

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

**In the Matter of the Accusation
against:**

HUGO RENE PEREZ, D.P.M.

**Doctor of Podiatric Medicine
License No. E-4716**

Respondent

File No: 500-2019-000901

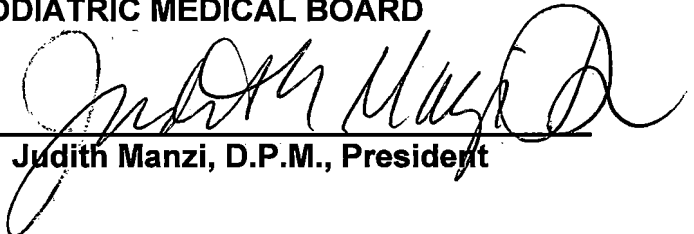
DECISION AND ORDER

**The attached Stipulated Settlement and Disciplinary Order is hereby
accepted and adopted as the Decision and Order by the Podiatric Medical Board,
Department of Consumer Affairs, State of California.**

This Decision shall become effective at 5:00 p.m. on DEC 23 2021

IT IS SO ORDERED NOV 23 2021

PODIATRIC MEDICAL BOARD


Judith Manzi, D.P.M., President

1 ROB BONTA
Attorney General of California
2 STEVE DIEHL
Supervising Deputy Attorney General
3 MARIANNE A. PANSA
Deputy Attorney General
4 State Bar No. 270928
California Department of Justice
5 2550 Mariposa Mall, Room 5090
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Attorneys for Complainant

8
9 **BEFORE THE**
10 **PODIATRIC MEDICAL BOARD**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

14 **HUGO RENE PEREZ, D.P.M.**
15 **708 W. 167th Street**
16 **Gardena, CA 90247**

17 **Doctor of Podiatric Medicine**
18 **License No. E 4679**

19 Respondent.

Case No. 500-2019-000901

OAH No. 2021060802

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

20 In the interest of a prompt and speedy settlement of this matter, consistent with the public
21 interest and the responsibility of the Podiatric Medical Board of the Department of Consumer
22 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
23 which will be submitted to the Board for approval and adoption as the final disposition of the
24 Accusation.

PARTIES

25 1. Brian Naslund (Complainant) is the Executive Officer of the Podiatric Medical Board
26 (Board). He brought this action solely in his official capacity and is represented in this matter by
27 Rob Bonta, Attorney General of the State of California, by Marianne A. Pansa, Deputy Attorney
28

1 General.

2 2. Respondent Hugo Rene Perez, D.P.M. (Respondent) is represented in this proceeding
3 by attorney Robert K. Weinberg, Esq., whose address is: 19200 Von Karman Avenue, Suite 380
4 Irvine, CA 92612-8508.

5 3. On or about July 13, 2006, the Board issued Doctor of Podiatric Medicine License
6 Number E 4679 to Hugo Rene Perez, D.P.M. (Respondent). The Doctor of Podiatric Medicine
7 License was in full force and effect at all times relevant to the charges brought in Accusation No.
8 500-2019-000901, and will expire on January 31, 2022, unless renewed.

9 **JURISDICTION**

10 4. Accusation No. 500-2019-000901 was filed before the Board and is currently pending
11 against Respondent. The Accusation and all other statutorily required documents were properly
12 served on Respondent on June 14, 2021. Respondent timely filed his Notice of Defense
13 contesting the Accusation.

14 5. A copy of Accusation No. 500-2019-000901 is attached as Exhibit A and
15 incorporated herein by reference.

16 **ADVISEMENT AND WAIVERS**

17 6. Respondent has carefully read, fully discussed with counsel, and understands the
18 charges and allegations in Accusation No. 500-2019-000901. Respondent has also carefully read,
19 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
20 Disciplinary Order.

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

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

1 **CULPABILITY**

2 9. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 500-2019-000901, if proven at a hearing, constitute cause for imposing discipline upon his
4 Doctor of Podiatric Medicine License.

5 10. Respondent does not contest that, at an administrative hearing, Complainant could
6 establish a prima facie case with respect to the charges contained in Accusation No. 500-2019-
7 000901 and that he is thereby subjected his license to disciplinary action.

