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

In the Matter of the First Amended Accusation Against: Gabriela Gryczynski, M.D. Physician's and Surgeon's Certificate No. A 140661 Respondent.	Case No. 800-2020-068601

DECISION

The attached Stipulated Surrender of License and 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 August 3, 2022.

IT IS SO ORDERED July 27, 2022.

MEDICAL BOARD OF CALIFORNIA

William Prasifka,
Executive Director

ROB BONTA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General
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BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation Against: **GABRIELA GRYCZYNSKI, M.D.** 202 Cross Ave. Salinas, CA 93905-2907 **Physician's and Surgeon's Certificate No. A 140661** Respondent.	Case No. 800-2020-068601 **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 Carolyne Evans, Deputy Attorney General.

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

3. On February 8, 2016, the Board issued Physician's and Surgeon's Certificate No. A 140661 to GABRIELA GRYCZYNSKI, M.D. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in the First Amended Accusation No. 800-2020-068601 and will expire on February 29, 2024, unless renewed. Respondent's certificate is suspended based on an agreed to Interim Suspension Order issued by the Board on June 6, 2022.

JURISDICTION

4. First Amended Accusation No. 800-2020-068601 was filed before the Board, and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent. Respondent timely filed her Notice of Defense contesting the First Amended Accusation. A copy of First Amended Accusation No. 800-2020-068601 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in First Amended Accusation No. 800-2020-068601. Respondent also has carefully read, and 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.

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CULPABILITY

8. Respondent understands that the charges and allegations in First Amended Accusation No. 800-2020-068601, if proven at a hearing, constitute cause for imposing discipline upon her Physician's and Surgeon's Certificate.

9. For the purpose of resolving the First Amended Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the First Amended Accusation and that those charges constitute cause for discipline. Respondent hereby gives up her right to contest that cause for discipline exists based on those charges.

10. 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 without further process.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. 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 Surrender 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.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 140661, issued to Respondent GABRIELA GRYCZYNSKI, 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 her pocket license and, if one was issued, her 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. 800-2020-068601 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 $22,401.25 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. 800-2020-068601 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 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: 07/25/2022

GABRIELA GRYCZYNSKI, M.D.
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: July 25, 2022

Respectfully submitted,

ROB BONTA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General

Carolyne Evans

CAROLYNE EVANS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 800-2020-068601

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

In the Matter of the First Amended Accusation Against: **Gabriela Gryczynski, M.D.** 202 Cross Ave. Salinas, CA 93905-2907 **Physician's and Surgeon's Certificate No. A 140661,** Respondent.	Case No. 800-2020-068601 **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 February 8, 2016, the Board issued Physician's and Surgeon's Certificate Number A 140661 to Gabriela Gryczynski, 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 29, 2024, unless renewed. Respondent's Certificate is suspended based on an agreed to Interim Suspension Order issued by the Board on June 6, 2022.

JURISDICTION

3. This First Amended Accusation 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 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 provides that the board shall take action against any licensee who is charged with unprofessional conduct.

6. Section 2239 of the Code provides that it is unprofessional conduct for a licensee to use alcohol, dangerous drugs, or controlled substances to the extent or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely.

7. Section 2280 of the Code provides that it is unprofessional conduct for a licensee to practice medicine while under the influence of alcohol to such an extent as to impair her ability to safely practice medicine.

8. 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."

9. Section 2228.1 of the Code provides, in pertinent part, that the Board shall require a licensee who is disciplined based on drug or alcohol abuse to the extent that such use impairs the ability of the licensee to practice safely to disclose to her patients, information regarding her probation status. The licensee is required to disclose: probation status, the length of the probation, the probation end date, all practice restrictions placed on the license by the Board, the Board's telephone number, and an explanation of how the patient can find further information on the licensee's probation on the Board's Internet Web site.

COST RECOVERY

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to 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, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

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FACTS

11. Respondent is an internal medicine physician and at the time of the events alleged was practicing at Kaiser hospital in San Francisco (Kaiser) in the primary care department.

12. This case was initiated after the Board received an 805 Business and Professions Health Facility/Peer Review Reporting Form (805 Report) from Kaiser. The 805 Report dated June 26, 2020, indicated that Respondent took a leave of absence from Kaiser while she was being investigated for concerns that she was under the influence of alcohol at work.

13. Respondent agreed to undergo a voluntary mental examination evaluation at the Board's request. A board certified psychiatrist conducted the examination with the goal of determining whether Respondent was safe to practice medicine.

14. In a report dated April 9, 2022, the examining psychiatrist diagnosed Respondent with severe Alcohol Use Disorder and Bipolar I Disorder[1]. In determining that Respondent had a severe Alcohol Use Disorder, the examining psychiatrist noted Respondent's prior history of two hospital visits for intoxication and alcohol poisoning, and Respondent's noncompliance with treatment recommendations for her alcohol illness.

15. The Board's physician examiner concluded Dr. Gryczynski is unable to practice medicine safely at this time as a result of her Bipolar I Disorder and severe Alcohol Use Disorder. The physician examiner concluded that Dr. Gryczynski's continued practice of medicine poses a present danger and threat to the public health, welfare, and safety.

FIRST CAUSE FOR DISCIPLINE

(Mental Impairment)

16. The allegations in paragraphs 11 through 15 above are incorporated by reference as if set out in full. Respondent is subject to disciplinary action under sections 822 and 2227 of the Code, in that, due to a mental and/or physical illness, Respondent is unable, and/or impaired in her ability to practice medicine with safety to the public.

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[1] Bipolar I Disorder is a form of mood disorder, a psychiatric condition. Bipolar I Disorder is characterized by cycles of depressive episodes and manic episodes, which interfere with functioning.

SECOND CAUSE FOR DISCIPLINE

(Excessive Use of Alcohol)

17. The allegations of paragraphs 11 thorough 15 above are incorporated by reference as if set out in full. Respondent's certificate is subject to disciplinary action for unprofessional conduct pursuant to sections 2234 and/or 2239 and/or 2280 of the Code, in that she used alcoholic beverages to such an extent or in a manner as to be dangerous to herself, others, and to the public, or to the extent that such use compromises Respondent's ability to practice medicine safely.

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 140661, issued to Gabriela Gryczynski, M.D.;

2. Revoking, suspending or denying approval of Gabriela Gryczynski, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Gabriela Gryczynski, M.D., if placed on probation, to provide patient notification in accordance with Business and Professions Code section 2228.1;

4. Ordering Gabriela Gryczynski, 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

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

DATED: JUL 14 2022

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