

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

In the Matter of the Statement of Issues  
Against:

Matthew Peter Prekupec

Case No. 800-2019-060512

Applicant.

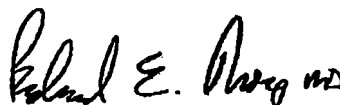
DECISION

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 May 27, 2021.

IT IS SO ORDERED April 27, 2021.

MEDICAL BOARD OF CALIFORNIA



Richard E. Thorp, M.D., Chair  
Panel B

1 XAVIER BECERRA  
Attorney General of California  
2 MARY CAIN-SIMON  
Supervising Deputy Attorney General  
3 REBECCA D. WAGNER  
Deputy Attorney General  
4 State Bar No. 165468  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
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7 *Attorneys for Complainant*

8  
9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues  
13 Against:

14 **Matthew Peter Prekupec**

15 Applicant.

Case No. 800-2019-060512

OAH No. 2020110090

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16  
17  
18 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of  
22 California (Board). He brought this action solely in his official capacity and is represented in this  
23 matter by Xavier Becerra, Attorney General of the State of California, by Rebecca D. Wagner,  
24 Deputy Attorney General.

25 2. Applicant Matthew Peter Prekupec (Applicant) is represented in this proceeding by  
26 attorney Marglyn E. Paseka, whose address is: One Embarcadero Center, Suite 400  
27 San Francisco, CA 94111.  
28





1 Issues No. 800-2019-060512.

2 **B. EDUCATION COURSE.** Within 60 calendar days of the effective date of this  
3 Decision, Applicant shall submit to the Board or its designee for its prior approval educational  
4 program(s) or course(s), which may be remote due to the COVID-19 pandemic, in Relapse  
5 Prevention which shall not be less than 40 hours. The educational program(s) or course(s) shall  
6 be aimed at maintaining sobriety and preventing relapse. The educational program(s) or course(s)  
7 shall be at Applicant's expense and shall be in addition to the Continuing Medical Education  
8 (CME) requirements for renewal of licensure. Following the completion of the relapse  
9 prevention program(s) or course(s), the Board or its designee may administer an examination to  
10 test Applicant's knowledge of the program(s) or course(s).

11 A relapse prevention program(s) or course(s) taken after the acts that gave rise to the  
12 charges in the Accusation, but prior to the effective date of the Decision may, in the sole  
13 discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the  
14 program(s) or course(s) would have been approved by the Board or its designee had the  
15 program(s) or course(s) been taken after the effective date of this Decision.

16 Applicant shall submit a certification of successful completion of the Relapse Prevention  
17 program(s) or course(s) to the Board or its designee not later than 15 calendar days after  
18 successfully completing the program(s) or course(s), or not later than 15 calendar days after the  
19 effective date of the Decision, whichever is later. Failure to enroll in, participate in, or  
20 successfully complete the relapse prevention program(s) or course(s) within the designated time  
21 period shall constitute unprofessional conduct, and may be grounds for further disciplinary action.

22 **C. FUTURE ADMISSIONS CLAUSE.** If Applicant should ever apply or reapply for a  
23 new license or certification, or petition for reinstatement of a license, by any other health care  
24 licensing action agency in the State of California, all of the charges and allegations contained in  
25 Statement of Issues Case No. 800-2019-060512 shall be deemed to be true, correct, and admitted  
26 by Applicant for the purpose of any Statement of Issues or any other proceeding seeking to deny  
27 or restrict license.

28

1 ACCEPTANCE

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

7  
8 DATED: 01 / 13 / 2021   
9 \_\_\_\_\_  
10 MATTHEW PETER PREKUPEC  
11 Applicant

12 I have read and fully discussed with Applicant Matthew Peter Prekupec the terms and  
13 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
14 I approve its form and content.