8 11. Respondent agrees that if he ever petitions for early termination or modification of
9 probation, or if an accusation and/or petition to revoke probation is filed against him before the
10 Board, all of the charges and allegations contained in Accusation No. 500-2019-000901 shall be
11 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any
12 other licensing proceeding involving Respondent in the State of California, or elsewhere.

13 12. Respondent agrees that his Doctor of Podiatric Medicine License is subject to
14 discipline and he agrees to be bound by the Board's probationary terms as set forth in the
15 Disciplinary Order below.

16 **CONTINGENCY**

17 13. This stipulation shall be subject to approval by the Podiatric Medical Board.
18 Respondent understands and agrees that counsel for Complainant and the staff of the Podiatric
19 Medical Board may communicate directly with the Board regarding this stipulation and
20 settlement, without notice to or participation by Respondent or his counsel. By signing the
21 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
22 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
23 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
24 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
25 action between the parties, and the Board shall not be disqualified from further action by having
26 considered this matter.

27 ///

28 ///

14. 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.

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that the Doctor of Podiatric Medicine License Number E 4679 issued to Respondent Hugo Rene Perez, D.P.M. is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions:

1. CONTROLLED SUBSTANCES - ABSTAIN FROM USE Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business and Professions Code section 4022, and any drugs requiring a prescription.

This prohibition does not apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide illness or condition.

Within 15 calendar days of receiving any lawfully prescribed medications, Respondent shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone number; medication name, strength, and quantity; and issuing pharmacy name, address, and telephone number.

If Respondent has a confirmed positive biological fluid test for any substance (whether or not legally prescribed) and has not reported the use to the Board or its designee, Respondent shall receive a notification from the Board or its designee to immediately cease the practice of medicine. Respondent shall not resume the practice of medicine until final decision on an accusation and/or a petition to revoke probation. An accusation and/or petition to revoke probation shall be filed by the Board within 15 days of the notification to cease practice. If the Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board shall provide Respondent with a hearing within 30 days of the request, unless Respondent

1 stipulates to a later hearing. A decision shall be received from the Administrative Law Judge or
2 the Board within 15 days unless good cause can be shown for the delay. The cessation of practice
3 shall not apply to the reduction of the probationary time period.

4 If the Board does not file an accusation or petition to revoke probation within 15 days of the
5 issuance of the notification to cease practice or does not provide Respondent with a hearing
6 within 30 days of such a request, the notification to cease practice shall be dissolved.

7 2. ALCOHOL - ABSTAIN FROM USE Respondent shall abstain completely from the
8 use of products or beverages containing alcohol.

9 If Respondent has a confirmed positive biological fluid test for alcohol, Respondent shall
10 receive a notification from the Board or its designee to immediately cease the practice of
11 medicine. Respondent shall not resume the practice of medicine until final decision on an
12 accusation and/or a petition to revoke probation. An accusation and/or petition to revoke
13 probation shall be filed by the Board within 15 days of the notification to cease practice. If
14 Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board
15 shall provide Respondent with a hearing within 30 days of the request, unless Respondent
16 stipulates to a later hearing. A decision shall be received from the Administrative Law Judge or
17 the Board within 15 days unless good cause can be shown for the delay.

18 The cessation of practice shall not apply to the reduction of the probationary time period.

19 If the Board does not file an accusation or petition to revoke probation within 15 days of
20 the issuance of the notification to cease practice or does not provide Respondent with a hearing
21 within 30 days of such a request, the notification to cease practice shall be dissolved.

22 3. BIOLOGICAL FLUID TESTING Respondent shall immediately submit to
23 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
24 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
25 follicle testing, or similar drug screening approved by the Board or its designee. Prior to
26 practicing medicine, Respondent shall contract with a laboratory or service approved in advance
27 by the Board or its designee that will conduct random, unannounced, observed, biological fluid
28 testing. The contract shall require results of the tests to be transmitted by the laboratory or service

1 directly to the Board or its designee within four hours of the results becoming available.

2 Respondent shall maintain this laboratory or service contract during the period of probation.

3 A certified copy of any laboratory test results may be received in evidence in any
4 proceedings between the Board and Respondent.

