

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

In the Matter of the Accusation Against:)	
)	
Silvia Jessica Arroyo, D.P.M.)	Case No. 500-2016-000406
)	
Doctor of Podiatric Medicine)	
License No. E 4718)	
)	
Respondent.)	
_____)	

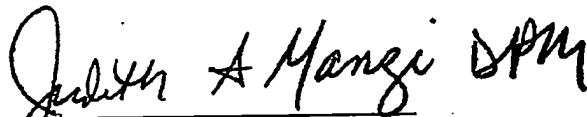
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the California Board of Podiatric Medicine, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on August 30, 2019.

IT IS SO ORDERED: July 31, 2019.

BOARD OF PODIATRIC MEDICINE

By: 
Judith A. Manzi, D.P.M., President

1 XAVIER BECERRA
Attorney General of California
2 ROBERT MCKIM BELL
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9 **BEFORE THE**
CALIFORNIA BOARD OF PODIATRIC MEDICINE
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 500-2016-000406

13 SILVIA JESSICA ARROYO, D.P.M.

OAH No. 2018120013

14 2911 4th Street, Suite 114
15 Santa Monica, California 90405

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 Doctor of Podiatric Medicine No. E 4718,

17 Respondent.

18
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 California Board of
23 Podiatric Medicine (Board). He brought this action solely in his official capacity and is
24 represented in this matter by Xavier Becerra, Attorney General of the State of California, by
25 Christina Sein Goot, Deputy Attorney General.

26 2. Respondent Silvia Jessica Arroyo, D.P.M. (Respondent) is represented in this
27 proceeding by attorney Paul Joseph Spackman, whose address is 28441 Highridge Road, Suite
28 201, Rolling Hills Estates, CA 90274.

1 3. On March 29, 2007, the Board issued Doctor of Podiatric Medicine license No. E
2 4718 to Respondent. That license was in full force and effect at all times relevant to the charges
3 brought in Accusation No. 500-2016-000406, and will expire on June 30, 2020, unless renewed.

4 JURISDICTION

5 4. Accusation No. 500-2016-000406 was filed before the Board, and is currently
6 pending against Respondent. The Accusation and all other statutorily required documents were
7 properly served on Respondent on April 11, 2018. Respondent timely filed her Notice of Defense
8 contesting the Accusation.

9 5. A copy of Accusation No. 500-2016-000406 is attached as Exhibit A and is
10 incorporated herein by reference.

11 ADVISEMENT AND WAIVERS

12 6. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in Accusation No. 500-2016-000406. Respondent has also carefully read,
14 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
15 Disciplinary Order.

16 7. Respondent is fully aware of her legal rights in this matter, including the right to a
17 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
18 the witnesses against her; the right to present evidence and to testify on her own behalf; the right
19 to the issuance of subpoenas to compel the attendance of witnesses and the production of
20 documents; the right to reconsideration and court review of an adverse decision; and all other
21 rights accorded by the California Administrative Procedure Act and other applicable laws.

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

24 CULPABILITY

25 9. Respondent does not contest that, at an administrative hearing, Complainant could
26 establish a *prima facie* case with respect to the charges and allegations contained in Accusation
27 No. 500-2016-000406 and that she has thereby subjected her license to disciplinary action.

28 10. Respondent agrees that if she ever petitions for modification of these terms, or if a

1 subsequent Accusation is ever filed against her before the Board, all of the charges and
2 allegations contained in Accusation No. 500-2016-000406 shall be deemed true, correct and fully
3 admitted by Respondent for purposes of any such proceeding or any other licensing proceeding
4 involving Respondent in the State of California.

5 11. Respondent agrees that her Doctor of Podiatric Medicine license is subject to
6 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the
7 Disciplinary Order below.

8 CONTINGENCY

9 12. , This stipulation shall be subject to approval by the California Board of Podiatric
10 Medicine. Respondent understands and agrees that counsel for Complainant and the staff of the
11 California Board of Podiatric Medicine may communicate directly with the Board regarding this
12 stipulation and settlement, without notice to or participation by Respondent or her counsel. By
13 signing the stipulation, Respondent understands and agrees that she may not withdraw her
14 agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it.
15 If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and
16 Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible
17 in any legal action between the parties, and the Board shall not be disqualified from further action
18 by having considered this matter.

19 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
20 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
21 signatures thereto, shall have the same force and effect as the originals.

