

**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**

1 ROB BONTA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 TESSA L. HEUNIS
Deputy Attorney General
4 State Bar No. 241559
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9403
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

9
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 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.

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

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

5 4. As required by Business and Professions Code section 823, reinstatement of
6 respondent's Physician's and Surgeon's Certificate No. A 49568 shall be governed by the
7 procedures in Article 12.5 of Chapter 1 of Division 2 of the Business and Professions Code.

8 5. If Respondent ever files an application for licensure or a petition for reinstatement in
9 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
10 comply with all the laws, regulations and procedures for reinstatement of a revoked or
11 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
12 contained in First Amended Accusation No. 800-2019-059645 shall be deemed to be true, correct
13 and admitted by Respondent when the Board determines whether to grant or deny the petition.

14 6. If Respondent should ever apply or reapply for a new license or certification, or
15 petition for reinstatement of a license, by any other health care licensing agency in the State of
16 California, all of the charges and allegations contained in First Amended Accusation No. 800-
17 2019-059645 shall be deemed to be true, correct, and admitted by Respondent for the purpose of
18 any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

19 ACCEPTANCE

20 I have carefully read the Stipulated Surrender of License and Order. I fully understand the
21 stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. A 49568.
22 I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and
23 intelligently, and agree to be bound by the Decision and Order of the Medical Board of
24 California.

25 DATED: 9/8/2021 Maria Lormina L. Tupas MD
26 MARIA LORMINA LEY TUPAS, M.D.
Respondent

27 ////

28 ////

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A

First Amended Accusation No. 800-2019-059645

1 ROB BONTA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 TESSA L. HEUNIS
Deputy Attorney General
4 State Bar No. 241559
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9403
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**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
--	---

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.

////

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.

15 5. Section 822 of the Code states:

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

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

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

22 (c) Placing the licentiate on probation.

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

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

29 **FACTUAL ALLEGATIONS**

30 **SECTION 822 CAUSE FOR ACTION**

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

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


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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