-102998

12 **Holly A. Aguilar, M.D.**
13 **1301 Concord Ter.**
Sunrise, FL 33323-2843

OAH No.

A C C U S A T I O N

14 **Physician's and Surgeon's Certificate**
15 **No. A 126924,**

16 Respondent.

17
18 **PARTIES**

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

22 2. On or about August 16, 2013, the Medical Board issued Physician's and Surgeon's
23 Certificate Number A 126924 to Holly A. Aguilar, M.D. ("Respondent"). That Certificate was in
24 full force and effect at all times relevant to the charges brought herein and will expire on July 31,
25 2025, unless renewed.

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1 7. Section 2228.1 of the Code states:

2 (a) On and after July 1, 2019, except as otherwise provided in subdivision (c), the
3 board and the Podiatric Medical Board of California shall require a licensee to provide a
4 separate disclosure that includes the licensee's probation status, the length of the probation,
5 the probation end date, all practice restrictions placed on the licensee by the board, the
6 board's telephone number, and an explanation of how the patient can find further
7 information on the licensee's probation on the licensee's profile page on the board's online
8 license information internet website, to a patient or the patient's guardian or health care
9 surrogate before the patient's first visit following the probationary order while the licensee
10 is on probation pursuant to a probationary order made on and after July 1, 2019, in any of
11 the following circumstances:

12 (1) A final adjudication by the board following an administrative hearing or admitted
13 findings or prima facie showing in a stipulated settlement establishing any of the following:
14 ...

15 (B) Drug or alcohol abuse directly resulting in harm to patients or the extent that such
16 use impairs the ability of the licensee to practice safely.
17 ...

18 (2) An accusation or statement of issues alleged that the licensee committed any of
19 the acts described in subparagraphs (A) to (D), inclusive, of paragraph (1), and a stipulated
20 settlement based upon a nolo contendere or other similar compromise that does not include
21 any prima facie showing or admission of guilt or fact but does include an express
22 acknowledgment that the disclosure requirements of this section would serve to protect the
23 public interest.

24 (b) A licensee required to provide a disclosure pursuant to subdivision (a) shall obtain
25 from the patient, or the patient's guardian or health care surrogate, a separate, signed copy
26 of that disclosure.

27 (c) A licensee shall not be required to provide a disclosure pursuant to subdivision (a)
28 if any of the following applies:

1 (1) The patient is unconscious or otherwise unable to comprehend the disclosure and
2 sign the copy of the disclosure pursuant to subdivision (b) and a guardian or health care
3 surrogate is unavailable to comprehend the disclosure and sign the copy.

4 (2) The visit occurs in an emergency room or an urgent care facility or the visit is
5 unscheduled, including consultations in inpatient facilities.

6 (3) The licensee who will be treating the patient during the visit is not known to the
7 patient until immediately prior to the start of the visit.

8 (4) The licensee does not have a direct treatment relationship with the patient.

1 (d) On and after July 1, 2019, the board shall provide the following information, with
2 respect to licensees on probation and licensees practicing under probationary licenses, in
3 plain view on the licensee's profile page on the board's online license information internet
4 website.

5 (1) For probation imposed pursuant to a stipulated settlement, the causes alleged in
6 the operative accusation along with a designation identifying those causes by which the
7 licensee has expressly admitted guilt and a statement that acceptance of the settlement is not
8 an admission of guilt.

9 (2) For probation imposed by an adjudicated decision of the board, the causes for
10 probation stated in the final probationary order.

11 (3) For a licensee granted a probationary license, the causes by which the
12 probationary license was imposed.

13 (4) The length of the probation and end date.

14 (5) All practice restrictions placed on the license by the board.

15 (e) Section 2314 shall not apply to this section.

16 8. Section 2234 of the Code states:

17 The board shall take action against any licensee who is charged with
18 unprofessional conduct. In addition to other provisions of this article, unprofessional
19 conduct includes, but is not limited to, the following:

20 (a) Violating or attempting to violate, directly or indirectly, assisting in or
21 abetting the violation of, or conspiring to violate any provision of this chapter.