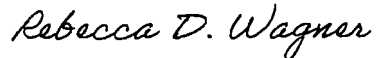
15  
16 DATED: 01 / 13 / 2021   
17 \_\_\_\_\_  
18 MARGLYN E. PASEKA  
19 Attorney for Respondent

20 ENDORSEMENT

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

23 DATED: January 13, 2021

24 Respectfully submitted,  
25 XAVIER BECERRA  
26 Attorney General of California  
27 MARY CAIN-SIMON  
28 Supervising Deputy Attorney General

  
REBECCA D. WAGNER  
Deputy Attorney General  
Attorneys for Complainant

SF2020200208  
Matthew Peter Prekupec Stipulated Settlement and Disciplinary Order

**Exhibit A**

**Statement of Issues No. 800-2019-060512**

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 REBECCA D. WAGNER  
Deputy Attorney General  
4 State Bar No. 165468  
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6 Facsimile: (415) 703-5480  
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7 *Attorneys for Complainant*

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

12 In the Matter of the Statement of Issues  
13 Against:

Case No. 800-2019-060512

14 **Matthew Peter Prekupec**

**STATEMENT OF ISSUES**

15 Applicant.

16  
17 **PARTIES**

18 1. Christine J. Lally (Complainant) brings this Statement of Issues solely in her official  
19 capacity as the Interim Executive Director of the Medical Board of California (Board),  
20 Department of Consumer Affairs.

21 2. The Medical Board of California received an application for a Physician's and  
22 Surgeon's License from Matthew Peter Prekupec (Applicant) on April 25, 2019. In his  
23 application, Applicant certified under penalty of perjury to the truthfulness of all statements,  
24 answers, and representations in the application. The Board denied the application on October 14,  
25 2019, and Applicant requested a hearing on the denial of his application.

26 //

27 //

28 //



JURISDICTION

1  
2       3.    This Statement of Issues is brought before the Medical Board of California (Board),  
3 under the authority of the following laws. All section references are to the Business and  
4 Professions Code (Code) unless otherwise indicated.

5       4.    Section 475 of the Code states in pertinent part, that:

6       “(a) Notwithstanding any other provisions of this code, the provisions of this division  
7 shall govern the denial of licenses on the grounds of:

8       “...“

9       “(4) Commission of any act which, if done by a licentiate of the business or  
10 profession in question, would be grounds for suspension or revocation of license.”

11       5.    Section 480 of the Code states:

12       “(a) A board may deny a license regulated by this code on the grounds that the applicant  
13 has one of the following:

14       “...“

15       “(3)(A) Done any act that if done by a licentiate of the business or profession in  
16 question, would be grounds for suspension or revocation of license.

17       “...“

18       6.    Section 2221, subdivision (a) provides that the Board may deny a physician’s and  
19 surgeon’s certificate to an applicant guilty of unprofessional conduct or of any cause that would  
20 subject a licensee to revocation or suspension of his or her license; or, the Board in its sole  
21 discretion, may issue a probationary physician’s and surgeon’s certificate to an applicant subject  
22 to terms and conditions, including but not limited to, any of the conditions enumerated in this  
23 subdivision, which includes payment of the cost of probation monitoring.

24       7.    Section 2234 of the Code, states, in relevant part:

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



1 speech. He was sent home and returned the next day still under the influence. He was falling  
2 asleep and tried to enter orders on the wrong patient in cardiac care. He was sent to the on-call  
3 room to sleep it off, but his speech was still slurred when he was awakened to return to work.  
4 During the second day at work, Applicant admits that he nearly submitted an incorrect order for a  
5 patient in cardiac care but a colleague luckily caught the mistake. He was sent home again. As a  
6 result, on June 27, 2014, Applicant's residency program suspended him from treating patients.

7 11. While the residency investigation proceeded, Applicant attended a 30-day inpatient  
8 rehabilitation program, which was followed by a 60-day intensive outpatient rehabilitation. The  
9 residency program placed him on professional remediation and he had to repeat an intern year due  
10 to his substance abuse, to the time he missed in the program for his substance abuse treatment,  
11 and due to his unsatisfactory rating in moral and ethical behavior in the clinical setting.

12 12. Applicant returned to his residency on September 22, 2014. Applicant continued to  
13 have difficulties during the remainder of his residency including: issues with conference  
14 attendance, timeliness with medical documentation, inadequate medical record-keeping, and  
15 unprofessional interactions during his psychiatry rotation. By August 27, 2015, he had been  
16 suspended twice from his residency for delinquent dictations and not timely completing medical  
17 records. On August 13, 2015, a psychiatry rotation report describes him as "consistently showing  
18 poor attitude and work ethic" and being "routinely late or absent" with "substandard" and  
19 "incomplete" evaluations and "poor documentation." Despite these issues, Applicant  
20 successfully completed his residency training on August 25, 2017.

