

BEFORE THE
PODIATRIC MEDICAL BOARD
OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

Luke Sunghyun Won, D.P.M

Doctor of Podiatric Medicine
Certificate No. E 5409

Case No.: 500-2022-001284

Respondent.

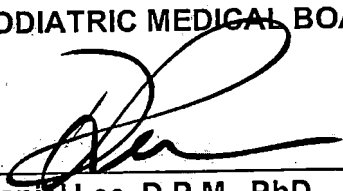
DECISION

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

This Decision shall become effective at 5:00 p.m. on March 14, 2025

IT IS SO ORDERED: February 14, 2025

PODIATRIC MEDICAL BOARD OF CALIFORNIA



Daniel Lee, D.P.M., PhD
Board President

1 ROB BONTA
Attorney General of California
2 STEVE DIEHL
Supervising Deputy Attorney General
3 WENDY WIDLUS
Deputy Attorney General
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8
9 **BEFORE THE**
PODIATRIC MEDICAL BOARD
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 500-2022-001284

13 LUKE SUNGHYUN WON, D.P.M.
520 N. Main Street
14 Santa Ana, CA 92701

OAH No. 2024060486

15 Doctor of Podiatric Medicine License
Number E 5409

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16
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 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 Wendy Widlus, Deputy Attorney
25 General.

26 2. Respondent Luke Sunghyun Won, D.P.M. (Respondent) is represented in this
27 proceeding by attorney Raymond J. McMahon, Esq., whose address is: Doyle Schafer McMahon,
28 LLP, 5440 Trabuco Road, Irvine, California 92620.

3. On or about November 21, 2017, the Board issued Doctor of Podiatric Medicine License No. E 5409 to Luke Sunghyun Won, D.P.M. (Respondent). The Doctor of Podiatric Medicine License was in full force and effect at all times relevant to the charges brought in Accusation No. 500-2022-001284, and will expire on December 31, 2026, unless renewed.

JURISDICTION

4. Accusation No. 500-2022-001284 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 May 29, 2024. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 500-2022-001284 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, discussed with counsel, and fully understands the charges and allegations in Accusation No. 500-2022-001284. Respondent has also carefully read, fully discussed with 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 understands that the charges and allegations in Accusation No. 500-2022-001284, if proven at a hearing, constitute cause for imposing discipline upon his Doctor of Podiatric Medicine License No. E 5409.

10. Respondent admits that, at an administrative hearing, Complainant could establish a *prima facie* case with respect to the charges and allegations contained in Accusation No. 500-2022-001284, and agrees that he has thereby subjected his Doctor of Podiatric Medicine License No. E 5409 to disciplinary action.

10. Respondent further agrees that if an accusation is ever filed against him before the Podiatric Medical Board; or Respondent should ever apply or reapply for a new license or certification, and/or file a petition for reinstatement of a license, before the Board or any other health care licensing action agency in the State of California, all of the charges and allegations contained in all of the charges and allegations contained in Accusation No. 500-2022-001284 shall be deemed true, correct, and fully admitted by Respondent for purposes of any such proceeding or any other licensing proceeding seeking to deny, restrict, or revoke licensure or any disciplinary proceeding seeking to deny, restrict, or revoke licensure or any petition proceeding seeking to reinstate licensure of modify probation involving Respondent in the State of California or elsewhere.

11. Respondent agrees that his Doctor of Podiatric Medicine License is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

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

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

14. 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 Luke Sunghyun Won, D.P.M. shall be and is hereby Publicly Reprimanded pursuant to California Business and Professions Code sections 2222 and 2227, subdivision (a)(4). This Public Reprimand, which is issued in connection with Accusation No. 500-2022-001284, is as follows: Between December 2021 and March 2022, you failed to perform appropriate evaluations of a patient's infected foot, including appropriate tests and imaging; develop an appropriate treatment plan for the foot; appropriately respond to clinical and diagnostic changes, and seek consultation when necessary to treat the patient.