5 If Respondent fails to cooperate in a random biological fluid testing program within the
6 specified time frame, Respondent shall receive a notification from the Board or its designee to
7 immediately cease the practice of medicine. Respondent shall not resume the practice of medicine
8 until final decision on an accusation and/or a petition to revoke probation. An accusation and/or
9 petition to revoke probation shall be filed by the Board within 15 days of the notification to cease
10 practice. If Respondent requests a hearing on the accusation and/or petition to revoke probation,
11 the Board shall provide Respondent with a hearing within 30 days of the request, unless
12 Respondent stipulates to a later hearing. A decision shall be received from the Administrative
13 Law Judge or the Board within 15 days unless good cause can be shown for the delay. The
14 cessation of practice shall not apply to the reduction of the probationary time period.

15 If the Board does not file an accusation or petition to revoke probation within 15 days of the
16 issuance of the notification to cease practice or does not provide Respondent with a hearing
17 within 30 days of such a request, the notification to cease practice shall be dissolved.

18 4. ATTENDANCE IN NARCOTICS ANONYMOUS Within thirty (30) days of the
19 effective date of this stipulation and order, Respondent shall begin and continue at least weekly
20 attendance at a Narcotics Anonymous support group. Verified documentation of attendance shall
21 be submitted by Respondent as ordered by the Board or its designee. Respondent shall continue
22 attendance in such a group unless notified by the Board that attendance is no longer required as
23 ordered by the Board or its designee. Failure to attend weekly Narcotics Anonymous groups or to
24 provide proof of attendance as required, is a violation of probation.

25 5. REHABILITATION PROGRAM - ALCOHOL OR DRUG Within thirty (30) days
26 of the effective date of this decision, Respondent shall submit to the Board for its prior approval a
27 rehabilitation monitoring program. When evaluating programs for approval, the following will be
28 taken into consideration: the minimum length of the program shall be no less than three years.

1 All plans must include face to face monitoring, random biological fluid testing, and an
2 educational program that addresses disease concepts, recovery process and recovery oriented
3 lifestyle changes.

4 Within 30 (thirty) days of approval of said program, Respondent shall enroll and participate
5 until the Board or its designee determines that further monitoring and rehabilitation is no longer
6 necessary. If it is determined by both the rehabilitation program and a Board designated
7 physician that Respondent cannot practice podiatric medicine safely, Respondent shall
8 immediately cease practice upon notification. Respondent may not resume practice until it has
9 been determined by both the rehabilitation program and a Board designated physician that
10 Respondent can safely practice podiatric medicine and has been notified in writing by the Board's
11 designee. Failure to cooperate or comply with the rehabilitation program requirements and
12 recommendations, quitting the program without permission, or being expelled for cause is a
13 violation of probation.

14 6. PSYCHOTHERAPY Within sixty (60) calendar days of the effective date of this
15 Decision, Respondent shall submit to the Board or its designee for prior approval the name and
16 qualifications of a board certified psychiatrist or a licensed psychologist who has a doctoral
17 degree in psychology and at least five years of postgraduate experience in the diagnosis and
18 treatment of emotional and mental disorders, and who has had no previous business, professional,
19 personal or other relationship to Respondent. Upon approval, Respondent shall undergo and
20 continue psychotherapy treatment, including any modifications to the frequency of
21 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

22 The psychotherapist shall consider any information provided by the Board or its designee
23 and any other information the psychotherapist deems relevant and shall furnish a written
24 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
25 psychotherapist any information and documents that the psychotherapist may deem pertinent.
26 Respondent shall have the treating psychotherapist submit quarterly status reports to the Board or
27 its designee. The Board or its designee may require Respondent to undergo psychiatric
28 evaluations by a Board-appointed board certified psychiatrist.

1 If, prior to the completion of probation, Respondent is found to be mentally unfit to resume
2 the practice of podiatric medicine without restrictions, the Board shall retain continuing
3 jurisdiction over Respondent's license and the period of probation shall be extended until the
4 Board determines that Respondent is mentally fit to resume the practice of podiatric medicine
5 without restrictions. Respondent shall pay the cost of all psychotherapy and psychiatric
6 evaluations.

7 Failure to undergo and continue psychotherapy treatment, or comply with any required
8 modification in the frequency of psychotherapy, is a violation of probation.