22 14. In consideration of the foregoing admissions and stipulations, the parties agree that
23 the Board may, without further notice or formal proceeding, issue and enter the following
24 Disciplinary Order:

25 DISCIPLINARY ORDER

26 A. PUBLIC REPRIMAND.

27 **IT IS HEREBY ORDERED THAT** Doctor of Podiatric Medicine license No. E 4718
28 issued to Respondent Silvia Jessica Arroyo, D.P.M., shall be and is hereby publicly reprimanded

1 pursuant to California Business and Professions Code section 2227, subdivision (a)(4). This
2 Public Reprimand, which is issued in connection with Accusation No. 500-2016-000406, is as
3 follows:

4 "You treated Patient 1 from December 2013 through September 2014 for a symptomatic
5 lesion and an injury to the fifth toe of his left foot with bleeding to the fifth toe, however, you
6 failed to perform a biopsy during this time, as more fully described in Accusation No. 500-2016-
7 000406."

8 **B. EDUCATION COURSE. IT IS FURTHER ORDERED THAT** within 60 days
9 of the effective date of this Decision, Respondent shall submit to the Board or its designee for its
10 prior approval educational program(s) or course(s) which shall not be less than 40 hours. The
11 educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or
12 knowledge and shall be Category I certified or Board approved and limited to classroom,
13 conference, or seminar settings. The educational program(s) or course(s) shall be at Respondent's
14 expense and shall be in addition to the Continuing Medical Education (CME) requirements,
15 which must be scientific in nature, for renewal of licensure. Following the completion of each
16 course, the Board or its designee may administer an examination to test Respondent's knowledge
17 of the course. Respondent shall participate in and successfully complete the classroom
18 component of the course(s) not later than nine months after Respondent's initial enrollment.
19 Respondent shall successfully complete any other component of the course(s) within one year of
20 enrollment.

21 Respondent shall submit a certification of successful completion to the Board or its
22 designee not later than 15 calendar days after successfully completing the educational program(s)
23 or course(s).

24 **C. COST RECOVERY. IT IS FURTHER ORDERED THAT** within 90 calendar
25 days from the effective date of the Decision or other period agreed to by the Board or its
26 designee, Respondent shall reimburse the Board the amount of \$13,313 for its investigative and
27 prosecution costs. The filing of bankruptcy or period of non-practice by Respondent shall not
28 relieve the Respondent of her obligation to reimburse the Board for its costs.

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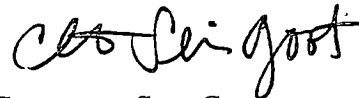
ENDORSEMENT

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

Dated: May 28, 2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General



CHRISTINA SEIN GOOT
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 500-2016-000406

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

In the Matter of the Accusation Against:

Case No. 500-2016-000406

Silvia Jessica Arroyo, D.P.M.
1011 Baldwin Park Blvd.,
Baldwin Park, CA 91706

ACCUSATION

Podiatrist License No. E 4718,

Respondent.

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 (Board).

2. On or about March 29, 2007, the Board of Podiatric Medicine issued Podiatrist License Number E 4718 to Silvia Jessica Arroyo, D.P.M. (Respondent). The Podiatrist license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2018, 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 Code Section 2220 et seq. of the Medical Practice Act as to doctors of podiatric medicine. Any acts of unprofessional conduct or other violations proscribed by the Medical Practice Act 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 Code 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 the Medical Practice Act.

5. Section 2228 of the Code states:

"The authority of the board or the California Board of Podiatric Medicine to discipline a licensee by placing him or her on probation includes, but is not limited to, the following:

"(a) Requiring the licensee to obtain additional professional training and to pass an examination upon the completion of the training. The examination may be written or oral, or both, and may be a practical or clinical examination, or both, at the option of the board or the administrative law judge.

"(b) Requiring the licensee to submit to a complete diagnostic examination by one or more

1 physicians and surgeons appointed by the board. If an examination is ordered, the board shall
2 receive and consider any other report of a complete diagnostic examination given by one or more
3 physicians and surgeons of the licensee's choice.

4 “(c) Restricting or limiting the extent, scope, or type of practice of the licensee, including
5 requiring notice to applicable patients that the licensee is unable to perform the indicated
6 treatment, where appropriate.

7 “(d) Providing the option of alternative community service in cases other than violations
8 relating to quality of care.”

9 6. Section 2229 of the Code states:

10 “(a) Protection of the public shall be the highest priority for the Division of Medical
11 Quality, the California Board of Podiatric Medicine, and administrative law judges of the Medical
12 Quality Hearing Panel in exercising their disciplinary authority.

