

1 XAVIER BECERRA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 JOHN S. GATSCHET
Deputy Attorney General
4 State Bar No. 244388
California Department of Justice
5 1300 I Street, Suite 125
P.O. Box 944255
6 Sacramento, CA 94244-2550
Telephone: (916) 210-7546
7 Facsimile: (916) 327-2247

8 *Attorneys for Complainant*

10 **BEFORE THE**
11 **BOARD OF PODIATRIC MEDICINE**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 500-2016-000448

14 **TAE JOO SONG, D.P.M.**
3919 W. Garden Grove Blvd., #303
15 Orange, CA 92868

A C C U S A T I O N

16 Podiatrist License No. E 4773

17 Respondent.
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20 Complainant alleges:

21 **PARTIES**

22 1. Brian Naslund ("Complainant") brings this Accusation solely in his official capacity
23 as the Executive Officer of the Board of Podiatric Medicine, Department of Consumer Affairs
24 ("Board").

25 2. On or about March 31, 2008, the Board issued Podiatrist License No. E 4773 to Tae
26 Joo Song, D.P.M. ("Respondent"). That Podiatrist License was in full force and effect at all times
27 relevant to the charges brought herein. Respondent did not provide his license renewal fee to the

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO March 15 20 18
BY R. Fitzwater ANALYST

1 Board on December 31, 2017, as required and his license entered delinquent status. Respondent
2 is not allowed to practice podiatry at this time.

3 JURISDICTION

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

6 4. Section 2222 of the Code, states in pertinent part:

7 "The California Board of Podiatric Medicine shall enforce and administer this article as to
8 doctors of podiatric medicine. Any acts of unprofessional conduct or other violations proscribed
9 by this chapter are applicable to licensed doctors of podiatric medicine and wherever the Medical
10 Quality Hearing Panel established under Section 11371 of the Government Code is vested with
11 the authority to enforce and carry out this chapter as to licensed physicians and surgeons, the
12 Medical Quality Hearing Panel also possesses that same authority as to licensed doctors of
13 podiatric medicine.

14 "The California Board of Podiatric Medicine may order the denial of an application or issue
15 a certificate subject to conditions as set forth in Section 2221, or order the revocation, suspension,
16 or other restriction of, or the modification of that penalty, and the reinstatement of any certificate
17 of a doctor of podiatric medicine within its authority as granted by this chapter and in conjunction
18 with the administrative hearing procedures established pursuant to Sections 11371, 11372, 11373,
19 and 11529 of the Government Code. For these purposes, the California Board of Podiatric
20 Medicine shall exercise the powers granted and be governed by the procedures set forth in this
21 chapter.

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1 5. Section 2234 of the Code, states in pertinent part that:

2 “The board shall take action against any licensee who is charged with unprofessional
3 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
4 limited to, the following:

5 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
6 violation of, or conspiring to violate any provision of this chapter.

7 “(b) Gross Negligence.

8 “...”

9 **COST RECOVERY**

10 6. Section 2497.5 of the Code, states in pertinent part that:

11 “(a) The board may request the administrative law judge, under his or her proposed
12 decision in resolution of a disciplinary proceeding before the board, to direct any licensee found
13 guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable
14 costs of the investigation and prosecution of the case.

15 “(b) The costs to be assessed shall be fixed by the administrative law judge and shall not
16 be increased by the board unless the board does not adopt a proposed decision and in making its
17 own decision finds grounds for increasing the costs to be assessed, not to exceed the actual and
18 reasonable costs of the investigation and prosecution of the case.

19 “(c) When the payment directed in the board’s order for payment of costs is not made by
20 the licensee, the board may enforce the order for payment by bringing an action in any appropriate
21 court. This right of enforcement shall be in addition to any other rights the board may have as to
22 any licensee directed to pay costs.

23 “(d) In any judicial action for the recovery of costs, proof of the board’s decision shall be
24 conclusive proof of the validity of the order of payment and the terms for payment.

25 “(e) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the
26 license of any licensee who has failed to pay all of the costs ordered under this section.

27 “(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew
28 or reinstate for a maximum of one year the license of any licensee who demonstrates financial

1 hardship and who enters into a formal agreement with the board to reimburse the board within
2 that one-year period for those unpaid costs.

3 “(f) All costs recovered under this section shall be deposited in the Board of Podiatric
4 Medicine Fund as a reimbursement in either the fiscal year in which the costs are actually
5 recovered or the previous fiscal year, as the board may direct.

