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

In the Matter of the First Amended Accusation Against: Stephen Nicholes Hordynski, M.D. Physician's and Surgeon's Certificate No. G 45188 Respondent.	Case No. 800-2018-050232

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 March 11, 2022.

IT IS SO ORDERED: March 4, 2022.

MEDICAL BOARD OF CALIFORNIA

William Prasifka
Executive Director

ROB BONTA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
KAROLYN M. WESTFALL
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Attorneys for Complainant

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

In the Matter of the First Amended Accusation Against: **STEPHEN NICHOLES HORDYNSKI, M.D.** **Beaver Medical Group, LP** **2 West Fern Avenue** **Redlands, CA 92373** **Physician's and Surgeon's Certificate No. G 45188,** Respondent.	Case No. 800-2018-050232 OAH No. 2021050234 **STIPULATED SURRENDER OF LICENSE AND DISCIPLINARY 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 Karolyn M. Westfall, Deputy Attorney General.

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2. Stephen Nicholes Hordynski, M.D. (Respondent), is represented in this proceeding by attorney, Steven B. Goldstein, Esq., whose address is: Davis, Grass, Goldstein & Finlay, 3105 Sedona Court, Ontario, CA 91764.

3. On or about July 2, 1981, the Board issued Physician's and Surgeon's Certificate No. G 45188 to 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. 800-2018-050232 and will expire on February 28, 2023, unless renewed.

JURISDICTION

4. First Amended Accusation No. 800-2018-050232, which superseded the Accusation filed on March 2, 2021, was filed before the Board on January 20, 2022, and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on January 20, 2022. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of First Amended Accusation No. 800-2018-050232 is attached hereto as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. 800-2018-050232. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his 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. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits that, at an administrative hearing, Complainant could establish a *prima facie* case with respect to the charges and allegations contained in First Amended Accusation No. 800-2018-050232, and agrees that he has thereby subjected his Physician's and Surgeon's Certificate No. G 45188 to discipline, and hereby surrenders his Physician's and Surgeon's Certificate No. G 45188 for the Board's formal acceptance.

9. Respondent further agrees that if he ever petitions for reinstatement of his Physician's and Surgeon's Certificate No. G 45188, all of the charges and allegations contained in First Amended Accusation No. 800-2018-050232 shall be deemed true, correct, and fully admitted by Respondent for purposes of any such proceeding or any other licensing proceeding involving Respondent in the State of California or elsewhere.

10. Respondent understands that by signing this stipulation he enables the Executive Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his Physician's and Surgeon's Certificate No. G 45188 without further process.

CONTINGENCY

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

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 he may not withdraw his agreement or seek to rescind this stipulation prior to the time the Executive Director, on behalf of the 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:

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ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 45188, issued to Respondent Stephen Nicholes Hordynski, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate 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. 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. 800-2018-050232 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of $7,248.75 prior to issuance of a new or reinstated license.

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. 800-2018-050232 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.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Steven B. Goldstein, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. 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: March 3, 2022

STEPHEN NICHOLES HORDYNSKI, M.D.
Respondent

I have read and fully discussed with Respondent Stephen Nicholes Hordynski, M.D., the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: March 3, 2022

STEVEN B. GOLDSTEIN, ESQ.
Attorney for Respondent

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: March 3, 2022

Respectfully submitted,

ROB BONTA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General

KAROLYN M. WESTFALL
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 800-2018-050232

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Attorneys for Complainant

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

In the Matter of the First Amended Accusation Against: **STEPHEN NICHOLES HORDYNSKI, M.D.** **Beaver Medical Group LP** **2 West Fern Avenue** **Redlands, CA 92373** **Physician's and Surgeon's Certificate No. G 45188,** Respondent.	Case No. 800-2018-050232 **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 July 2, 1981, the Board issued Physician's and Surgeon's Certificate No. G 45188 to Stephen Nicholes Hordynski, 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 February 28, 2023, unless renewed.

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JURISDICTION

3. This First Amended Accusation, which supersedes the Accusation filed on March 2, 2021, 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 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code, states, in pertinent part:

> 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:
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> ...
>
> (b) Gross negligence.
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> ...

COST RECOVERY

6. Section 125.3 of the Code states:

> (a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board upon request of the entity bringing the proceeding, the administrative law judge may 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.
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> (b) In the case of a disciplined licentiate that is a corporation or a partnership, the order may be made against the licensed corporate entity or licensed partnership.
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> (c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of investigative and enforcement costs up to the date of the hearing, including, but not limited to, charges imposed by the Attorney General.
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> (d) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested pursuant to subdivision (a). The finding of the administrative law judge with regard to costs shall not be reviewable by the board to increase the cost award. The board may reduce or eliminate the cost award, or remand to the administrative law judge if the proposed decision fails to make a finding on costs requested pursuant to subd. (a).

