

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

In the Matter of the Accusation
Against:

Jon-Paul Seslar, D.P.M.

Doctor of Podiatric Medicine
Certificate No. E-4074

Respondent.

) Case No: 500-2021-001220
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DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on ~~SEP 20 2024~~.

DATED AUG 22 2024.

BOARD OF PODIATRIC MEDICINE


Carolyn McAloon, D.P.M., President

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 REBECCA L. SMITH
Deputy Attorney General
4 State Bar No. 179733
300 South Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6475
6 Facsimile: (916) 731-2117
Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

13 **JON-PAUL SESLAR, D.P.M.**
14 **2089 Vale Road, Suite 12**
San Pablo, CA 94806

15 **Doctor of Podiatric Medicine License**
16 **No. 4074,**

17 Respondent.

Case No. 500-2021-001220

OAH No. 2024020825

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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 Podiatric Medical Board
23 (Board). He brought this action solely in his official capacity and is represented in this matter by
24 Rob Bonta, Attorney General of the State of California, by Rebecca L. Smith, Deputy Attorney
25 General.

26 2. Jon-Paul Seslar, D.P.M. (Respondent) is represented in this proceeding by attorney
27 Mark R. Gibson, whose address is 2 Commercial Boulevard, Novato, California 94949.

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3. On or about June 25, 1997, the Board issued Doctor of Podiatric Medicine License No. 4074 to Respondent. That license was in full force and effect at all times relevant to the charges brought in Accusation No. 500-2021-001220, and will expire on April 30, 2025, unless renewed.

JURISDICTION

4. Accusation No. 500-2021-001220 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 19, 2024. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 500-2021-001220 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 500-2021-001220. Respondent has also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. 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 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.

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

CULPABILITY

9. Respondent does not contest that, at an administrative hearing, Complainant could establish a *prima facie* case with respect to each and every charge and allegation contained in Accusation No. 500-2021-001220, and agrees that he has thereby subjected his Doctor of

1 Podiatric Medicine License No. 4074 to discipline.

2 10. Respondent further agrees that if an accusation is ever filed against him before the
3 Board, all of the charges and allegations contained in Accusation No. 500-2021-001220, shall be
4 deemed true, correct, and fully admitted by Respondent for purposes of any such proceeding or
5 any other licensing proceeding involving Respondent in the State of California.

6 11. Respondent agrees that his Doctor of Podiatric Medicine License No. 4074 is subject
7 to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the
8 Disciplinary Order below.

9 **CONTINGENCY**

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

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

23 14. In consideration of the foregoing admissions and stipulations, the parties agree that
24 the Board may, without further notice or opportunity to be heard by the Respondent, issue and
25 enter the following Disciplinary Order:

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1 **DISCIPLINARY ORDER**

2 **A. PUBLIC REPRIMAND.**

3 IT IS HEREBY ORDERED that Respondent Jon-Paul Seslar, D.P.M.'s Doctor of Podiatric
4 Medicine License No. 4074 shall be and is hereby Publicly Reprimanded pursuant to California
5 Business and Professions Code sections 2222 and 2227, subdivision (a)(4). This Public
6 Reprimand, which is issued in connection with Accusation No. 500-2021-001220, is as follows:

7 You committed acts constituting negligence in violation of Business and
8 Professions Code section 2234, subdivision (c), in the post-operative care
9 and treatment of a single patient in 2021, as set forth in Accusation No. 500-
10 2021-001220.

11 **B. EDUCATION COURSE.** Within ninety (90) calendar days of the effective date of
12 this Decision, Respondent shall submit to the Board or its designee for its prior approval
13 educational program(s) or course(s) which shall not be less than forty (40) hours. Ten (10) hours
14 of the educational program(s) or course(s) shall be on topics relating to imaging studies and
15 interpretations. All educational program(s) or course(s) shall be Category I certified or Board
16 approved and limited to classroom, conference, or seminar settings. The educational program(s)
17 or course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical
18 Education ("CME") requirements, which must be scientific in nature, for renewal of licensure.
19 Following the completion of each course, the Board or its designee may administer an
20 examination to test Respondent's knowledge of the course. Respondent shall provide proof of
21 attendance to the Board or its designee within fifteen (15) days of completion.

22 Failure to comply with this provision shall constitute general unprofessional conduct and
23 may serve as grounds for further disciplinary action.

24 **C. COST RECOVERY.** Within three (3) years of the effective date of the Decision
25 or other period agreed to by the Board or its designee, Respondent shall reimburse the Board the
26 amount of \$14,549.75 (fourteen thousand five hundred forty-nine dollars and seventy-five cents)
27 for its investigative and prosecution costs. The filing of bankruptcy or period of non-practice by
28 Respondent shall not relieve Respondent of his obligation to reimburse the Board for its costs.