1. EDUCATION COURSE Within 60 days of the effective date of this Decision, Respondent shall submit to the Board or its designee for its prior approval educational program(s) or course(s) which shall not be less than 10-hours to correct any areas of deficient practice or knowledge in the treatment of antibiotic resistant infections. The educational program(s) or course(s) shall be Category I certified or Board approved and limited to classroom, conference, or seminar settings. The educational program or course shall be at the Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements, which must be scientific in nature, for renewal of licensure. Following the completion of each course, the Board or its designee may administer an examination to test respondent's knowledge of the course. Respondent shall provide proof of attendance for 65 hours of CME of which 10 hours were in satisfaction of this condition.

2. MEDICAL RECORD KEEPING COURSE Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in medical record keeping, at Respondent's expense, approved in advance by the Board or its designee.

1 A medical record keeping course taken after the acts that gave rise to the charges in the
2 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
3 or its designee, be accepted towards the fulfillment of this condition if the course would have
4 been approved by the Board or its designee had the course been taken after the effective date of
5 this Decision.

6 Respondent shall submit a certification of successful completion to the Board or its
7 designee not later than 15 calendar days after successfully completing the course, or not later than
8 15 calendar days after the effective date of the Decision, whichever is later.

9 3. COST RECOVERY Within 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 \$25,578.75 as delineated in the October 24, 2024, proposed stipulated
12 agreement for its investigative and prosecution costs. Respondent shall pay those costs in
13 monthly payments for 36 months beginning on the effective date of the Decision. The filing of
14 bankruptcy or period of non-practice by Respondent shall not relieve the Respondent of his
15 obligation to reimburse the Board for its costs.

16 4. ENFORCEMENT If Respondent fails to enroll in, participate in, or successfully
17 complete the educational program(s) and/or course(s), and/or complete the term(s) and
18 condition(s) as described in conditions 1 and 2, within the designated time period as set forth in
19 the Decision and Order, Respondent shall receive and comply with a notification from the Board
20 or its designee to cease the practice of podiatric medicine within three (3) calendar days after
21 being so notified. Respondent shall not resume the practice of podiatric medicine until
22 enrollment or participation or fulfillment in the educational program(s) and/or course(s), and/or
23 completion of the term(s) and condition(s) has been provided to the Board as required by the
24 express language of the Decision and Order. In addition, failure to successfully complete the
25 educational program(s) and/or course(s), and/or complete the term(s) and condition(s) outlined
26 above shall also constitute separate grounds for general unprofessional conduct and will be
27 grounds for further immediate disciplinary action against Respondent's license.

28 ///

Exhibit A

Accusation No. 500-2022-001284

1 ROB BONTA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 WENDY WIDLUS
Deputy Attorney General
4 State Bar No. 82958
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7 E-mail: Wendy.Widlus@doj.ca.gov

8 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 500-2022-001284

13 LUKE SUNGHYUN WON, D.P.M.

14 520 North Main Street
15 Santa Ana, California 92701

A C C U S A T I O N

16 Doctor of Podiatric Medicine License E 5409,

17 Respondent.

18 **PARTIES**

19
20 1. Brian Naslund (Complainant) brings this Accusation solely in his official capacity as
21 the Executive Officer of the Podiatric Medical Board (Board).

22 2. On November 21, 2017, the Board issued Doctor of Podiatric Medicine License
23 Number 5409 to Luke Sunghyun Won, D.P.M. (Respondent). That license was in full force and
24 effect at all times relevant to the charges brought herein and will expire on December 31, 2024,
25 unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code (Code) unless otherwise

1 indicated.

2 4. Section 2460.1 of the Code states:

3 Protection of the public shall be the highest priority for the California Board of
4 Podiatric Medicine in exercising its licensing, regulatory, and disciplinary functions.
5 Whenever the protection of the public is inconsistent with other interests sought to be
6 promoted, the protection of the public shall be paramount.