(e) If an order for recovery of costs is made and timely payment is not made as directed in the board's decision, the board may enforce the order for repayment in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licensee to pay costs.

(f) In any action for recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(g)(1) Except as provided in paragraph (2), the board shall not renew or reinstate the license of any licensee who has failed to pay all of the costs ordered under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license of any licensee who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one-year period for the unpaid costs.

(h) All costs recovered under this section shall be considered a reimbursement for costs incurred and shall be deposited in the fund of the board recovering the costs to be available upon appropriation by the Legislature.

(i) Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement.

(j) This section does not apply to any board if a specific statutory provision in that board's licensing act provides for recovery of costs in an administrative disciplinary proceeding.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

7. Respondent has subjected his Physician's and Surgeon's Certificate No. G 45188 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of the Code, in that he was grossly negligent in his care and treatment of Patient A,[1] as more particularly alleged hereinafter:

8. On or about October 13, 2015, Patient A presented to Respondent to initiate prenatal care. Patient A was thirty-two years old at the time, with a past medical history that included chronic hypertension, obesity, and preeclampsia in her first pregnancy that led to a premature birth via cesarean section at 29 weeks. Patient A had previously been taking blood pressure medications but discontinued them upon learning of her current pregnancy. At this visit, Respondent confirmed the pregnancy with an estimated delivery date of April 30, 2016,

[1] To protect the privacy of the patient involved, the patient's name has not been included in this pleading. Respondent is aware of the identity of the patient referred to herein.

prescribed Aldomet[2] 250mg to be taken four times daily, and instructed the patient to monitor her blood pressure at home.

9. On or about October 30, 2015, Patient A presented to Respondent for a follow-up visit with complaints of headaches, recent flu, and diarrhea. The patient's blood pressure at this visit was measured to be 142/90, and a dipstick urinalysis revealed no protein. The patient was instructed to return in four weeks.

10. On or about January 5, 2016, Patient A contacted Respondent's office to report elevated blood pressure. The patient was informed that Respondent was out of the office until the following week.

11. On or about January 13, 2016, Respondent returned Patient A's call and left her a voice mail. Later that day, Patient A presented for a follow-up visit. At this visit Patient A's blood pressure was measured to be 170/110. Respondent did not perform an ultrasound on the fetus, did not send the patient to Labor and Delivery for additional monitoring, did not administer or order antenatal corticosteroids, and did not order serial blood pressures, laboratory draws, or continuous fetal monitoring. At the conclusion of this visit, Respondent increased Patient A's Aldomet to 500mg to be taken four times daily, and instructed her to call or return to his office if she experienced any problems with her blood pressure.

12. On or about January 22, 2016, Patient A presented to Respondent for a follow-up visit. The patient's blood pressure at this visit was measured to be 138/80.

13. On or about January 27, 2016, Patient A presented to Respondent for a follow-up visit. The patient's blood pressure at this visit was measured to be 132/80.

14. On or about February 1, 2016, at approximately 12:51 p.m., Patient A called Respondent's office to report she was taking her blood pressure medication and experiencing blurred vision. Respondent was out of the office that day, but the physician filling in for Respondent advised the patient to monitor her blood pressure and to be evaluated if it continued to be elevated.

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[2] Aldomet (brand name for methyldopa) is an antihypertensive medication used to treat high blood pressure, and a dangerous drug pursuant to Business and Professions Code section 4022.

15. At approximately 5:36 p.m., Patient A's husband called the nurse triage line to report the patient was experiencing blurred vision for the past two to three days, swelling in both feet with pitting edema, and her recent blood pressure readings were 188/120 and 180/110 despite taking her prescribed medications. The triage call-taker instructed Patient A's husband to take the patient to Labor and Delivery to rule out preeclampsia.

16. At approximately 7:01 p.m., Patient A presented to Labor and Delivery at Redlands Community Hospital as instructed, with complaints of blurred vision and elevated blood pressure. Between approximately 7:01 p.m. and 8:16 p.m., the patient's blood pressure was measured to be 159/98, 169/92, 106/85, 171/91, and 170/93. A dipstick urinalysis revealed no protein. The patient was then seen by B.B., M.D. (Dr. B.B.), who ordered labs and labetalol[3] 100mg. Between approximately 8:31 p.m. and 9:31 p.m., the patient's blood pressure was measured to be 170/96, 162/79, 168/95, 164/87, and 157/76. At approximately 9:45 p.m., Dr. B.B. ordered the patient to be discharged with a prescription for labetalol 100mg once daily, and to follow-up with Respondent in four days.