9 7. SOLO PRACTICE Respondent is prohibited from engaging in the solo practice of
10 podiatric medicine. Engaging in the solo practice of podiatric medicine is a violation of
11 probation.

12 8. NOTIFICATION Prior to engaging in the practice of medicine, Respondent shall
13 provide a true copy of the Decision and Accusation to the Chief of Staff or the Chief Executive
14 Officer at every hospital where privileges or membership are extended to Respondent, at any
15 other facility where Respondent engages in the practice of podiatric medicine, including all
16 physician and locum tenens registries or other similar agencies, and to the Chief Executive
17 Officer at every insurance carrier which extends malpractice insurance coverage to Respondent.
18 Respondent shall submit proof of compliance to the Division or its designee within fifteen (15)
19 calendar days. Failure to provide the required notifications in this agreement is a violation of
20 probation.

21 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

22 9. PHYSICIAN ASSISTANTS Prior to receiving assistance from a physician assistant,
23 Respondent must notify the supervising physician of the terms and conditions of his probation.

24 10. OBEY ALL LAWS Respondent shall obey all federal, state and local laws, all rules
25 governing the practice of podiatric medicine in California and remain in full compliance with any
26 court ordered criminal probation, payments, and other orders.

27 11. QUARTERLY DECLARATIONS Respondent shall submit quarterly declarations
28 under penalty of perjury on forms provided by the Board, stating whether there has been

1 compliance with all the conditions of probation. Respondent shall submit quarterly declarations
2 not later than ten (10) calendar days after the end of the preceding quarter.

3 12. PROBATION UNIT COMPLIANCE Respondent shall comply with the Board's
4 probation unit. Respondent shall, at all times, keep the Board informed of Respondent's business
5 and residence addresses. Changes of such addresses shall be immediately communicated in
6 writing to the Board or its designee. Under no circumstances shall a post office box serve as an
7 address of record, except as allowed by Business and Professions Code section 2021(b).

8 Respondent shall not engage in the practice of podiatric medicine in Respondent's place of
9 residence. Respondent shall maintain a current and renewed California Doctor of Podiatric
10 Medicine's License.

11 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
12 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
13 (30) calendar days.

14 13. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent shall be
15 available in person for interviews either at Respondent's place of business or at the probation unit
16 office with the Board or its designee, upon request, at various intervals and either with or without
17 notice throughout the term of probation.

18 14. RESIDING OR PRACTICING OUT-OF-STATE In the event Respondent should
19 leave the State of California to reside or to practice, Respondent shall notify the Board or its
20 designee in writing thirty (30) calendar days prior to the dates of departure and return. Non-
21 practice is defined as any period of time exceeding thirty (30) calendar days in which Respondent
22 is not engaging in any activities defined in section 2472 of the Business and Professions Code.

23 All time spent in an intensive training program outside the State of California which has
24 been approved by the Board or its designee shall be considered as time spent in the practice of
25 medicine within the State. A Board-ordered suspension of practice shall not be considered as a
26 period of non-practice. Periods of temporary or permanent residence or practice outside
27 California will not apply to the reduction of the probationary term. Periods of temporary or
28 permanent residence or practice outside California will relieve Respondent of the responsibility to

1 comply with the probationary terms and conditions, with the exception of this condition, and the
2 following terms and conditions of probation: Obey All Law; Probation Unit Compliance; and
3 Cost Recovery.

4 Respondent's license shall be automatically cancelled if Respondent's periods of temporary
5 or permanent residence or practice outside California totals two years. However, Respondent's
6 license shall not be cancelled as long as Respondent is residing and practicing podiatric medicine
7 in another state of the United States and is on active probation with the medical licensing
8 authority of that state, in which case the two year period shall begin on the date probation is
9 completed or terminated in that state.

10 **15. FAILURE TO PRACTICE PODIATRIC MEDICINE - CALIFORNIA RESIDENT**

11 In the event Respondent resides in the State of California and for any reason Respondent
12 stops practicing podiatric medicine in California, Respondent shall notify the Board or its
13 designee in writing within thirty (30) calendar days prior to the dates of non-practice and return to
14 practice. Any period of non-practice within California as defined in this condition will not apply
15 to the reduction of the probationary term and does not relieve Respondent of the responsibility to
16 comply with the terms and conditions of probation. Non-practice is defined as any period of time
17 exceeding thirty (30) calendar days in which Respondent is not engaging in any activities defined
18 in section 2472 of the Business and Professions Code.

