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

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| **In the Matter of the Accusation Against:** | ) | |
| **Aileen Ruth Matuk, M.D.** | ) | **Case No. 800-2017-032399** |
| **Physician's and Surgeon's Certificate No. A 24584** | ) | |
| **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** April 27, 2020

**IT IS SO ORDERED** April 20, 2020

**MEDICAL BOARD OF CALIFORNIA**

**Christine J. Lally**
**Interim Executive Director**

XAVIER BECERRA
Attorney General of California
STEVE DIEHL
Supervising Deputy Attorney General
MICHAEL C. BRUMMEL
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*Attorneys for Complainant*

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

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| In the Matter of the Accusation Against:<br><br>**AILEEN RUTH MATUK, M.D.**<br>**2323 16th, Suite 500**<br>**Bakersfield, CA 93301**<br><br>**Physician's and Surgeon's Certificate No. A 24584**<br><br>Respondent. | Case No. 800-2017-032399<br><br>**STIPULATED SURRENDER OF LICENSE AND ORDER** |

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

**PARTIES**

1. Christine J. Lally (Complainant) is the Interim Executive Director of the Medical Board of California (Board). She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Michael C. Brummel, Deputy Attorney General.

2. AILEEN RUTH MATUK, M.D. (Respondent) is representing herself in this proceeding by and through her power of attorney, Robin Matuk, and has chosen not to exercise her right to be represented by counsel. A copy of the Durable Power of Attorney is attached as Exhibit A and incorporated by reference.

3. On or about February 22, 1972, the Board issued Physician's and Surgeon's Certificate No. A 24584 to AILEEN RUTH MATUK, 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 Accusation No. 800-2017-032399 and expired on April 30, 2018, and has not been renewed.

## JURISDICTION

4. Accusation No. 800-2017-032399 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent. This Stipulation shall serve as Respondent's Notice of Defense. A copy of Accusation No. 800-2017-032399 is attached as Exhibit B and incorporated by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 800-2017-032399. 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 Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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

## CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 800-2017-032399, agrees that cause exists for discipline and hereby surrenders her Physician's and Surgeon's Certificate No. A 24584 for the Board's formal acceptance.

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

## CONTINGENCY

10. 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."

11. Respondent understands that, by signing this stipulation, she enables the Executive Director of the Board to issue an order, on behalf of the Board, accepting the surrender of her Physician's and Surgeon's Certificate No. A 24584 without further notice to, or opportunity to be heard by, Respondent.

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

13. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Interim 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 Interim 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 Interim 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 Interim Executive Director on behalf of the Board does not, in her discretión, 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 Interim Executive Director on behalf of the Board, Respondent will assert no claim that the Interim 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.

14. 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.

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

**ORDER**

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 24584, issued to Respondent AILEEN RUTH MATUK, M.D., is surrendered and accepted by the Board.

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

3. 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 Accusation No. 800-2017-032399 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

4. 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 Accusation, No. 800-2017-032399 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: 2/21/20

Robin Matuk

AILEEN RUTH MATUK, M.D., *Respondent*
by her Power of Attorney, Robin Matuk

**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: 2/26/2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
STEVE DIEHL
Supervising Deputy Attorney General

MICHAEL C. BRUMMEL
Deputy Attorney General
*Attorneys for Complainant*

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**Exhibit B**

**Accusation No. 800-2017-032399**

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*Attorneys for Complainant*

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| In the Matter of the Accusation Against:<br><br>**Aileen Ruth Matuk, M.D.**<br>**2323 16th, Suite 500**<br>**Bakersfield, CA 93301**<br><br>**Physician's and Surgeon's Certificate No. A 24584,**<br><br>Respondent. | Case No. 800-2017-032399<br><br>**A C C U S A T I O N** |

## PARTIES

1. Christine J. Lally (Complainant) brings this Accusation solely in her official capacity as the Interim Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about February 22, 1972, the Medical Board issued Physician's and Surgeon's Certificate Number A 24584 to Aileen Ruth Matuk, M.D. (Respondent). The Physician's and Surgeon's Certificate expired on April 30, 2018, and has not been renewed.

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## JURISDICTION

3. This 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.

## STATUTORY PROVISIONS

4. 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.

## CAUSE FOR DISCIPLINE

## (MENTAL/PHYSICAL)

5. Respondent Aileen Ruth Matuk, M.D. is subject to disciplinary action under section 822 in that Respondent is unable to practice her profession safely due to a physical or mental illness affecting her competency. The circumstances are as follows:

6. On or about May 2, 2017, the Board received a complaint alleging that Respondent may be unable to practice her professions safely due to a physical or mental illness affecting her competency. Subsequently, investigators discovered that Respondent was diagnosed with a physical illness affecting her competency, and retired from the practice of medicine. Due to her physical or mental illness, Respondent is unable to participate in an interview or examination at this time.

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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 Number A 24584, issued to Aileen Ruth Matuk, M.D.;

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

3. Ordering Aileen Ruth Matuk, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: APR 20 2020

CHRISTINE J. LALLY
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
*Complainant*

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