17. On or about February 5, 2016, Patient A presented to Respondent for a follow-up visit. The patient's blood pressure at this visit was measured to be 178/100. Respondent did not perform an ultrasound of the fetus, did not admit the patient at Labor and Delivery for 24-48 hour monitoring, did not order or administer antenatal corticosteroids, and did not order serial blood pressures, laboratory draws, or continuous fetal monitoring. At the conclusion of this visit, Respondent instructed the patient to report to Labor and Delivery for further monitoring.

18. On or about February 5, 2016, at approximately 12:47 p.m., Patient A presented to Labor and Delivery at Redlands Community Hospital as instructed, and was seen by Dr. B.B. Shortly after arrival, her blood pressure was measured to be 173/87. A dipstick urinalysis revealed no protein. At approximately 2:18 p.m., Dr. B.B. ordered the patient to be discharged with a prescription for labetalol 100mg twice daily, and to follow-up with Respondent the following week.

[3] Labetalol is a beta blocker medication used to treat high blood pressure, and a dangerous drug pursuant to Business and Professions Code section 4022.

19. On or about February 10, 2016, Patient A presented to Respondent for a follow-up visit. The patient's blood pressure at this visit was measured to be 164/100, and a dipstick urinalysis revealed no protein. Respondent did not perform an ultrasound of the fetus, did not admit the patient at Labor and Delivery for 24-48 hour monitoring, did not order or administer antenatal corticosteroids, and did not order serial blood pressures, laboratory draws, or continuous fetal monitoring. At the conclusion of the visit, Respondent increased the patient's labetalol to 200mg to be taken twice daily, continued her Aldomet 500mg four times daily, ordered a 24-hour urine protein collection and preeclampsia blood panel, and advised the patient to call or return if her blood pressure became too high or too low.

20. On or about February 12, 2016, Patient A called Respondent's office to report her blood pressure readings were 160/82 and 150/88 the night prior, and 150/90 that morning. When Respondent spoke with the patient, she denied headache, visual disturbances, or abdominal pain. At the conclusion of this call, Respondent did not instruct the patient to go to Labor and Delivery for observation or monitoring, did not order antenatal corticosteroids, and did not order serial blood pressures, laboratory draws, or continuous fetal monitoring.

21. On or about February 15, 2016, Patient A's 24-hour urine protein results submitted on or about February 12, 2016, revealed 350mg of protein in 24 hours.

22. On or about February 17, 2016, Patient A presented to Respondent for a follow-up visit. The patient's blood pressure at this visit was measured to be 176/112. Respondent noted the patient's nonstress test was reactive and her 24-hour urine protein results were 350mg. Respondent then diagnosed Patient A with chronic hypertension with superimposed preeclampsia and instructed her to report to Labor and Delivery.

23. At approximately 11:45 a.m., Patient A presented to Labor and Delivery as instructed and was seen by Dr. B.B. Upon arrival, Patient A was in no distress. At approximately 12:04 p.m., the patient's blood pressure was measured to be 201/115. Within ten minutes, she complained of difficulty breathing, was extremely agitated, and had a cough productive of frothy clear sputum tinged with blood. Dr. B.B. noted Patient A's lungs sounded diffusely wet. Dr. B.B. then ordered an emergent cesarean section and Respondent was called in to assist. At

approximately 12:49 p.m., a baby girl was delivered, but minutes later Patient A went into cardiac arrest. The patient was eventually resuscitated and transferred to the intensive care unit, where she was diagnosed with an anoxic brain injury with a poor prognosis.

24. Between on or about October 30, 2015, and on or about February 17, 2016, Respondent did not order low-dose aspirin or corticosteroids to Patient A at any time.

25. Respondent committed gross negligence in his care and treatment of Patient A by failing to appropriately manage and treat hypertension during pregnancy.

DISCIPLINARY CONSIDERATIONS

26. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about June 15, 2015, the Board issued a Decision and Order that became effective on or about July 15, 2015, in an action entitled, *In the Matter of the Accusation Against Stephen Nicholes Hordynski, M.D.,* Medical Board of California Case No. 09-2012-224388. In that matter, and as a result of Respondent's negligent care and treatment of a single patient in or around 2009, Respondent's Physician's and Surgeon's Certificate No. G 45188 was publicly reprimanded. That decision is now final and is incorporated by reference as if fully set forth 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 No. G 45188, issued to Respondent, Stephen Nicholes Hordynski, M.D.;

2. Revoking, suspending or denying approval of Respondent, Stephen Nicholes Hordynski, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Respondent, Stephen Nicholes Hordynski, 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; and

4. Taking such other and further action as deemed necessary and proper.

DATED: JAN 20 2022

WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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