6 CAUSE FOR DISCIPLINE

7 (Gross Negligence)

8 7. Respondent’s license is subject to disciplinary action under sections 2222 and 2234,
9 subdivision (b), of the Code in that he committed acts of gross negligence and unprofessional
10 conduct during the care and treatment of Patient A.¹ The circumstances are as follows:

11 8. On or about September 10, 2014, Respondent saw Patient A, an elderly gentleman, in
12 his office regarding a podiatry referral of right foot pain at the fifth MTP joint, tender to touch
13 with fifth proximal phalanx angled upwards about forty-five degrees. Respondent diagnosed
14 depressed metatarsals two through five of the right foot and hammertoes. Respondent did not
15 document performing a vascular workup despite the patient having a lengthy history of vascular
16 issues. Respondent documented that he advised the patient to take a conservative treatment
17 approach but he then also documented that the patient requested immediate surgery and,
18 Respondent booked him for the next day.

19 9. On or about September 11, 2014, Respondent performed surgery. In his pre-operative
20 report, the Respondent’s diagnosis of Patient A’s right foot was documented as hallux
21 interphalangeal joint valgus right foot, depressed and dislocated second, third, and fourth
22 metatarsals, and a painful bunion. The x-rays reviewed by Respondent on September 10, 2014,
23 showed no evidence of gross fracture or dislocation in the digits located on Patient A’s right foot.
24 Respondent also documented digital contractures of the second, third, fourth, and fifth digits on
25 the patient’s right foot and chronic plantar fasciitis. Respondent did not document chronic plantar
26 fasciitis in the history and physical that he had documented a day earlier on September 10, 2014.

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28 ¹ All parties and witnesses will be identified in discovery.

1 10. Respondent performed the following procedures on Patient A on September 11, 2014:

2 1. Akin osteotomy with internal fixation; 2. Plantar condylectomoy of the second, third, and
3 fourth metatarsals of the patient's right foot with slide back osteotomies of the second, third, and
4 fourth metatarsals of the patient's right foot; 3. An adductory osteotomy of the fifth metatarsal
5 with internal fixation and an ostectomy of the fifth metatarsal of the patient's right foot with
6 plantar fascial release; and 4. Arthroplasties of the second, third, fourth, and fifth digits with
7 pinning. While Respondent's note documented that hemostasis was achieved with a right ankle
8 tourniquet, the note did not identify how long the tourniquet was inflated or when it was deflated.
9 The Respondent failed to identify Patient A's vascular status following surgery and didn't
10 adequately document the apex of an osteotomy. Finally, Respondent's note didn't discuss
11 specific incisions on each digital site.

12 11. Following Respondent's surgical intervention, the patient needed further surgery at
13 Mercy Medical Center, in Redding, California. In October 2014, a right superficial femoral artery
14 angioplasty was performed to fix an occlusion of the right femoral artery. On October 22, 2014,
15 and October 29, 2014, Patient A was found to have stenosis in the pedal vessels. On October 23,
16 2014, Patient A returned to surgery for an amputation of the fourth and fifth digits of his right
17 foot. On October 29, 2014, Patient A returned for additional surgery to have a transmetatarsal
18 amputation secondary to gangrene on the right foot.

19 12. Respondent's care and treatment of Patient A represents an extreme departure from
20 the standard of care in each of the following ways: 1. Failing to properly diagnose Patient A's
21 medical issues regarding his right foot; 2. Failing to properly document Patient A's medical
22 issues, including serious vascular problems, in the medical record before performing surgery; 3.
23 Performing multiple surgical procedures that were medically unnecessary and not advisable in an
24 elderly patient with a history of vascular issues; and, 4. Failing to properly manage Patient A's
25 care post-operatively.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
and that following the hearing, the Board of Podiatric Medicine issue a decision:

1. Revoking or suspending Podiatrist License No. E 4773, issued to Tae Joo Song,
D.P.M.
2. Ordering Tae Joo Song, D.P.M. to pay the Board of Podiatric Medicine the reasonable
costs of the investigation and enforcement of this case, pursuant to Business and Professions Code
section 2497.5; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: March 15, 2018


BRIAN NASLUND
Executive Officer
Board of Podiatric Medicine
Department of Consumer Affairs
State of California
Complainant

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