

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

In the Matter of the Accusation  
Against:

Rose Carmen Maly, M.D.

Case No. 800-2020-068183

Physician's and Surgeon's  
Certificate No. G 35390

Respondent.

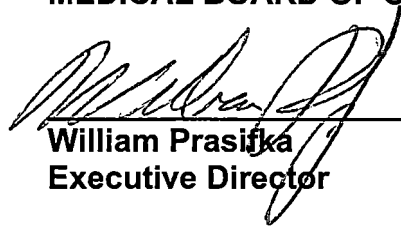
DECISION

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 September 14, 2022.

IT IS SO ORDERED September 7, 2022.

MEDICAL BOARD OF CALIFORNIA

  
\_\_\_\_\_  
William Prasifka  
Executive Director

1 ROB BONTA  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 LATRICE R. HEMPHILL  
Deputy Attorney General  
4 State Bar No. 285973  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6198  
6 Facsimile: (916) 731-2117  
*Attorneys for Complainant*  
7

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

12 In the Matter of the Accusation Against:

13 **ROSE CARMEN MALY, M.D.**  
14 **3315 Malcolm Ave**  
15 **Los Angeles, CA 90034-4410**  
16 **Physician's and Surgeon's Certificate No. G**  
17 **35390,**

Respondent.

Case No. 800-2020-068183

OAH No. 2021120708

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

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 Rob Bonta, Attorney General of the State of California, by Latrice R. Hemphill, Deputy  
24 Attorney General.

25 2. ROSE CARMEN MALY, M.D. (Respondent) is representing herself in this  
26 proceeding and has chosen not to exercise her right to be represented by counsel.

27 ///

28 ///

1 3. On or about August 29, 1977, the Board issued Physician's and Surgeon's Certificate  
2 No. G 35390 to Respondent. The Physician's and Surgeon's Certificate was in full force and  
3 effect at all times relevant to the charges brought in Accusation No. 800-2020-068183 and  
4 expired on February 28, 2022.

5 **JURISDICTION**

6 4. Accusation No. 800-2020-068183 was filed before the Board, and is currently  
7 pending against Respondent. The Accusation and all other statutorily required documents were  
8 properly served on Respondent on October 26, 2021. Respondent timely filed her Notice of  
9 Defense contesting the Accusation. A copy of Accusation No. 800-2020-068183 is attached as  
10 Exhibit A and incorporated by reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, and understands the charges and allegations in  
13 Accusation No. 800-2020-068183. Respondent also has carefully read, and understands the  
14 effects of this Stipulated Surrender of License and Order.

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

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

24 **CULPABILITY**

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

28 ///

**CONTINGENCY**

1  
2           9.     This stipulation shall be subject to approval by the Board. Respondent understands  
3 and agrees that counsel for Complainant and the staff of the Board may communicate directly  
4 with the Board regarding this stipulation and surrender, without notice to or participation by  
5 Respondent. By signing the stipulation, Respondent understands and agrees that she may not  
6 withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers  
7 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the  
8 Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this  
9 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
10 be disqualified from further action by having considered this matter.

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

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

**ORDER**

16  
17           IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 35390, issued  
18 to Respondent ROSE CARMEN MALY, M.D., is surrendered and accepted by the Board.

19           1.     Respondent shall lose all rights and privileges as a Physician and Surgeon in  
20 California as of the effective date of the Board's Decision and Order.

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

23           3.     If she ever applies for licensure or petitions for reinstatement in the State of  
24 California, the Board shall treat it as a petition for reinstatement of a revoked license.  
25 Respondent must comply with all the laws, regulations and procedures for licensure in effect at  
26 the time the application or petition is filed, and all of the charges and allegations contained in  
27 Accusation No. 800-2020-068183 shall be deemed to be true, correct and admitted by Respondent  
28 when the Board determines whether to grant or deny the application or petition.

1 4. If Respondent should ever apply or reapply for a new license or certification, or  
2 petition for reinstatement of a license, by any other health care licensing agency in the State of  
3 California, all of the charges and allegations contained in Accusation, No. 800-2020-068183 shall  
4 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
5 Issues or any other proceeding seeking to deny or restrict licensure.