19 All time spent in an intensive training program which has been approved by the Board or its
20 designee shall be considered time spent in the practice of medicine. For purposes of this
21 condition, non-practice due to a Board-ordered suspension or in compliance with any other
22 condition of probation shall not be considered a period of non-practice.

23 Respondent's license shall be automatically cancelled if Respondent resides in California
24 and for a total of two (2) years, fails to engage in California in any of the activities described in
25 Business and Professions Code section 2472.

26 **16. COMPLETION OF PROBATION** Respondent shall comply with all financial
27 obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar days prior
28 to the completion of probation. Upon successful completion of probation, Respondent's

1 certificate will be fully restored.

2 17. VIOLATION OF PROBATION Failure to fully comply with any term or condition
3 of probation is a violation of probation. If Respondent violates probation in any respect, the
4 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
5 carry out the disciplinary order that was stayed. If an Accusation or Petition to Revoke Probation,
6 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
7 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
8 the matter is final.

9 18. COST RECOVERY Within ninety (90) calendar days from the effective date of the
10 Decision or other period agreed to by the Board or its designee, Respondent shall reimburse the
11 Board the amount of \$13,500.00 for its investigative and prosecution costs. The filing of
12 bankruptcy or period of non-practice by Respondent shall not relieve Respondent of his
13 obligation to reimburse the Board for its costs.

14 19. LICENSE SURRENDER Following the effective date of this Decision, if
15 Respondent ceases practicing due to retirement or health reasons, or is otherwise unable to satisfy
16 the terms and conditions of probation, Respondent may request the voluntary surrender of
17 Respondent's license. The Board reserves the right to evaluate Respondent's request and to
18 exercise its discretion whether to grant the request or to take any other action deemed appropriate
19 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
20 shall within fifteen (15) calendar days deliver Respondent's wallet and wall certificate to the
21 Board or its designee and Respondent shall no longer practice podiatric medicine. Respondent
22 will no longer be subject to the terms and conditions of probation and the surrender of
23 Respondent's license shall be deemed disciplinary action. If Respondent re-applies for a
24 podiatric medical license, the application shall be treated as a petition for reinstatement of a
25 revoked certificate.

26 20. PROBATION MONITORING COSTS Respondent shall pay the costs associated
27 with probation monitoring each and every year of probation as designated by the Board, which
28 may be adjusted on an annual basis. Such costs shall be payable to the Board of Podiatric

1 Medicine and delivered to the Board or its designee within sixty (60) days after the start of the
2 new fiscal year. Failure to pay costs within 30 calendar days of this date is a violation of
3 probation.

4 21. NOTICE TO EMPLOYEES Respondent shall, upon or before the effective date of
5 this Decision, post or circulate a notice which actually recites the offenses for which Respondent
6 has been disciplined and the terms and conditions of probation to all employees involved in his
7 practice. Within fifteen (15) days of the effective date of this Decision, Respondent shall cause
8 his employees to report to the Board in writing, acknowledging the employees have read the
9 Accusation and Decision in the case and understand Respondent's terms and conditions of
10 probation.

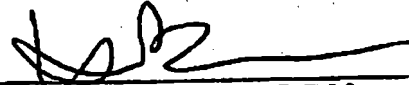
11 22. CHANGES OF EMPLOYMENT Respondent shall notify the Board in writing,
12 through the assigned probation officer, of any and all changes of employment, location, and
13 address within thirty (30) days of such change.

14 23. COMPLIANCE WITH REQUIRED CONTINUING MEDICAL EDUCATION
15 Respondent shall submit satisfactory proof biennially to the Board of compliance with the
16 requirement to complete fifty hours of approved continuing medical education, and meet
17 continuing competence requirements for re-licensure during each two (2) year renewal period.