21 13. The residency program reported Applicant to the Nevada State Board of Medical  
22 Examiners (Nevada Board) for incompetence with patients related to his substance abuse on June  
23 21, 2014 and June 22, 2014. On July 4, 2014, Applicant entered into a five-year monitoring  
24 program through Nevada Physicians Assistance Program (NPAP). On July 5, 2019, Applicant  
25 successfully completed his NPAP monitoring contract and currently holds an unrestricted Nevada  
26 medical license.

27 14. The Board obtained Applicant's NPAP treatment records which diagnosed Applicant  
28 with a substance use disorder with moderate severity related to: opioid dependence, cannabis

1 dependence, alcohol abuse, inhalant dependence and cocaine abuse. Overall, his substance use  
2 disorder was diagnosed as moderate to severe based on the multiplicity of drugs abused.

3 15. Applicant remained in the NPAP program until he moved to Washington State in  
4 September 2017 and then his substance abuse treatment was transferred to the Washington  
5 Physician Health Program (WPHP). On December 4, 2017, Applicant had a positive drug test for  
6 THC while being monitored by WPHP, and Applicant was again admitted to a residential  
7 evaluation program for alcohol and/or drug addiction treatment on December 18, 2017, and  
8 completed the program and was discharged on December 21, 2017. His aftercare  
9 recommendations included: weekly meetings with WPHP, random urine testing, three AA  
10 meetings a week, obtain a sponsor, participate in a relapse prevention workshop, obtain a personal  
11 physician, take medications as prescribed, and work with a personal trainer to avoid further  
12 injury. In the substance use discharge summary dated December 21, 2017, Applicant admitted  
13 using Cannabidiol (CBD) five times in the past year and appeared to “lack insight into the  
14 significance of his addiction.” Applicant eventually completed his monitoring agreement with the  
15 Washington Physicians Health Program (WPHP) and as of July 11, 2019 had completed all the  
16 requirements of the monitoring agreement. Applicant also has an unrestricted Washington  
17 medical license.

18 16. On October 14, 2019, the Board denied Applicant’s application for an unrestricted  
19 Physician’s and Surgeon’s Certificate pursuant to Business and Professions Code sections 2234  
20 (unprofessional conduct) and 2239(a) (excessive use of controlled substances and alcohol). On  
21 November 13, 2019, Applicant requested a hearing on the denial of his application.

22  
23 **CAUSE FOR DENIAL OF APPLICATION**

24 **(Unprofessional Conduct: Excessive Use of Controlled Substances and Alcohol)**

25 17. Respondent's application is subject to denial under sections 475(a)(4) and/or  
26 480(a)(3)(A) and/or 2234(a) and (f) (unprofessional conduct) and/or 2239(a) (excessive use of  
27 controlled substances and alcohol) in that Applicant is guilty of conduct, as outlined in  
28 Paragraphs 9 through 16, which, if done by a licentiate, would be grounds for suspension or

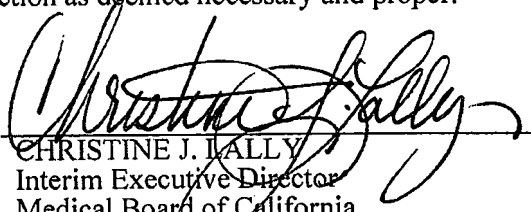
1 revocation of license, including unprofessional conduct and/or excessive use of controlled  
2 substances and alcohol.

3 PRAYER

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

- 6 1. Denying the application of Matthew Peter Prekupec for a Physician's and Surgeon's  
7 License;
- 8 2. If issued a probationary license, ordering Applicant to pay the Board the costs of  
9 probation monitoring;
- 10 3. If placed on probation, revoking, suspending or denying approval of the Applicant's  
11 authority to supervise physician assistants and advanced practice nurses; and
- 12 4. Taking such other and further action as deemed necessary and proper.

13  
14 DATED: MAR 26 2020

  
CHRISTINE J. LALLY  
Interim Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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