6 **ACCEPTANCE**

7 I have carefully read the Stipulated Surrender of License and Order. I understand the  
8 stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this  
9 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to  
10 be bound by the Decision and Order of the Medical Board of California.

11  
12 DATED: \_\_\_\_\_

ROSE CARMEN MALY, M.D.  
*Respondent*

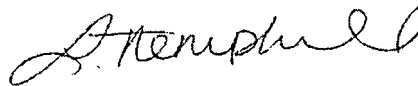
13  
14  
15 **ENDORSEMENT**

16 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
17 for consideration by the Medical Board of California of the Department of Consumer Affairs.

18  
19 DATED: 7/21/2022

Respectfully submitted,

20 ROB BONTA  
Attorney General of California  
21 JUDITH T. ALVARADO  
Supervising Deputy Attorney General

22 

23 LATRICE R. HEMPHILL  
24 Deputy Attorney General  
25 *Attorneys for Complainant*

26  
27 LA2021603428  
65280981.docx

1 4. If Respondent should ever apply or reapply for a new license or certification, or  
 2 petition for reinstatement of a license, by any other health care licensing agency in the State of  
 3 California, all of the charges and allegations contained in Accusation, No. 800-2020-068183 shall  
 4 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
 5 Issues or any other proceeding seeking to deny or restrict licensure.

**ACCEPTANCE**

7 I have carefully read the Stipulated Surrender of License and Order. I understand the  
 8 stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this  
 9 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to  
 10 be bound by the Decision and Order of the Medical Board of California.

11 *Maryna Malys, POA*  
 12 DATED: 7-21-22 *+ sister of Rose Carmen Malys*  
 13 ROSE CARMEN MALY, M.D.  
 14 *Respondent*

**ENDORSEMENT**

16 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
 17 for consideration by the Medical Board of California of the Department of Consumer Affairs.

18  
19 DATED: \_\_\_\_\_

Respectfully submitted,  
 20 ROB BONTA  
 Attorney General of California  
 21 JUDITH T. ALVARADO  
 Supervising Deputy Attorney General

22  
 23  
 24 LATRICE R. HEMPHILL  
 Deputy Attorney General  
*Attorneys for Complainant*

26 LA2021603428  
27 65280981.docx

**Uniform Statutory Form Power of Attorney**

(California Probate Code Section 4401)

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE EXPLAINED IN THE UNIFORM STATUTORY FORM POWER OF ATTORNEY ACT (CALIFORNIA PROBATE CODE SECTIONS 4400-4465). THE POWERS LISTED IN THIS DOCUMENT DO NOT INCLUDE ALL POWERS THAT ARE AVAILABLE UNDER THE PROBATE CODE. ADDITIONAL POWERS AVAILABLE UNDER THE PROBATE CODE MAY BE ADDED BY SPECIFICALLY LISTING THEM UNDER THE SPECIAL INSTRUCTIONS SECTION OF THIS DOCUMENT. IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, OBTAIN COMPETENT LEGAL ADVICE. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTHCARE DECISIONS FOR YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO.

I, Rose C. Malv, 3365 Malcolm Ave, LA CA 90034 (your name and address) appoint Makine H. Malv, 201 Garnet Ave, Balboa Island CA 92102 (name and address of the person appointed, or of each person appointed if you want to designate more than one) as my agent (attorney-in-fact) to act for me in any lawful way with respect to the following initialed subjects:

TO GRANT ALL OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF (N) AND IGNORE THE LINES IN FRONT OF THE OTHER POWERS.

TO GRANT ONE OR MORE, BUT FEWER THAN ALL, OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF EACH POWER YOU ARE GRANTING.

TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF IT. YOU MAY, BUT NEED NOT, CROSS OUT EACH POWER WITHHELD.