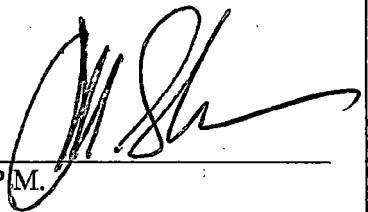
1 Failure to fully reimburse the Board the total amount of costs within three (3) years of the
2 effective date of this Decision, unless the Board or its designee agrees in writing to an extension
3 of that time, shall constitute general unprofessional conduct and may serve as grounds for further
4 disciplinary action.

5 **D. FUTURE ADMISSIONS CLAUSE.** If Respondent should ever apply or reapply
6 for a new license or certification, or petition for reinstatement of a license, by any other health
7 care licensing action agency in the State of California, all of the charges and allegations contained
8 in Accusation No. 500-2021-001220 shall be deemed to be true, correct, and admitted by
9 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
10 restrict license.

11 **ACCEPTANCE**

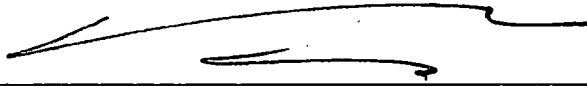
12 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
13 discussed it with my attorney, Mark R. Gibson. I understand the stipulation and the effect it will
14 have on my Doctor of Podiatric Medicine License. I enter into this Stipulated Settlement and
15 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
16 Decision and Order of the Podiatric Medical Board.

17
18 DATED: 5-30-2024

19 
JON-PAUL SESLAR, D.P.M.
Respondent

20 I have read and fully discussed with Respondent Jon-Paul Seslar, D.P.M. the terms and
21 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
22 I approve its form and content.

23 DATED: 6-3-24

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MARK R. GIBSON
Attorney for Respondent

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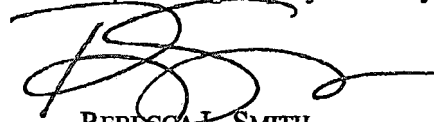
ENDORSEMENT

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

DATED: June 3, 2024

Respectfully submitted,

ROB BONTA
Attorney General of California
JUDITH T. ALVARADO
Supervising Deputy Attorney General



REBECCA L. SMITH
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 500-2021-001220

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 REBECCA L. SMITH
Deputy Attorney General
4 State Bar No. 179733
300 South Spring Street, Suite 1702
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8 **BEFORE THE**
9 **PODIATRIC MEDICAL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 500-2021-001220

13 **JON-PAUL SESLAR, D.P.M.**
14 **2089 Vale Road, Suite 12**
San Pablo, CA 94806

ACCUSATION

15 **Doctor of Podiatric Medicine License**
16 **No. 4074,**

17 Respondent.

18
19 **PARTIES**

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

22 2. On or about June 25, 1997, the Podiatric Medical Board issued Doctor of Podiatric
23 Medicine License Number 4074 to Jon-Paul Seslar, D.P.M (Respondent). That license was in full
24 force and effect at all times relevant to the charges brought herein and will expire on April 30,
25 2025, unless renewed.

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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 Code section 2234 is 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. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 546, 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 that 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

(Repeated Negligent Acts)

9. Respondent is subject to disciplinary action under sections 2227 and 2234, subdivision (c), of the Code, in that he committed repeated negligent acts in his care and treatment of Patient 1.¹ The circumstances are as follows:

10. On or about April 27, 2021, Patient 1, a then 82-year-old female, was seen by Respondent with a chief complaint of painful bunion and pain under the second metatarsal head of the right foot. It was noted that the patient had been previously treated with a post-operative shoe and aperture pad and that it did not help much. The patient indicated that she was interested in surgery. Respondent discussed chevron bunionectomy and second metatarsal head shortening osteotomies with the patient. Respondent noted that he obtained the patient's informed consent and would schedule the surgery.

11. On or about May 6, 2021, Respondent performed a pre-operative history and physical examination. With respect to Patient 1's extremities, Respondent noted palpable pulses bilaterally and mild edema in the dorsum of the feet. There was right foot pain with palpation at the plantar second metatarsal head and joint capsule. There was a moderate bunion deformity with hallux valgus abutting the second toe. X-rays of the right foot, anterior posterior (AP) and medial oblique (MO) views, were taken.

12. On or about May 7, 2021, Patient 1 underwent a right chevron bunionectomy and second metatarsal shortening osteotomy of the right foot by Respondent at Alta Bates Summit Hospital. No complications were noted. Patient 1 was instructed to be weight bearing as tolerated on the right foot with a post-operative shoe and a front-wheel walker. She was instructed to follow up with Respondent in four days.

¹ The patient is identified herein by number to protect her privacy.

1 13. Patient 1 did not show for the May 11, 2021 appointment.

2 14. Patient 1 was seen post-operatively by Respondent on May 20, 2021, at which time
3 Respondent noted that Patient 1's right foot incisions appeared clear and dry with no signs of
4 infection, though edema was present. Respondent removed the sutures. X-rays of the right foot,
5 AP and MO views, were taken. Respondent noted that the osteotomies appeared to be in good
6 position with the fixation intact.² Respondent noted that the skin appeared healed enough to
7 shower with dissolvable sutures left in place. Triple antibiotic ointment and a light compression
8 wrap were applied. Patient 1 was instructed to return in three weeks or sooner if she had any
9 problems.

