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

In the Matter of the Statement of Issues Against: Matthew Peter Prekupec Applicant.	Case No. 800-2019-060512

DECISION

The attached Stipulated Settlement 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 May 27, 2021.

IT IS SO ORDERED April 27, 2021.

MEDICAL BOARD OF CALIFORNIA

Richard E. Thorp, M.D., Chair
Panel B

XAVIER BECERRA
Attorney General of California
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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 Statement of Issues Against: **Matthew Peter Prekupec** Applicant.	Case No. 800-2019-060512 OAH No. 2020110090 **STIPULATED SETTLEMENT 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 Xavier Becerra, Attorney General of the State of California, by Rebecca D. Wagner, Deputy Attorney General.

2. Applicant Matthew Peter Prekupec (Applicant) is represented in this proceeding by attorney Marglyn E. Paseka, whose address is: One Embarcadero Center, Suite 400 San Francisco, CA 94111.

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3. On April 25, 2019, Applicant filed an application dated April 15, 2019, with the Medical Board of California to obtain a Physician's and Surgeon's License. The Board denied the application on October 14, 2019, and Applicant requested a hearing on the denial of his application.

JURISDICTION

4. Statement of Issues No. 800-2019-060512 was filed before the Board, and is currently pending against Applicant. The Statement of Issues and all other statutorily required documents were properly served on Applicant on March 26, 2020. A copy of Statement of Issues No. 800-2019-060512 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Applicant has carefully read, fully discussed with counsel, and understands the charges and allegations in Statement of Issues No. 800-2019-060512. Applicant has also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Applicant is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; 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. Applicant voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Applicant understands and agrees that the charges and allegations in Statement of Issues No. 800-2019-060512, if proven at a hearing, constitute cause for denying his application for Physician's and Surgeon's Certificate.

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9. Applicant agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Statement of Issues, and that Applicant hereby gives up his right to contest those charges.

10. Applicant agrees that his Physician's and Surgeon's certificate application is subject to denial and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Medical Board of California. Applicant understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Applicant or his counsel. By signing the stipulation, Applicant understands and agrees that he may not withdraw his 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 Settlement 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 Settlement and Disciplinary 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 opportunity to be heard by the Applicant, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

A. PUBLIC REPRIMAND.

IT IS HEREBY ORDERED that Applicant Matthew Peter Prekupec shall be and hereby is publicly reprimanded pursuant to Business and Professions Code section 2227. This public reprimand is issued as a result of the conduct by Applicant as set forth in Statement of

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Issues No. 800-2019-060512.

B. EDUCATION COURSE. Within 60 calendar days of the effective date of this Decision, Applicant shall submit to the Board or its designee for its prior approval educational program(s) or course(s), which may be remote due to the COVID-19 pandemic, in Relapse Prevention which shall not be less than 40 hours. The educational program(s) or course(s) shall be aimed at maintaining sobriety and preventing relapse. The educational program(s) or course(s) shall be at Applicant's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. Following the completion of the relapse prevention program(s) or course(s), the Board or its designee may administer an examination to test Applicant's knowledge of the program(s) or course(s).

A relapse prevention program(s) or course(s) taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the program(s) or course(s) would have been approved by the Board or its designee had the program(s) or course(s) been taken after the effective date of this Decision.

Applicant shall submit a certification of successful completion of the Relapse Prevention program(s) or course(s) to the Board or its designee not later than 15 calendar days after successfully completing the program(s) or course(s), or not later than 15 calendar days after the effective date of the Decision, whichever is later. Failure to enroll in, participate in, or successfully complete the relapse prevention program(s) or course(s) within the designated time period shall constitute unprofessional conduct, and may be grounds for further disciplinary action.

C. FUTURE ADMISSIONS CLAUSE. If Applicant should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing action agency in the State of California, all of the charges and allegations contained in Statement of Issues Case No. 800-2019-060512 shall be deemed to be true, correct, and admitted by Applicant for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict license.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Marglyn E. Paseka. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 01 / 13 / 2021

MATTHEW PETER PREKUPEC
Applicant

I have read and fully discussed with Applicant Matthew Peter Prekupec the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 01 / 13 / 2021

MARGLYN E. PASEKA
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

DATED: January 13, 2021

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General

Rebecca D. Wagner

REBECCA D. WAGNER
Deputy Attorney General
Attorneys for Complainant

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Matthew Peter Prekupec Stipulated Settlement and Disciplinary Order

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Exhibit A

Statement of Issues No. 800-2019-060512

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

In the Matter of the Statement of Issues Against: **Matthew Peter Prekupec** Applicant.	Case No. 800-2019-060512 **STATEMENT OF ISSUES**

PARTIES

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

2. The Medical Board of California received an application for a Physician's and Surgeon's License from Matthew Peter Prekupec (Applicant) on April 25, 2019. In his application, Applicant certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The Board denied the application on October 14, 2019, and Applicant requested a hearing on the denial of his application.

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JURISDICTION

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

4. Section 475 of the Code states in pertinent part, that:

"(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

" . . . "

"(4) Commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license."

5. Section 480 of the Code states:

"(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

" . . . "

"(3)(A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

" . . . "

6. Section 2221, subdivision (a) provides that the Board may deny a physician's and surgeon's certificate to an applicant guilty of unprofessional conduct or of any cause that would subject a licensee to revocation or suspension of his or her license; or, the Board in its sole discretion, may issue a probationary physician's and surgeon's certificate to an applicant subject to terms and conditions, including but not limited to, any of the conditions enumerated in this subdivision, which includes payment of the cost of probation monitoring.

7. Section 2234 of the Code, states, in relevant 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:

"(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.

" . . . "

"(f) Any action or conduct that would have warranted the denial of a certificate."