7 5. Section 2222 of the Code states:

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

16 The California Board of Podiatric Medicine may order the denial of an
17 application or issue a certificate subject to conditions as set forth in Section 2221, or
18 order the revocation, suspension, or other restriction of, or the modification of that
19 penalty, and the reinstatement of any certificate of a doctor of podiatric medicine
20 within its authority as granted by this chapter and in conjunction with the
21 administrative hearing procedures established pursuant to Sections 11371, 11372,
22 11373, and 11529 of the Government Code. For these purposes, the California Board
23 of Podiatric Medicine shall exercise the powers granted and be governed by the
24 procedures set forth in this chapter.

25 6. Section 2497 of the Code states:

26 (a) The board may order the denial of an application for, or the suspension of,
27 or the revocation of, or the imposition of probationary conditions upon, a certificate
28 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.

7. 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.

1 (3) Be placed on probation and be required to pay the costs of probation
2 monitoring upon order of the board.

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

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

8 (b) Any matter heard pursuant to subdivision (a), except for warning letters,
9 medical review or advisory conferences, professional competency examinations,
10 continuing education activities, and cost reimbursement associated therewith that are
11 agreed to with the board and successfully completed by the licensee, or other matters
12 made confidential or privileged by existing law, is deemed public, and shall be made
13 available to the public by the board pursuant to Section 803.1.8.

14 9. Section 2228 of the Code states:

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

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

22 (b) Requiring the licensee to submit to a complete diagnostic examination by
23 one or more physicians and surgeons appointed by the board. If an examination is
24 ordered, the board shall receive and consider any other report of a complete
25 diagnostic examination given by one or more physicians and surgeons of the
26 licensee's choice.

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

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

10. Section 2228.5 of the Code states:

(a) On and after July 1, 2019, except as otherwise provided in subdivision (c),
the board shall require a licensee to provide a separate disclosure that includes the
licensee's probation status, the length of the probation, the probation end date, all
practice restrictions placed on the licensee by the board, the board's telephone
number, and an explanation of how the patient can find further information on the
licensee's probation on the licensee's profile page on the board's online license
information internet web site, to a patient or the patient's guardian or health care
surrogate before the patient's first visit following the probationary order while the
licensee is on probation pursuant to a probationary order made after July 1, 2019.

11. Section 2497 of the Code states:

1 (a) The board may order the denial of an application for, or the suspension of,
2 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.

3 (b) The board may hear all matters, including but not limited to, any contested
4 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
5 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
7 12. Section 2234 of the Code states in pertinent part:

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

10 (b) Gross negligence.

11 (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
12 separate and distinct departure from the applicable standard of care shall constitute
repeated negligent acts.

13 (1) An initial negligent diagnosis followed by an act or omission medically
appropriate for that negligent diagnosis of the patient shall constitute a single
14 negligent act.

15 (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
16 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
17 constitutes a separate and distinct breach of the standard of care.

18
19 13. Section 2266 of the Code states:

20 The failure of a doctor of podiatric medicine to maintain adequate and accurate
records relating to the provision of services to their patients constitutes unprofessional
21 conduct.

22 COST RECOVERY

23 14. Section 2497.5 of the Code states:

24 (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
25 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
26 the case.

27 (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
28 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.

DEFINITIONS

15. "Cellulitis" is defined as a common, potentially serious bacterial skin infection. It affects the middle layer of the skin (dermis) and the tissues below. If severe or if left untreated, it can spread into the lymph nodes and bloodstream. The infection occurs when a break in the skin allows bacteria to enter. Left untreated, the infection can spread to the lymph nodes and bloodstream and rapidly become life-threatening.

16. "Debridement" is defined as the process of removing nonliving tissue from wounds, pressure ulcers, and burns. Debridement speeds the healing of these conditions because when the dead tissue is removed the remaining living tissue can adequately heal. Wounds that contain non-living (necrotic) tissue take longer to heal. The necrotic tissue may become colonized with bacteria, producing an unpleasant odor. Necrotic tissue may also hide pockets of pus, i.e., abscesses which can develop into a general infection that may lead to amputation or death.

