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

In the Matter of the First Amended Accusation Against: Oscar Antonio Matthews, M.D. Physician's and Surgeon's Certificate No. A 24880 Respondent.	Case No. 800-2017-035638

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 January 3, 2023.

IT IS SO ORDERED December 29, 2022.

MEDICAL BOARD OF CALIFORNIA

Reji Varghese
Deputy 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

In the Matter of the First Amended Accusation Against: **OSCAR ANTONIO MATTHEWS, M.D.** **2905 W. Vista Way, Ste. 107** **Vista, CA 92083** **Physician's and Surgeon's Certificate No. A 24880,** Respondent.	Case No. 800-2017-035638 OAH No. 2021010466 **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 Giovanni F. Mejia, Deputy Attorney General.

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2. Oscar Antonio Matthews, M.D. (Respondent) is represented in this proceeding by attorney Raymond J. McMahon, whose address is: Doyle Shafer McMahon, LLP, 5440 Trabuco Road, Irvine, CA 92620.

3. On or about August 18, 1972, the Board issued Physician's and Surgeon's Certificate No. A 24880 to Oscar Antonio Matthews, 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. 800-2017-035638 and will expire on January 31, 2024, unless renewed.

JURISDICTION

4. First Amended Accusation No. 800-2017-035638 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 on March 10, 2022, superseding Accusation No. 800-2017-035638 that had been served on Respondent, along with all other statutorily required documents, on August 7, 2020. Respondent filed a Notice of Defense contesting the Accusation. A copy of First Amended Accusation No. 800-2017-035638 is attached 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. 800-2017-035638. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and 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.

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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 paragraphs 1 through 10 and 44 through 49 of First Amended Accusation No. 800-2017-035638, agrees that cause exists for Board action and hereby surrenders his Physician's and Surgeon's Certificate No. A 24880 for the Board's formal acceptance.

9. 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. A 24880 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. This Stipulated Surrender of License and Order shall be subject to approval by the Executive Director of the Board, on behalf of the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Executive Director, or any member or members of the Board, regarding this Stipulated Surrender of License and Order, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind this Stipulated Surrender of License and Order prior to the time the Executive Director or the Board considers and acts upon it. If the Board fails to adopt this stipulation as the Board's Decision and Order, the Stipulated Surrender of License and Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and neither the Executive Director nor the Board shall not be disqualified from further action by having considered this matter.

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ADDITIONAL PROVISIONS

12. This Stipulated Surrender of License and 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.

13. 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.

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

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 24880, issued to Respondent Oscar Antonio Matthews, M.D., is surrendered and accepted by the Board, effective December 31, 2022 or as soon thereafter as the Board shall order.

1. 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.

2. 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.

3. With respect to the action that has been taken herein pursuant to Business and Professions Code section 822, any future reinstatement of Respondent's Physician's and Surgeon's Certificate No. A 24880 shall be governed by the procedures contained Business and Professions Code section 823 and such other laws, regulations and procedures for reinstatement as shall be in effect at the time the petition is filed.

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 paragraphs 1 through 10 and 44 through 49 of First Amended Accusation

No. 800-2017-035638 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 $14,285 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 paragraphs 1 through 10 and 44 through 49 of First Amended Accusation No. 800-2017-035638 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, Raymond J. McMahon. 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: 10/05/2022

OSCAR ANTONIO MATTHEWS, M.D.
Respondent

I have read and fully discussed with Respondent Oscar Antonio Matthews, 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: October 6, 2022

RAYMOND J. MCMAHON
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: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General

GIOVANNI F. MEJIA
Deputy Attorney General
Attorneys for Complainant

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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, Raymond J. McMahon. 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: _____ _____
OSCAR ANTONIO MATTHEWS, M.D.
Respondent

I have read and fully discussed with Respondent Oscar Antonio Matthews, 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: _____ _____
RAYMOND J. MCMAHON
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: October 6, 2022

Respectfully submitted,

ROB BONTA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General

GIOVANNI F. MEJIA
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 800-2017-035638

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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: **OSCAR ANTONIO MATTHEWS, M.D.** **2095 W. Vista Way, Ste. 107** **Vista, CA 92083-6028** **Physician's and Surgeon's Certificate No. A 24880,** Respondent.	Case No. 800-2017-035638 **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 August 18, 1972, the Board issued Physician's and Surgeon's Certificate No. A 24880 to Oscar Antonio Matthews, 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, 2024, unless renewed.