18 ACCEPTANCE

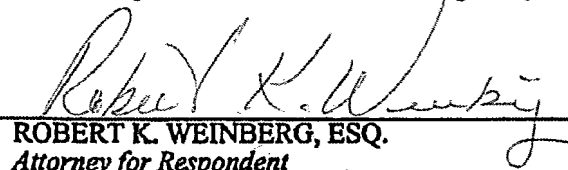
19 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
20 discussed it with my attorney, Robert K. Weinberg, Esq. I understand the stipulation and the
21 effect it will have on my Podiatric Medicine License. I enter into this Stipulated Settlement and
22 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
23 Decision and Order of the Podiatric Medical Board.

24
25 DATED: 9/17/21


26 HUGO RENE PEREZ, D.P.M.
27 Respondent
28

1 I have read and fully discussed with Respondent Hugo Rene Perez, D.P.M. the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
3 I approve its form and content.

4 DATED: 9-17-21


ROBERT K. WEINBERG, ESQ.
Attorney for Respondent

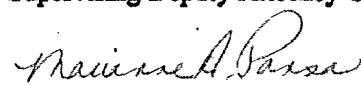
7 **ENDORSEMENT**

8 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
9 submitted for consideration by the Podiatric Medical Board.

10 DATED: September 20, 2021

Respectfully submitted,

11 ROB BONTA
12 Attorney General of California
13 STEVE DIEHL
Supervising Deputy Attorney General

14 
15 MARIANNE A. PANS
16 Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 500-2019-000901

1 ROB BONTA
Attorney General of California
2 STEVE DIEHL
Supervising Deputy Attorney General
3 MARIANNE A. PANSO
Deputy Attorney General
4 State Bar No. 270928
California Department of Justice
5 2550 Mariposa Mall, Room 5090
Fresno, CA 93721
6 Telephone: (559) 705-2329
Facsimile: (559) 445-5106
7 E-mail: Marianne.Pansa@doj.ca.gov
Attorneys for Complainant

9
10 **BEFORE THE**
PODIATRIC MEDICAL BOARD
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12
13 In the Matter of the Accusation Against:

Case No. 500-2019-000901

14 **Hugo Rene Perez, D.P.M.**
100 New Stine Road
15 Bakersfield CA 93309

ACCUSATION

16 Doctor of Podiatric Medicine License
17 No. E 4679,

18 Respondent.

19
20 **PARTIES**

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

23 2. On or about July 13, 2006, the Podiatric Medical Board (Board) issued Doctor of
24 Podiatric Medicine license number E 4679, to Hugo Rene Perez, D.P.M. (Respondent). The
25 Doctor of Podiatric Medicine License was in full force and effect at all times relevant to the
26 charges brought herein and will expire on January 31, 2022, unless renewed.

27 ///

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 (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 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."

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."

6. Section 2227 of the Code states:

"(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

"(1) Have his or her license revoked upon order of the board.

"(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

"(3) Be placed on probation and be required to pay the costs of probation

1 monitoring upon order of the board.

2 “(4) Be publicly reprimanded by the board. The public reprimand may
3 include a requirement that the licensee complete relevant educational courses
4 approved by the board.

5 “(5) Have any other action taken in relation to discipline as part of an order of
6 probation, as the board or an administrative law judge may deem proper.

7 “....”

8 7. Section 2234 of the Code states, in pertinent part:

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

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

14 “(b) Gross negligence.

15 “....”

16 8. Section 2238 of the Code states:

17 “A violation of any federal statute or federal regulation or any of the statutes or
18 regulations of this state regulating dangerous drugs or controlled substances
19 constitutes unprofessional conduct.”

20 9. Unprofessional conduct under Business Code section 2234 is conduct which breaches
21 the rules or ethical code of the medical profession, or conduct which is unbecoming to a member
22 in good standing of the medical profession, and which demonstrates an unfitness to practice
23 medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 546, 575.)

24 10. Section 2239, subdivision (a) of the Code states:

25 “(a) The use or prescribing for or administering to himself or herself, of any
26 controlled substance; or the use of any dangerous drugs specified in Section 4022, or
27 of alcoholic beverages, to the extent, or in such a manner as to be dangerous or
28 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 substances referred to in this section, or any combination
thereof, constitutes unprofessional conduct. The record of conviction is conclusive
evidence of such unprofessional conduct.”

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1 11. Section 822 of the Code states:

2 "If a licensing agency determines that its licentiate's ability to practice his or
3 her profession safely is impaired because the licentiate is mentally ill, or physically
4 ill affecting competency, the licensing agency may take action by any one of the
5 following methods:

6 "(a) Revoking the licentiate's certificate or license.