10 15. On Saturday, May 24, 2021, Patient 1 presented to the emergency department at Alta
11 Bates Summit Hospital with complaints of right foot pain and swelling. Respondent was
12 contacted by the emergency department and told that an ultrasound was negative for deep venous
13 thrombosis and X-rays were taken. Patient 1 was diagnosed with an infection and an antibiotic
14 Keflex, was prescribed. Respondent spoke with Patient 1 on Monday, May 26, 2021, at which
15 time the patient stated that she did not receive antibiotics in the emergency department.
16 Respondent prescribed clindamycin, an antibiotic, 300 mg, to be taken three times a day for ten
17 days and noted that the patient is "now probably taking both?"

18 16. Patient 1 was next seen by Respondent on May 27, 2021. Respondent noted that the
19 right foot incisions appeared clean and dry with no bright cellulitis or drainage. He also noted
20 that the edema was greater on the right foot than left. He reviewed the X-rays taken at the
21 emergency department on May 24, 2021, and noted that the alignment was intact, with no
22 appreciable sign of infection or hardware failure. He also noted that there was a fracture of the
23 first metatarsal that was a laterally displaced chevron osteotomy.³ Respondent noted that he
24 attempted to reassure the patient that post-operative swelling is to be expected. The patient
25

26 ² In Respondent's summary of care and treatment dated March 12, 2022, provided to the Board, he
27 noted that there was a fleck of bone on the oblique X-ray view which he attributed to the original
osteotomy.

28 ³ At the time of his interview with the Board on October 31, 2022, Respondent stated that he did
not pursue further immobilization at the time of this visit because of concerns about infection.

1 rejected home health visits and a knee scooter. She also declined scheduling a further follow up
2 visit with Respondent.

3 17. Patient 1 left Respondent's care and was seen by another podiatrist, Dr. N.D, who
4 diagnosed a closed displaced fracture of the first metatarsal bone of the right foot. On June 7,
5 2021, Patient 1 underwent a revision bunionectomy with metatarsal fracture and open reduction
6 and internal fixation.

7 Failure to Take Lateral X-Ray Post-Operatively following the May 7, 2021 Surgery.

8 18. AP and lateral X-ray views are 90 degrees apart. The lateral view allows for an
9 assessment of whether there is a sagittal plane shift of the capital fragment. An MO X-ray view
10 does not always show a change in the sagittal plane. The standard of care requires at least AP and
11 lateral X-ray views post-operatively to properly assess a metatarsal osteotomy.

12 19. Respondent failed to take a lateral X-ray view of the right foot post-operatively. This
13 led to Respondent's failure to identify the metatarsal neck osteotomy dislocation at the first post-
14 operative visit. This is a simple departure from the standard of care.

15 Failure to Recognize First Metatarsal Osteotomy Dislocation and Fixation Failure.

16 20. The standard of care requires an assessment of the exact position of the capital
17 fragment post chevron osteotomy. The head of the first metatarsal must be closely analyzed to
18 ensure that it is in the proper position to allow for healing. If there is a question regarding
19 fixation failure following X-ray, the standard of care requires repeat X-ray imaging in a timely
20 manner to address the issue.

21 21. The post-operative X-rays taken on May 7, 2021, showed the fleck of bone along
22 with abductory tilting in the transverse plane. Respondent failed to identify the abductory shift of
23 the capital fragment, seen on the AP X-ray view post-operatively. This is a simple departure
24 from the standard of care.

25 Failure to Immobilize Patient Appropriately Post-Operatively.

26 22. The standard of care requires that post-operative complications always be discussed
27 with the patient. The standard of care also requires immobilization of a patient's foot when there
28 is concern that a metatarsal osteotomy is failing. Non-weight bearing and fiberglass casting

1 below the knee is appropriate when there is concern that a metatarsal osteotomy is failing.

2 23. Respondent failed to appropriately communicate with Patient 1 regarding the
3 possibility of further dislocation in the absence of stable cast construct and the importance of
4 being non weight bearing. Respondent should have explained the likelihood of further surgery
5 without better immobilization. This is a simple departure from the standard of care.

6 **PRAYER**

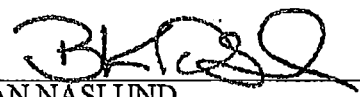
7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
8 and that following the hearing, the Podiatric Medical Board issue a decision:

9 1. Revoking or suspending Doctor of Podiatric Medicine License Number 4074, issued
10 to Jon-Paul Seslar, D.P.M;

11 2. Ordering Jon-Paul Seslar, D.P.M. to pay the Board the costs of the investigation and
12 enforcement of this case; and,

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

14
15 DATED: JAN 19 2024

16 
17 BRIAN NASLUND
18 Executive Officer
19 Podiatric Medical Board
20 Department of Consumer Affairs
21 State of California
22 Complainant

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