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JURISDICTION

3. This First Amended Accusation, which supersedes the Accusation filed on August 7, 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 2227, subdivision (a) of the Code states:

> A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:
>
> (1) Have his or her license revoked upon order of the board.
>
> (2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.
>
> (3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.
>
> (4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.
>
> (5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

5. Section 2234 of the Code, states:

> 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:
>
> (a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.
>
> ...
>
> (c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.
>
> (1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

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(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

...

(e) The commission of any act involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a physician and surgeon.

....

6. Section 2261 of the Code states:

Knowingly making or signing any certificate or other document directly or indirectly related to the practice of medicine or podiatry which falsely represents the existence or nonexistence of a state of facts, constitutes unprofessional conduct.

7. Section 2266 of the Code states:

The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct.

8. Unprofessional conduct under Business and Professions Code section 2234 is conduct that breaches the rules or ethical code of a profession or conduct which is unbecoming a member in good standing of a profession, and which indicates an unfitness to practice medicine. (*Shea v. Bd. of Medical Examiners* (1978) 81 Cal.App.3d 564, 574-75.)

9. 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.

COST RECOVERY

10. 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.

(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.

(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.

(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 subdivision (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

(Repeated Negligent Acts)

11. Respondent Oscar Antonio Matthews, M.D. has subjected his Physician's and Surgeon's Certificate No. A 24880 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (c), of the Code, in that he committed repeated negligent acts in the course of his care and treatment of one or more patients. The circumstances are as follows:

Patient B[1]

12. On or about November 11, 2015, paramedics transported Patient B to Tri-City's emergency department after a fainting episode. The paramedics transporting Patient B reported findings including, but not limited to, a third-degree heart block.

13. At the time that Patient B presented to Tri-City's emergency department on or about November 11, 2015, Respondent was the on-call cardiologist.

14. At or shortly after Patient B's arrival at Tri-City's emergency department, Respondent was paged multiple times.

15. Approximately one hour later, Respondent returned the pages via telephone and spoke with an emergency room physician. Although the emergency room physician reported that Patient B was stable, the emergency room physician also reported that Patient B had come into the emergency room after fainting, had complete left bundle branch block, and non-sustained ventricular tachycardia.

16. After speaking with the emergency room physician, Respondent failed to come to Tri-City to assume the care of Patient B and promptly evaluate and treat the patient.

[1] Pseudonyms are used in lieu of any patient's true name to preserve patient confidentiality. The true name and identity of any patient referenced herein is known to Respondent or will be made available to Respondent upon Complainant's receipt of a duly issued request for discovery pursuant to Government Code section 11507.6.

17. After Respondent spoke with the emergency room physician, Patient B's condition deteriorated.

18. Staff at Tri-City attempted to page Respondent multiple times between approximately 9:30 p.m. on November 11, 2015 to 1:35 a.m. on November 12, 2015. Respondent failed to respond to the pages.

19. Eventually, Tri-City staff was able to contact another cardiologist who treated Patient B.

20. Respondent committed negligence including, but not limited to, failing to promptly:

(a) Respond to multiple pages from the Tri-City emergency department while acting as the on-call cardiologist;

(b) Evaluate Patient B, whose reported symptoms or findings included syncope and complete heart block with episodes of non-sustained ventricular tachycardia.

Patient C

21. On or about April 13, 2016, Respondent performed a left cardiac catheterization on Patient C, a patient in Respondent's cardiology practice.