Before performing debridement, the physician will take a medical history with attention to factors that might complicate healing, such as medications being taken and smoking. The

1 physician will also note the cause of the wound and the ways it has been treated. Surgical
2 debridement (also known as sharp debridement) uses a scalpel, scissors, or other instrument to cut
3 dead tissue from a wound. It is the quickest and most efficient method of debridement. The
4 procedure can be performed at a patient's bedside. Using forceps to grip the dead tissue, the
5 physician will cut it away bit by bit with a scalpel or scissors. The physician may repeat the
6 process again at another session.

7 17. "Dermis" is defined as the middle layer of the body's skin. The dermis has many
8 additional functions, including: protecting the skeletal system, organs, muscles and tissues from
9 harm, supporting the epidermis which transports nutrients, feeling different sensations, like
10 pressure, pain, heat, cold and itchiness and keeping the skin moist and hydrated.

11 18. "Edema" is defined as the medical term for swelling caused by fluid trapped in the
12 body's tissues which occurs most often in the feet, ankles and legs, but can affect other parts of
13 the body. Edema can affect anyone and is common because there are many causes associated
14 with the condition. Sometimes edema is a symptom of an underlying health condition, and
15 treatment varies based on the cause, especially if the cause relates to an underlying health
16 condition.

17 19. "Erythema" is defined as superficial reddening of the skin, usually in patches, as a
18 result of injury or irritation causing dilatation of the blood capillaries.

19 20. "Fluctuance" is a tense area of skin with a wave-like or boggy feeling upon palpation;
20 caused by pus which has accumulated beneath the epidermis.

21 21. The "first metatarsophalangeal joint" is defined as the joint located at the base of the
22 big toe. The metatarsal bones are the long bones that link the mid/rear foot to the toes. This joint
23 helps with toe-off; e.g. the point at which the front of the foot or the toe leaves the ground when
24 walking.

25 22. "Hyperkeratotic lesion" is defined as a callus.

26 23. "Loss of protective sensation" means a person is unable to feel minor trauma from
27 mechanical, thermal, or chemical sources. In the presence of peripheral vascular disease and
28 neuropathy, the development of a foot ulcer may be the start of a chain of events that may lead to

1 amputations.

2 24. "Palliative care" in podiatric medicine is defined as providing podiatric medical care
3 to people suffering from a range of diseases that can seriously impact ease of movement and
4 quality of life. Generally speaking, the implication is that the disease or condition in question is
5 incurable so the podiatrist works to alleviate the patient's pain and discomfort in the hopes of
6 restoring mobility and movement.

7 25. "Palpable foot pulses" is defined as the ability to feel the rhythmic beating of the
8 arteries in specific locations of a patient's body. Palpable pulses are the pulsations generated by
9 the contraction of the heart that travel through the arteries. The pulsing can be felt by placing the
10 fingertips over specific pulse points, such as the wrist, neck, or upper arm. These pulses are
11 important indicators of heart rate, rhythm, and the quality of blood flow to various parts of the
12 body.

13 Palpation of foot pulses is traditionally used to evaluate patients with arterial disease.
14 These pulses provide vital information about the cardiovascular system and are an essential part
15 of a comprehensive physical examination. By assessing palpable pulses, healthcare professionals
16 can evaluate the overall health and functioning of the patient's circulatory system.

17 26. "Peripheral Vascular Disease" (PVD) (also called peripheral arterial disease) is a
18 slow and progressive circulation disorder. Narrowing, blockage, or spasms in a blood vessel can
19 cause PVD. PVD may affect any blood vessel outside of the heart including the arteries, veins, or
20 lymphatic vessels. Organs supplied by these vessels, such as the brain, and legs, may not get
21 enough blood flow for proper function. However, the legs and feet are most commonly affected.

22 The most common cause of PVD is atherosclerosis, the buildup of plaque inside the artery
23 wall. Plaque reduces the amount of blood flow to the limbs and decreases the oxygen and
24 nutrients available to the tissue. Blood clots may form on the artery walls, further decreasing the
25 inner size of the blood vessel and block off major arteries. Other causes of PVD may include
26 infection. Symptoms of peripheral vascular disease include skin changes, including decreased
27 skin temperature, or thin, brittle, shiny skin on the legs and feet, weak pulses in the legs and the
28 feet, wounds that won't heal over pressure points, such as heels or ankles, pain at rest, commonly

1 in the toes and at night while lying flat, and thickened, opaque toenails.