8. Section 2239 of the Code states:

"(a) The use or prescribing for or administering to himself or herself, of any controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, 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 or more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof, constitutes unprofessional conduct. . ."

STATEMENT OF FACTS

9. On April 25, 2019, the Board received an application for a Physician's and Surgeon's Certificate from Applicant. In the application, Applicant answered "yes" to the following questions: having taken a leave of absence or break from postgraduate training, having been disciplined or placed under investigation during training, and having had limitations or special requirements placed upon him for clinical performance, professionalism, medical knowledge, discipline, or for any other reason during training. In addition, Applicant answered "yes" to having been enrolled in, required to enter into, or participate in any drug, alcohol or substance abuse recovery program or impaired practitioner program. He also indicated that he had been treated for or had a recurrence of a diagnosed addictive disorder.

10. Applicant also disclosed in his application that he had been prescribed opiates for chronic pain after multiple foot surgeries and had started to overuse them, including going to work on June 21 and June 22, 2014 so impaired by his medications that he could not perform his clinical duties effectively. The Board obtained records from Applicant's residency program which documented that Applicant showed up to work on June 21, 2014 in the Cardiovascular/Coronary Care Unit under the influence, appearing drowsy and with slurred

speech. He was sent home and returned the next day still under the influence. He was falling asleep and tried to enter orders on the wrong patient in cardiac care. He was sent to the on-call room to sleep it off, but his speech was still slurred when he was awakened to return to work. During the second day at work, Applicant admits that he nearly submitted an incorrect order for a patient in cardiac care but a colleague luckily caught the mistake. He was sent home again. As a result, on June 27, 2014, Applicant's residency program suspended him from treating patients.

11. While the residency investigation proceeded, Applicant attended a 30-day inpatient rehabilitation program, which was followed by a 60-day intensive outpatient rehabilitation. The residency program placed him on professional remediation and he had to repeat an intern year due to his substance abuse, to the time he missed in the program for his substance abuse treatment, and due to his unsatisfactory rating in moral and ethical behavior in the clinical setting.

12. Applicant returned to his residency on September 22, 2014. Applicant continued to have difficulties during the remainder of his residency including: issues with conference attendance, timeliness with medical documentation, inadequate medical record-keeping, and unprofessional interactions during his psychiatry rotation. By August 27, 2015, he had been suspended twice from his residency for delinquent dictations and not timely completing medical records. On August 13, 2015, a psychiatry rotation report describes him as "consistently showing poor attitude and work ethic" and being "routinely late or absent" with "substandard" and "incomplete" evaluations and "poor documentation." Despite these issues, Applicant successfully completed his residency training on August 25, 2017.

13. The residency program reported Applicant to the Nevada State Board of Medical Examiners (Nevada Board) for incompetence with patients related to his substance abuse on June 21, 2014 and June 22, 2014. On July 4, 2014, Applicant entered into a five-year monitoring program through Nevada Physicians Assistance Program (NPAP). On July 5, 2019, Applicant successfully completed his NPAP monitoring contract and currently holds an unrestricted Nevada medical license.

14. The Board obtained Applicant's NPAP treatment records which diagnosed Applicant with a substance use disorder with moderate severity related to: opioid dependence, cannabis

dependence, alcohol abuse, inhalant dependence and cocaine abuse. Overall, his substance use disorder was diagnosed as moderate to severe based on the multiplicity of drugs abused.

15. Applicant remained in the NPAP program until he moved to Washington State in September 2017 and then his substance abuse treatment was transferred to the Washington Physician Health Program (WPHP). On December 4, 2017, Applicant had a positive drug test for THC while being monitored by WPHP, and Applicant was again admitted to a residential evaluation program for alcohol and/or drug addiction treatment on December 18, 2017, and completed the program and was discharged on December 21, 2017. His aftercare recommendations included: weekly meetings with WPHP, random urine testing, three AA meetings a week, obtain a sponsor, participate in a relapse prevention workshop, obtain a personal physician, take medications as prescribed, and work with a personal trainer to avoid further injury. In the substance use discharge summary dated December 21, 2017, Applicant admitted using Cannabidiol (CBD) five times in the past year and appeared to "lack insight into the significance of his addiction." Applicant eventually completed his monitoring agreement with the Washington Physicians Health Program (WPHP) and as of July 11, 2019 had completed all the requirements of the monitoring agreement. Applicant also has an unrestricted Washington medical license.

16. On October 14, 2019, the Board denied Applicant's application for an unrestricted Physician's and Surgeon's Certificate pursuant to Business and Professions Code sections 2234 (unprofessional conduct) and 2239(a) (excessive use of controlled substances and alcohol). On November 13, 2019, Applicant requested a hearing on the denial of his application.

CAUSE FOR DENIAL OF APPLICATION

(Unprofessional Conduct: Excessive Use of Controlled Substances and Alcohol)

17. Respondent's application is subject to denial under sections 475(a)(4) and/or 480(a)(3)(A) and/or 2234(a) and (f) (unprofessional conduct) and/or 2239(a) (excessive use of controlled substances and alcohol) in that Applicant is guilty of conduct, as outlined in Paragraphs 9 through 16, which, if done by a licentiate, would be grounds for suspension or

revocation of license, including unprofessional conduct and/or excessive use of controlled substances and alcohol.

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. Denying the application of Matthew Peter Prekupec for a Physician's and Surgeon's License;

2. If issued a probationary license, ordering Applicant to pay the Board the costs of probation monitoring;

3. If placed on probation, revoking, suspending or denying approval of the Applicant's authority to supervise physician assistants and advanced practice nurses; and

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

DATED: MAR 26 2020

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

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Prekupec.matthew.statement.of.issues