22. In subsequent clinical encounters with Respondent, Patient C reported shortness of breath at rest and exertion. Diagnostic tests performed on Patient C resulted in findings including, but not limited to, enlarged cardiac silhouette, enlarged central pulmonary vasculature, and severe pulmonary hypertension.

23. Respondent recommended a right heart catheterization, and a heart catheterization procedure was scheduled for October 3, 2016 at Tri-City.

24. On or about October 3, 2016, after Patient C had been placed on the procedure table and received intravenous sedation and local anesthetic, Respondent began performing a *left* heart catheterization. At or shortly after the commencement of the procedure, Respondent became aware that a left heart catheterization had been performed on Patient C months earlier. Respondent apologized to Patient C and stopped the procedure.

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25. Respondent committed negligence in the course of his care and treatment of Patient C including, but not limited to, beginning a procedure on Patient C that he had performed months prior and was not indicated.

Patient D

26. On or about October 20, 2016, Patient D presented to Tri-City with a non-ST segment elevation myocardial infarction.

27. On or about October 25, 2016, Respondent performed a cardiac catheterization procedure on Patient D, including insertion of an intra-aortic balloon pump.

28. At or around the commencement of the procedure performed by Respondent on Patient D on or around October 25, 2016, members of the cardiac catheterization team began to perform a pre-procedure time out. Respondent asked why the team was performing a time out since Patient D was fully sedated. The team nonetheless proceeded with the time out.

29. On one or more occasions during the course of the procedure performed on Patient D on or about October 25, 2016, Respondent slapped a catheterization lab technician involved in the procedure on or around the technician's hand or hands.

30. Respondent committed negligence in the course of his care and treatment of Patient D including, but not limited to, resisting the performance of a time out prior to a catheterization procedure, and slapping a cardiovascular technician during the performance of such procedure.

Patient E

31. On or about June 20, 2017, Patient E presented to Tri-City's emergency department with complaints of chest pain radiating to her jaw and shortness of breath, and was subsequently admitted.

32. On or about June 21, 2017, Respondent performed a cardiac consultation for Patient E. In his clinical note for this consultation, Respondent documented, among other things, that he had seen the patient on multiple prior occasions as early as February 14, 2016. Respondent also documented prior findings of diseased or occluded arteries, and that he had performed at least one prior cardiac catheterization of Patient E.

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33. In a clinical note for the cardiology consultation for Patient E on or about June 21, 2017, Respondent further documented:

> [Respondent did] suspect that there may be in-stent re-stenosis and progression of coronary artery disease, mainly in the right coronary artery of [Patient E], and [Respondent was] basing this conclusion on the recent recurrent episodes of chest pain, elevation of troponin blood level and subtle deterioration in left ventricular function. [Respondent felt Patient E] should undergo heart catheterization. [They were] facing a very busy schedule in the Cath Laboratory and [would] do this as soon as possible.

34. In a cardiology note dated June 22, 2017, Respondent documented:

> The Cath Lab was extremely busy.... [Respondent did] not feel comfortable doing a complex PCI [percutaneous coronary intervention] at night. Fortunately, [Patient E's diabetes mellitus] is better controlled.... Will see her next w[ee]k in [Respondent's] office.

35. On or about June 22, 2017, Respondent issued an order for Patient E's discharge from Tri-City.

36. At some point after Respondent's issuance of a discharge order for Patient E on or about June 22, 2017, as Patient E was attempting to leave Tri-City, Patient E experienced chest pain and was ultimately kept in the hospital.

37. On or about May 13, 2020, in an interview conducted as a part of a Board investigation, Respondent stated that on or about June 22, 2017, Patient E's condition was not stable but she wanted to leave Tri-City against medical advice (AMA). Respondent further stated that it was his belief that if Patient E had left AMA, she would not have been allowed back in the hospital, and that he therefore drafted the cardiology note dated June 22, 2017 in such a manner as to not show that Patient E was leaving AMA.