- (A) Real property transactions.
- (B) Tangible personal property transactions.
- (C) Stock and bond transactions.
- (D) Commodity and option transactions.
- (E) Banking and other financial institution transactions.
- (F) Business operating transactions.
- (G) Insurance and annuity transactions.
- (H) Estate, trust, and other beneficiary transactions.
- (I) Claims and litigation.
- (J) Personal and family maintenance.
- (K) Benefits from social security, medicare, medicaid, or other governmental programs, or civil or military service.
- (L) Retirement plan transactions.
- (M) Tax matters.
- (N) ALL OF THE POWERS LISTED ABOVE.

YOU NEED NOT INITIAL ANY OTHER LINES IF YOU INITIAL LINE (N).

**SPECIAL INSTRUCTIONS:**

ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS LIMITING OR EXTENDING THE POWERS GRANTED TO YOUR AGENT.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

UNLESS YOU DIRECT OTHERWISE ABOVE, THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY AND WILL CONTINUE UNTIL IT IS REVOKED.

This power of attorney will continue to be effective even though I become incapacitated.

STRIKE THE PRECEDING SENTENCE IF YOU DO NOT WANT THIS POWER OF ATTORNEY TO CONTINUE IF YOU BECOME INCAPACITATED.

**EXERCISE OF POWER OF ATTORNEY WHERE MORE THAN ONE AGENT DESIGNATED**

If I have designated more than one agent, the agents are to act \_\_\_\_\_

IF YOU APPOINTED MORE THAN ONE AGENT AND YOU WANT EACH AGENT TO BE ABLE TO ACT ALONE WITHOUT THE OTHER AGENT JOINING, WRITE THE WORD "SEPARATELY" IN THE BLANK SPACE ABOVE. IF YOU DO NOT INSERT ANY WORD IN THE BLANK SPACE, OR IF YOU INSERT THE WORD "JOINTLY," THEN ALL OF YOUR AGENTS MUST ACT OR SIGN TOGETHER.

I agree that any third party who receives a copy of this document may act under it. Revocation of the power of attorney is not effective as to a third party until the third party has actual knowledge of the revocation. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this power of attorney.

Signed this 3<sup>rd</sup> day of May, 2021

Theresa E. Maly  
(your signature)

State of California, County of Los Angeles

BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, THE AGENT ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES OF AN AGENT.

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

**CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC**

State of California  
County of Los Angeles

On May 3, 2021 before me, MICHAEL SCOTT MCCAIN, Notary Public, personally appeared Theresa Maly, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature] (Seal)





**Exhibit A**

**Accusation No. 800-2020-068183**

1 ROB BONTA  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 LATRICE R. HEMPHILL  
Deputy Attorney General  
4 State Bar No. 285973  
California Department of Justice  
5 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
6 Telephone: (213) 269-6198  
Facsimile: (916) 731-2117  
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 Accusation Against:  
13 **ROSE CARMEN MALY, M.D.**  
14 **3315 Malcolm Ave**  
**Los Angeles, CA 90034-4410**  
15 **Physician's and Surgeon's Certificate**  
16 **No. G 35390,**  
17 Respondent.

Case No. 800-2020-068183  
**A C C U S A T I O N**

18  
19 **PARTIES**

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

23 2. On or about August 29, 1977, the Board issued Physician's and Surgeon's Certificate  
24 Number G 35390 to Rose Carmen Maly, M.D. (Respondent). The Physician's and Surgeon's  
25 Certificate was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on February 28, 2022, unless renewed.

27 ///  
28 ///

1 **JURISDICTION**

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

5 4. Section 2004 of the Code states:

6 The board shall have the responsibility for the following:

7 (a) The enforcement of the disciplinary and criminal provisions of the Medical  
8 Practice Act.

9 (b) The administration and hearing of disciplinary actions.

10 (c) Carrying out disciplinary actions appropriate to findings made by a panel or  
an administrative law judge.

11 (d) Suspending, revoking, or otherwise limiting certificates after the conclusion  
12 of disciplinary actions.

13 (e) Reviewing the quality of medical practice carried out by physician and  
surgeon certificate holders under the jurisdiction of the board.

14 (f) Approving undergraduate and graduate medical education programs.

15 (g) Approving clinical clerkship and special programs and hospitals for the  
16 programs in subdivision (f).

17 (h) Issuing licenses and certificates under the board's jurisdiction.