22 ...

23 COST RECOVERY

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

29 FACTUAL ALLEGATIONS

30 10. On or about October 21, 2023, Fairfield Police Department Officers ("Officers") at
approximately 10:11 p.m. were dispatched to a neighborhood regarding a complaint. The

1 reporting parties stated their neighbor, Respondent, had been drinking and was currently banging
2 on their front door. Officers responded to the scene and attempted to contact Respondent who
3 was talking very loudly on her neighbor's front porch. Respondent stumbled away from the
4 Officers and fell into the bushes between the neighbor's house and her house. Officers placed
5 Respondent in handcuffs and spoke with her. The Officers determined Respondent was
6 intoxicated based on a strong odor of alcohol coming from her person, slurred speech, bloodshot
7 eyes, and she could not comprehend simple directions. The Officers placed Respondent under
8 arrest as it did not appear she could care for herself, and they could not locate anyone at her
9 residence to provide care.

10 11. On or about October 25, 2023, Respondent was admitted to a partial hospitalization
11 program ("PHP") for alcohol abuse. At the time of her admission, Respondent reported to the
12 PHP that she had consumed 750 ml of Vodka over the previous 5 days. Respondent reported to
13 the PHP she had been a binge drinker for the last three decades and that she wished to stop
14 drinking and deal with some of her other health concerns. Respondent's listed date of discharge
15 from the PHP was on or about November 24, 2023, but she did not attend treatment November
16 20, 2023, to November 24, 2023.

17 12. On or about November 27, 2023, Respondent sought readmission to the PHP due to
18 alcohol relapse. Respondent reported to the PHP that she had relapsed on approximately
19 November 17, 2023, and had consumed approximately 750 ml of Vodka over five days.
20 Respondent reported to the PHP that she was unable to stop drinking and ended up in an
21 emergency room for medical detoxification. Following release from the hospital on or about
22 November 22, 2023, Respondent sought readmission to the PHP. Respondent completed the PHP
23 on December 22, 2023.

24 13. On or about October 4, 2024, the Board received an expert report from Dr. M.N., a
25 board-certified psychiatrist. Dr. M.N. is also certified in addiction medicine by the American
26 Board of Preventive Medicine. Dr. M.N. was retained by the Board to determine if Respondent
27 suffered from a mental health impairment that would impact her ability to safely practice
28 +//

1 medicine. Dr. M.N. performed both a two-hour face-to-face examination of Respondent and
2 reviewed documentary evidence of Respondent's past alcohol history as part of his review.

3 14. Based on his examination, Dr. M.N. diagnosed Respondent with alcohol use disorder.
4 In Dr. M.N.'s professional medical opinion, Respondent should be monitored for a period of five
5 years to ensure her recovery. Dr. M.N. opined that Respondent is not safe to practice unless she
6 undergoes on-going random alcohol testing to ensure abstinence from alcohol.

7 **CAUSE FOR ACTION**

8 **(Mental Illness Affecting Competency)**

9 15. Respondent's license is subject to action under sections 820, 822, and 2234, in that
10 Respondent suffers from a mental impairment, specifically alcohol use disorder, that prevents her
11 from being able to safely practice unless she is monitored. The circumstances are set forth in
12 paragraphs 10 through 14, and those paragraphs are incorporated by reference as if fully set forth
13 herein.

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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 126924, issued to Respondent Holly A. Aguilar, M.D.;
2. Revoking, suspending or denying approval of Respondent Holly A. Aguilar, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Respondent Holly A. Aguilar, M.D., to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring;
4. Ordering Respondent Holly A. Aguilar, M.D., if placed on probation, to provide patient notification in accordance with Business and Professions Code section 2228.1; and
5. Taking such other and further action as deemed necessary and proper.

DATED: JAN 07 2025

Jean Varghese for
REJI VARGHESE
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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