38. Respondent committed negligence in the course of his care and treatment of Patient E including, but not limited to, failing to accurately document that Patient E left or attempted to leave Tri-City on or about June 22, 2017 against medical advice.

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SECOND CAUSE FOR DISCIPLINE

(Dishonesty)

39. Respondent Oscar Antonio Matthews, M.D. has further subjected his Physician's and Surgeon's Certificate No. A 24880 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (e), of the Code, in that he committed one or more acts involving dishonesty that were substantially related to the qualifications, functions, or duties of a physician and surgeon as more particularly alleged in paragraphs 31 through 38, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

THIRD CAUSE FOR DISCIPLINE

(Knowingly Making or Signing Any Document Directly or Indirectly Related to the Practice of Medicine Which Falsely Represents the Existence or Nonexistence of a State of Facts)

40. Respondent Oscar Antonio Matthews, M.D. has further subjected his Physician's and Surgeon's Certificate No. A 24880 to disciplinary action under sections 2227 and 2234, as defined by section 2261, of the Code, in that he knowing made or signed one or more documents directly or indirectly related to the practice of medicine which falsely represented the existence or nonexistence of a state of facts as more particularly alleged in paragraphs 31 through 38, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

FOURTH CAUSE FOR DISCIPLINE

(Failure to Maintain Adequate and Accurate Records)

41. Respondent Oscar Antonio Matthews, M.D. has further subjected his Physician's and Surgeon's Certificate No. A 24880 to disciplinary action under sections 2227 and 2234, as defined by section 2266, of the Code in that he failed to maintain adequate and accurate records relating to his provision of services as more particularly alleged in paragraphs 31 through 38, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

FIFTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

42. Respondent Oscar Antonio Matthews, M.D. has further subjected his Physician's and Surgeon's Certificate No. A 24880 to disciplinary action under sections 2227 and 2234 of the

Code, in that he engaged in conduct that breaches the rules or ethical code of a profession or conduct which is unbecoming a member in good standing of a profession, and which indicates an unfitness to practice medicine, as more particularly alleged in paragraphs 26 through 30, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

SIXTH CAUSE FOR DISCIPLINE

(Violation of the Medical Practice Act)

43. Respondent Oscar Antonio Matthews, M.D. has further subjected his Physician's and Surgeon's Certificate No. A 24880 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (a), of the Code, in that he violated or attempted to violate, directly or indirectly, assisted in or abetted the violation of, or conspiring to violate any provision of the Medical Practice Act as more particularly alleged in paragraphs 11 through 42, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

CAUSE FOR BOARD ACTION

(Impairment)

44. Respondent Oscar Antonio Matthews, M.D.'s Physician's and Surgeon's Certificate No. A 24880 is further subject to Board action in that his ability to practice medicine safely is impaired because he is mentally ill, or physically ill affecting competency. The circumstances are as follows:

45. Paragraphs 11 through 38, above, are hereby incorporated by reference and realleged as if fully set forth herein.

46. On or about November 9, 2020, Respondent submitted to a mental examination by a psychiatrist. Among other opinions or recommendations arising from this examination, the psychiatrist recommended further neuropsychological testing.

47. On or about September 28, 2021, Respondent submitted to neuropsychological testing.

48. In a report dated November 17, 2021, the psychologist that administered the neuropsychological testing concluded, among other things, that Respondent "has deficits in

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cognitive domains" that "appear consistent with a neurocognitive disorder." The psychologist further concluded that Respondent is unable to safely practice medicine at this time.

49. On or about November 19, 2021, following a review of the results of the neuropsychological testing, the psychiatrist that conducted prior mental examination of Respondent concluded, among other things, that Respondent cannot practice medicine safely at this time based on evidence of neurocognitive disorder.

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. A 24880, issued to Respondent Oscar Antonio Matthews, M.D.;

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

3. Ordering Respondent Oscar Antonio Matthews, 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: MAR 10 2022

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