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

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|---|---|
| In the Matter of the First Amended Accusation Against:<br><br>Maria Lormina Ley Tupas, M.D.<br><br>Physician's and Surgeon's Certificate No. A 49568<br><br>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

ROB BONTA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General
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*Attorneys for Complainant*

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

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| In the Matter of the First Amended Accusation Against:<br><br>**MARIA LORMINA LEY TUPAS, M.D.**<br>**7832 E San Luis Dr.**<br>**Orange, CA 92869-5653**<br><br>**Physician's and Surgeon's Certificate No. A 49568**<br><br>Respondent. | Case No. 800-2019-059645<br><br>OAH No. 2020120637<br><br>**STIPULATED SURRENDER OF LICENSE AND ORDER** |

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

**PARTIES**

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

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

3. On or about June 11, 1991, the Board issued Physician's and Surgeon's Certificate No. 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 in First Amended Accusation No. 800-2019-059645 and will expire on January 31, 2023, unless renewed.

## JURISDICTION

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

## ADVISEMENT AND WAIVERS

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

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

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

## CULPABILITY

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

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

## CONTINGENCY

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

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

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

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

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

## ADDITIONAL PROVISIONS

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

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

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

## ORDER

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

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

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 her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

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

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

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in First Amended Accusation No. 800-2019-059645 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 Stipulated Surrender of License and Order. I fully understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate No. A 49568. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 9/8/2021

Maria Lormina L. Tupas MD

MARIA LORMINA LEY TUPAS, M.D.
*Respondent*

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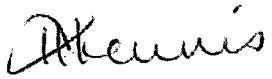
## ENDORSEMENT

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*

# Exhibit A

**First Amended Accusation No. 800-2019-059645**

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## PARTIES

1. William Prasifka (Complainant) brings this First Amended Accusation solely in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about June 11, 1991, the Medical Board issued Physician's and Surgeon's Certificate Number A 49568 to Maria Lormina Ley Tupas, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2023, unless renewed.

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## JURISDICTION

3. This First Amended Accusation, which supersedes the Accusation filed on November 20, 2020, in the above-entitled matter, 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 820 of the Code states:

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

5. Section 822 of the Code states:

> If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:
>
> (a) Revoking the licentiate's certificate or license.
>
> (b) Suspending the licentiate's right to practice.
>
> (c) Placing the licentiate on probation.
>
> (d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.
>
> The licensing section shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated.

## FACTUAL ALLEGATIONS

## SECTION 822 CAUSE FOR ACTION

### (Mental Illness and/or Physical Illness Affecting Competency)

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

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

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

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

10. The FDG-PET scan showed glucose hypometabolism[2] in the (right greater than left) frontal and temporal lobes, with associated cortical atrophy.

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

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

**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 49568, issued to Respondent Maria Lormina Ley Tupas, M.D.;

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

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

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

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*