13 “(b) In exercising his or her disciplinary authority an administrative law judge of the
14 Medical Quality Hearing Panel, the division, or the California Board of Podiatric Medicine, shall,
15 wherever possible, take action that is calculated to aid in the rehabilitation of the licensee, or
16 where, due to a lack of continuing education or other reasons, restriction on scope of practice is
17 indicated, to order restrictions as are indicated by the evidence.

18 “(c) It is the intent of the Legislature that the division, the California Board of Podiatric
19 Medicine, and the enforcement program shall seek out those licensees who have demonstrated
20 deficiencies in competency and then take those actions as are indicated, with priority given to
21 those measures, including further education, restrictions from practice, or other means, that will
22 remove those deficiencies. Where rehabilitation and protection are inconsistent, protection shall
23 be paramount.”

24 7. Section 2234 of the Code, states:

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

28 ///

“(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.

“(d) Incompetence.

“(e) The commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon.

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

“(g) The practice of medicine from this state into another state or country without meeting the legal requirements of that state or country for the practice of medicine. Section 2314 shall not apply to this subdivision. This subdivision shall become operative upon the implementation of the proposed registration program described in Section 2052.5.

“(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.”

FACTS

Patient 1:¹

8. Respondent treated Patient 1 from December 2013 through September 2014 for a

¹ The patient is identified numerically to protect his privacy.

1 symptomatic lesion and an injury to the fifth toe of his left foot with bleeding to the fifth toe. On
2 each occasion Respondent treated the problem with debridement and a topical application of
3 silver nitrate.

4 9. Respondent's notes indicate that the lesion was present and did not resolve. The
5 lesion began to progress underneath the fifth toe nail resulting in bleeding. The notes include
6 comments of performing a possible biopsy and removal but no definitive biopsy was ever
7 performed.

8 10. In September 2017, Patient 1 requested a second opinion and was seen by another
9 podiatrist, Dr. D.L., on September 8, 2017, who immediately recommended a biopsy, which was
10 performed. The biopsy revealed malignant melanoma.

11 11. Patient 1 was also subsequently treated for a mass in his left groin which revealed
12 metastasis to several lymph nodes which required further surgical dissection. The patient has
13 since been treated with chemotherapy and given a life expectancy of 3 years.

14 12. Respondent failed to conduct appropriate procedures to identify the lesion which did
15 not heal. She did not entertain the possibility of cancer even though the lesion progressed to a
16 location under the nail bed with bleeding, which is a definitive sign for suspicion of cancer.

17 13. Respondent did not use dermoscopy as part of the lesion assessment process.

18 14. Respondent did not note that the most remarkable and diagnostic sign of suspicion of
19 melanoma is subungual bleeding.

20 15. Respondent did not perform a biopsy to formulate a reasonable differential diagnosis
21 despite Patient 1 having a persistent symptom with no improvement following the repeated course
22 of multiple applications of silver nitrate and debridement.

23 16. Respondent failed to evaluate Patient 1's pigmented lesions of the skin despite being
24 unable to explain the presence of the lesion over a long duration of months, and seeing that it was
25 recalcitrant to therapy, which are indications calling for a skin biopsy.

26 17. Respondent's notes mention performing a biopsy but the procedure was never
27 performed despite the fact that the small toe on the foot lends itself very well to local anesthesia
28 and a quick rapid biopsy can be performed in minutes.

1 CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct-Gross Negligence)

3 18. Respondent Silvia Jessica Arroyo, D.P.M. is subject to disciplinary action under
4 section 2234 subdivision (b) in that she engaged in actions constituting gross negligence in the
5 care and treatment of Patient 1. The circumstances are as follows:

6 19. Paragraphs 8 through 17 are incorporated by reference as though fully set forth
7 herein.

8 20. Respondent's failure to perform a skin biopsy early on in the course of treatment after
9 60 days of no response to topical silver nitrate constitutes gross negligence.

10 PRAYER

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


13 1. Revoking or suspending Podiatrist Number E 4718, issued to Silvia Jessica Arroyo,
14 D.P.M.;

15 2. Ordering Silvia Jessica Arroyo, D.P.M. to pay the Board of Podiatric Medicine the
16 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
17 Professions Code section 2497.5;

18 3. Ordering Silvia Jessica Arroyo, D.P.M., if placed on probation, to pay the Board the
19 costs of probation monitoring; and

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

21
22 DATED: April 11, 2018

23 
24 BRIAN NASLUND
25 Executive Officer
26 Board of Podiatric Medicine
27 Department of Consumer Affairs
28 State of California
Complainant

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