7 "(b) Suspending the licentiate's right to practice.

8 "(c) Placing the licentiate on probation.

9 "(d) Taking such other action in relation to the licentiate as the licensing
10 agency in its discretion deems proper.

11 "The licensing agency shall not reinstate a revoked or suspended certificate
12 or license until it has received competent evidence of the absence or control of the
13 condition which caused its action and until it is satisfied that with due regard for the
14 public health and safety the person's right to practice his or her profession may be
15 safely reinstated."

14 COST RECOVERY

15 12. Section 2497.5 of the Code states:

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

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

26 "(c) When the payment directed in the board's order for payment of costs is
27 not made by the licensee, the board may enforce the order for payment by bringing
28 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.”

13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FACTUAL ALLEGATIONS

14. Respondent was employed as a Doctor of Podiatric Medicine at a medical facility in August 2019.

15. On or about August 5, 2019, employees of the medical facility found a white powdery substance in a restroom and in two examination rooms. On or about August 8, 2019, the substance was tested and was positive for methamphetamine.¹ Respondent admitted that the methamphetamine was his.

16. Respondent was terminated from his employment at the medical facility effective on or about August 12, 2019.

17. On or about February 17, 2021, Respondent admitted to a Board investigator that he had used the methamphetamine while he was on-duty at the medical facility, on or about August 5, 2019, but no patients were scheduled that day. Respondent also admitted that he had used methamphetamine for approximately six (6) months.

18. On or about March 7, 2021, Respondent submitted to a psychiatric evaluation by a Board-appointed psychiatrist. During the evaluation, Respondent admitted that he had taken

¹ Methamphetamine is a powerful, highly addictive stimulant that affects the central nervous system. Also known as meth, blue, ice, and crystal, among other terms, it takes the form of a white, odorless, bitter-tasting crystalline powder that easily dissolves in water or alcohol. Methamphetamine has been classified by the U.S. Drug Enforcement Administration as a Schedule II stimulant, which makes it legally available only through a non-refillable prescription.

1 methamphetamine with him to work at the medical facility on or about August 5, 2019, and that
2 he had used methamphetamine regularly for eight (8) months in 2019. Respondent reported that
3 he has not used methamphetamine or other controlled substances since 2019. The psychiatrist
4 diagnosed Respondent with Stimulant Use Disorder, in sustained remission, and Major
5 Depressive Disorder, in remission, and determined that these disorders impair Respondent's
6 ability to safely engage in the practice of medicine.

7 **CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct - Gross Negligence and Controlled Substance Abuse)**

9 19. Respondent's license is subject to disciplinary action for unprofessional conduct in
10 violation of sections 2227, 2234 subdivisions (a) and (c), 2238, and 2239 of the Code based on
11 his use of methamphetamine. The circumstances are set forth in Paragraphs 14 to 18, which are
12 incorporated here by reference as fully set forth herein.

13 20. Respondent's self-use of a controlled substance while working as a Doctor of
14 Podiatric Medicine, as well as using methamphetamine while off-duty, evidences a critical
15 deficiency of the clinical judgment of a physician, constitutes gross negligence, and also
16 constitutes the use of a controlled substance in a manner that is dangerous to himself and others.

17 **CAUSE FOR ACTION**

18 **(Mental Illness - Controlled Substance Abuse)**

19 21. Respondent's license is subject to action under sections 822 and 2227 of the Code in
20 that Respondent is unable to practice medicine safely due to his mental illness and controlled
21 substance abuse. The circumstances are set forth in Paragraphs 14 to 18, which are incorporated
22 here by reference as if fully set forth herein.

23 22. Respondent's diagnoses of Stimulant Disorder, in sustained remission, and Major
24 Depressive Disorder, in remission, impair his ability to practice medicine safely.

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PRAYER

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

1. Revoking or suspending Doctor of Podiatric Medicine License Number E 4679, issued to Hugo Rene Perez, D.P.M.;

2. Ordering Hugo Rene Perez, D.P.M. to pay the Podiatric Medical Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code sections 125.3 and 2497.5; and,

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

DATED: JUN 14 2021


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

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