18 (i) Administering the board's continuing medical education program.

19 5. Section 820 of the Code states:

20 Whenever it appears that any person holding a license, certificate or permit  
21 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  
22 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  
23 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  
24 evidence in proceedings conducted pursuant to Section 822.

25 6. Section 821 of the Code provides that the licentiate's failure to comply with an order  
26 issued under section 820 shall constitute grounds for the suspension or revocation of the  
27 licentiate's certificate or license.

28 ///

**FACTUAL ALLEGATIONS**

1  
2 7. On or about May 7, 2021, the Board issued an order pursuant to Business and  
3 Professions Code section 820, Case No. 800-2020-068183, compelling Respondent to undergo  
4 mental and physical examinations to determine whether she was impaired by a mental or physical  
5 illness affecting her competency to practice medicine.

6 8. On or about May 12, 2021, Investigator Legaspi contacted medical expert Grace  
7 Tassa, M.D. to perform a physical examination of Respondent. On or about May 14, 2021, Dr.  
8 Tassa agreed to administer the physical examination.

9 9. Additionally, on or about May 12, 2021, Investigator Legaspi contacted medical  
10 expert Manuel Saint Martin, M.D. Dr. Martin agreed to administer the mental examination.

11 10. On or about May 14, 2021, Investigator Legaspi contacted Respondent, by Certified  
12 U.S. Mail and e-mail, providing the contact information for each medical expert. Respondent  
13 was instructed to contact the experts and arrange an appointment no later than June 6, 2021.

14 11. On or about May 19, 2021, Supervising Investigator Gonzalez received a phone call  
15 from Respondent's sister, Maxine Maly (Maxine). Maxine indicated that Respondent sustained a  
16 traumatic head injury in April 2021, and Maxine had Power of Attorney over Respondent.  
17 Maxine provided the Power of Attorney documentation to Supervising Investigator Gonzalez.

18 12. On or about June 14, 2021, Investigator Legaspi received an e-mail from Maxine that  
19 included a letter from Respondent's neurosurgeon. The letter stated that Respondent sustained a  
20 brain injury and would be unable to testify or undergo testing until April 2022.

21 13. On or about September 10, 2021, Investigator Legaspi provided Maxine a Disabled  
22 Physician Application (DPA) for Respondent to complete and return, given her sustained injuries.

23 14. On or about September 16, 2021, Respondent called Investigator Legaspi and she  
24 indicated that she would not sign the DPA and she would not participate in the mental  
25 examination and physical examination.

26 15. On or about September 17, 2021, Maxine instructed Investigator Legaspi to speak  
27 with Respondent directly about his concerns.

28 ///

1 **CAUSE FOR DISCIPLINE**

2 **(Failure to Obey Board Order Compelling Mental and Physical Exam)**

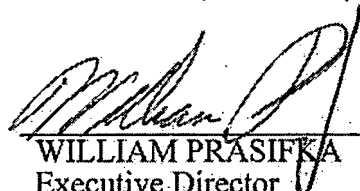
3 16. By reason of the facts set forth in paragraphs 7 through 15, above, Respondent is  
4 subject to disciplinary action under Code section 821 in that Respondent failed to comply with an  
5 order issued under section 820 of the Code by failing to schedule and refusing to undergo mental  
6 and physical examinations.

7 **PRAYER**

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

- 10 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 35390,  
11 issued to Respondent Rose Carmen Maly, M.D.;
- 12 2. Revoking, suspending or denying approval of Respondent Rose Carmen Maly, M.D.'s  
13 authority to supervise physician assistants and advanced practice nurses;
- 14 3. Ordering Respondent Rose Carmen Maly, M.D., if placed on probation, to pay the  
15 Board the costs of probation monitoring; and
- 16 4. Taking such other and further action as deemed necessary and proper.

17  
18 DATED: OCT 26 2021

  
\_\_\_\_\_  
19 WILLIAM PRASIFKA  
20 Executive Director  
21 Medical Board of California  
22 Department of Consumer Affairs  
23 State of California  
24 Complainant

23 LA2021603428  
24 64562632.docx