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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
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BY Debra Pacheco ANALYST

BEFORE THE
BOARD OF PODIATRIC MEDICINE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **MATHEW JARED MORRIS, DPM** **16 E. Fern Avenue, Suite A** **Redlands, CA 92373** **Podiatric License No. 4983** Respondent.	Case No. 500-2017-000510 **ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about February 16, 2012, the Board of Podiatric Medicine issued Podiatric License Number 4983 to Mathew Jared Morris, DPM (Respondent). The Podiatric License was in full force and effect at all times relevant to the charges brought herein and will expire on February 29, 2020, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Podiatric Medicine (Board), Department of Consumer Affairs, 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:

"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 2497 of the Code states:

"(a) The board may order the denial of an application for, or the suspension of, or the revocation of, or the imposition of probationary conditions upon, a certificate to practice podiatric medicine for any of the causes set forth in Article 12 (commencing with Section 2220) in accordance with Section 2222.

"(b) The board may hear all matters, including but not limited to, any contested case or may assign any such matters to an administrative law judge. The proceedings shall be held in accordance with Section 2230. If a contested case is heard by the board itself, the administrative law judge who presided at the hearing shall be present during the board's consideration of the case and shall assist and advise the board."

5. Section 2234 of the Code states in pertinent 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.

"(b) Gross negligence.

"(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.

"(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.

"..."

7. Unprofessional conduct under Business and Professions Code section 2234 is conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.)

COST RECOVERY

8. Section 2497.5 of the Code states:

"(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 hardship and who enters into a formal agreement with the board to reimburse the

board within one year period for those unpaid costs.

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

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

9. Respondent has subjected his Podiatric License No. 4983 to disciplinary action under sections 2222 and 2497, as defined by section 2234, subdivision (b), of the Code, in that Respondent committed gross negligence in his care and treatment of Patient A[1], as more particularly alleged hereinafter:

Patient A

10. Respondent began treating Patient A on or about August 1, 2016. Patient A presented with callus[2] formation, and a "blister" on his left great toe. Documentation showed neuropathy[3], long standing. Respondent trimmed Patient A's "blister" on his left great toe and Patient A had his fungal nails reduced. Patient A was provided with instructions on dressing the wound. Respondent did not take any x-rays of Patient A's left foot and/or left great toe. Respondent did not place Patient A in a post-operative shoe or cam walker to eliminate pressure on the toes despite diagnosing Patient A with a diabetic ulcer.

11. On or about August 15, 2016, Patient A returned to Respondent. Patient A was prescribed antibiotics and the wound was noted to be broken down with poor quality tissue. Respondent did not take any x-rays of Patient A's left foot and/or left great toe. Respondent did not take culture and sensitivity tests. Respondent did not consult with any vascular surgeons regarding Patient A's infected wound and a long standing diabetes and neuropathy. Respondent

[1] A letter is being used in lieu of actual patient name or initials in order to preserve patient privacy.

[2] Callus is a thickened and hardened part of the skin or soft tissue, especially in an area that has been subject to friction.

[3] Neuropathy, also called peripheral neuropathy, refers to any condition that affects the normal activity of the nerves of the peripheral nervous system.

did not place Patient A in a post-operative shoe or cam walker to eliminate pressure on the toes despite diagnosing Patient A with a diabetic ulcer.

12. In or around the end of August 2016, Patient A was seen at Loma Linda University Medical Center and had an amputation of his left hallux[4]. Several months thereafter, Patient A underwent partial amputation of the second and third toes.

13. Respondent committed gross negligence in his care and treatment of Patient A, which included, but were not limited to:

(a) Respondent failed to take any x-rays during Patient A's two visits.

SECOND CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

Respondent has subjected his Podiatric License No. 4983 to disciplinary action under sections 2222 and 2497, as defined by section 2234, subdivision (c), of the Code, in that Respondent committed repeated negligent acts in his care and treatment of Patient A, as more particularly alleged hereinafter:

14. Paragraph 10 through 13 above, are incorporated by reference and realleged as if fully set forth herein.

15. Respondent committed repeated negligent acts which included, but were not limited to, the following:

(a) Respondent failed to take any x-rays during Patient A's two visits; and

(b) Respondent failed to place Patient A in a post-operative shoe or cam walker.

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[4] Hallux refers to a person's big toe.

THIRD CAUSE FOR DISCIPLINE

(General Unprofessional Conduct)

Respondent has subjected his Podiatric License No. 4983 to disciplinary action under sections 2222 and 2497, as defined by section 2234, of the Code, in that he has engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine, as more particularly alleged hereinafter.

16. Paragraphs 10 through 15, above, which are hereby incorporated by reference as if fully set forth herein.

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 Podiatric License Number 4983, issued to Mathew Jared Morris, DPM;

2. Ordering Mathew Jared Morris, DPM 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: January 23, 2019

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