

By: Michael A. Zapf, D.P.M.
Michael A. Zapf, D.P.M., President

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8 *Attorneys for Complainant*

9
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.**
15 3919 W. Garden Grove Blvd., #303
Orange, CA 92868

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16 Podiatrist License No. E 4773

17 Respondent.

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

21 **PARTIES**

22 1. Brian Naslund ("Complainant") is the Executive Officer of the Board of Podiatric
23 Medicine ("Board"). He brought this action solely in his official capacity and is represented in
24 this matter by Xavier Becerra, Attorney General of the State of California, by John S. Gatschet,
25 Deputy Attorney General.

26 2. Tae Joo Song, D.P.M. ("Respondent") is representing himself in this proceeding and
27 has chosen not to exercise his right to be represented by counsel.

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3. On or about March 31, 2008, the Board issued Podiatrist License No. E 4773 to Respondent. That license was in full force and effect at all times relevant to the charges brought in Accusation No: 500-2016-000448. On December 31, 2017, Respondent failed to pay his license renewal fee. Respondent's license is currently in delinquent status and he is not eligible to practice podiatry.

JURISDICTION

4. Accusation No. 500-2016-000448 was filed before the Board, and is currently pending against Respondent. Respondent and the Board agree that the Accusation and all other statutorily required documents were properly served on Respondent. Respondent has agreed to waive the filing of his Notice of Defense and enter into a Stipulated Surrender of his license. Respondent understands and agrees that the Board has jurisdiction to take disciplinary action against his license in this administrative matter. A copy of Accusation No. 500-2016-000448 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 500-2016-000448. Respondent also has carefully read, 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 Accusation; the right to be represented by counsel, at his own expense; 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. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 hereto. Respondent further agrees that should this Stipulated Surrender of License be rejected for
2 any reason by the Executive Officer on behalf of the Board, respondent will assert no claim that
3 the Executive Officer, the Board, or any member thereof, was prejudiced by its/his/her review,
4 discussion and/or consideration of this Stipulated Surrender of License or of any matter or matters
5 related hereto.

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

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

12 **ORDER**

13 **IT IS HEREBY ORDERED** that Podiatrist License No. E 4773, issued to Respondent Tae
14 Joo Song, D.P.M., is surrendered and accepted by the Board of Podiatric Medicine.

15 1. The surrender of Respondent's Podiatrist License No. E 4773 and the acceptance of
16 the surrendered license by the Board shall constitute the imposition of discipline against
17 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
18 Respondent's license history with the Board of Podiatric Medicine.

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

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

23 4. If Respondent ever files an application for licensure or a petition for reinstatement in
24 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
25 comply with all the laws, regulations and procedures for reinstatement of a revoked or
26 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
27 contained in Accusation No. 500-2016-000448 shall be deemed to be true, correct and admitted
28 by Respondent when the Board determines whether to grant or deny the petition.

1 5. Respondent and the Board stipulate and agree that the total costs of investigation and
2 enforcement in this matter are \$10,000.00.

3 Respondent shall pay \$2,000.00 to the Board within one-year of the effective date of the
4 Decision and Order. The filing of bankruptcy by the respondent shall not relieve the respondent
5 of his responsibility to reimburse the Board for its investigative and enforcement costs. If
6 Respondent fails to pay the Board \$2,000.00 within one-year of the effective date of the Decision
7 and the Order the parties stipulate and agree that as set forth in Business and Professions Code
8 section 2497.5, subdivision (c), the Board shall enforce the order of payment by bringing a civil
9 action for \$2000.00 in any appropriate court and seek a civil judgment against Respondent.

10 Respondent shall pay the remainder balance of \$10,000.00 owed to the Board prior to the
11 issuance of a new or reinstated license.

12 6. If Respondent should ever apply or reapply for a new license or certification, or
13 petition for reinstatement of a license, by any other health care licensing agency in the State of
14 California, all of the charges and allegations contained in Accusation, No. 500-2016-000448 shall
15 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
16 Issues or any other proceeding seeking to deny or restrict licensure.

17 7. The Board upon acceptance of Respondent's surrender of his certificate to practice
18 podiatry, shall close the following pending investigations of Respondent in Investigation Nos.
19 500-2017-000563, 500-2017-000565, 500-2017-000567, 500-2017-000569, 500-2017-000568,
20 and 500-2017-000564.

21 8. Respondent understands and agrees that all information contained in Investigation
22 Nos. 500-2017-000563, 500-2017-000565, 500-2017-000567, 500-2017-000569, 500-2017-
23 000568, and 500-2017-000564, shall be preserved. Upon a petition for reinstatement,
24 Respondent agrees, understands, and stipulates that the Board shall be able to use the
25 Investigations as a further basis for denial of a petition for reinstatement. The allegations being
26 investigated in the investigations shall be deemed to be true, correct, and admitted by Respondent
27 when the Board determines whether to grant or deny the petition. Furthermore, Respondent
28 agrees, understands, and stipulates that upon the filing of a petition for reinstatement, he will be

admitting that Investigation Nos. 500-2017-000563, 500-2017-000565, 500-2017-000567, 500-2017-000569, 500-2017-000568, and 500-2017-000564 evidence additional acts of unprofessional conduct because he committed gross negligence in the care and treatment of his patients. Finally, Respondent understands and agrees that by entering this stipulation, that he is permanently waiving any and all claims of laches and/or statute of limitations defenses as they relate to Investigation Nos. 500-2017-000563, 500-2017-000565, 500-2017-000567, 500-2017-000569, 500-2017-000568, and 500-2017-000564.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Podiatrist License. I also understand the impact that this stipulation will have on any subsequent petition for reinstatement that I file. I also agree with and understand the terms related to Cost Recovery in this matter. 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 Board of Podiatric Medicine.

DATED:

3/28/18

TAE JOO SONG, D.P.M.
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Podiatric Medicine of the Department of Consumer Affairs.

Dated:

4/5/2018

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General

JOHN S. GATSCHET
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 500-2016-000448

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8 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO March 15 2018
BY R. Fitzwater ANALYST

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

13 In the Matter of the Accusation Against:

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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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19
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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Board on December 31, 2017, as required and his license entered delinquent status. Respondent is not allowed to practice podiatry at this time.

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 unless otherwise indicated.

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

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

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

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

“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.

“(b) Gross Negligence.

“ ”
...

COST RECOVERY

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

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

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

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

“(d) In any judicial action for the 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.

“(e) (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

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 condylectomy 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 osteotomy 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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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.

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