2 FACTUAL ALLEGATIONS

3 27. On April 13, 2022, the Board received an online consumer complaint from one of
4 Patient 1's two daughters. Patient 1 was a 94-year-old female with dementia, peripheral vascular
5 disease, and chronic urinary tract infections being cared for in an assisted living facility. The
6 complaint alleged Respondent's two-month treatment of Patient's right foot caused a skin wound
7 and infection that necessitated the patient's escalated treatment in a hospital facility for a bone
8 infection.

9 28. On or about August 10, 2022, the Department of Consumer Affairs Division of
10 Investigation Health Quality Investigations Unit assigned a Special Investigator to investigate this
11 matter for the Board. The Special Investigator obtained Patient 1's medical records, spoke with
12 Patient 1's daughters. On February 28, 2023, Respondent and his attorney participated in a
13 telephonic and digitally recorded Subject interview with the Special Investigator and the Board's
14 Medical Consultant.

15 29. On or about August 9, 2023, the Department of Consumer Affairs Division of
16 Investigation Health Quality Investigations Unit Analyst contacted Expert Dr. 1, an approved
17 expert for the Board and confirmed the expert's qualifications to perform an expert review of the
18 case. The Analyst uploaded the electronic case binder with all of the case materials to Expert Dr.
19 1 for his expert review.

20 30. On or about September 2, 2023, Expert Dr. 1 provided the Board with his expert
21 report that he prepared, based on his review of all of the materials the Board provided to him.

22 31. Expert Dr. 1's September 2, 2023, report delineated his findings that Respondent
23 demonstrated an extreme departure from the standard of practice in not recognizing a high-risk
24 patient's need for more aggressive treatment of a non-responding infection; that Respondent
25 demonstrated an extreme departure from the standard of practice in not seeking a consultation
26 from other specialists; in not ordering a culture, MRI or even x-rays of Patient 1's foot; and a

27
28 ¹ The names of the patient and/or witnesses are anonymized to protect their privacy rights. The names will
be provided to Respondent upon written request for discovery.

1 simple departure from the standard of care with regard to his medical record keeping and
2 documentation.

3 32. Respondent began seeing Patient 1 on December 10, 2021. Patient 1 was in short
4 term care due to a left upper leg infected lesion and a urinary tract infection (UTI). Respondent's
5 initial visit notes state Patient 1 was in pain. The patient had no palpable foot pulses i.e.
6 peripheral vascular disease (PVD), reduced capillary refill to the toes, and reduced neurological
7 protective foot sensation.

8 33. Respondent noted Patient 1 had contractures of several toes of both of her feet with
9 erythema. Patient 1 could not manage her ingrown fungal toenails which were thickened.
10 All these diagnoses created a potential medical risk to Patient 1.

11 34. Respondent's initial visit notes state Respondent removed ingrown toenails from
12 both of Patient 1's feet. Respondent's notes state he and Patient 1 discussed possible issues with
13 her bunions and hammertoes, as well as her risk of "opening wounds" due to the combination of
14 her medical conditions and foot deformities.

15 35. Respondent next treated Patient 1 on January 14, 2022, after the assisted living
16 facility called and asked that he treat Patient 1's worsening right foot erythema and callus.
17 During this visit Respondent noted Patient 1 had a moderate hyperkeratotic lesion of her right
18 foot with pain and erythema. Respondent further noted there was fluctuance, malodor and
19 erythema medial to the right great toe joint deep to the callus with purulent drainage upon
20 debriding this area.

21 36. It appears Respondent focused only on Patient 1's feet as Respondent did not
22 reference her other medical diagnoses and past medical history. Although he noted that Patient 1
23 is "currently taking oral antibiotics for her UTI symptoms" he does not refer to the fact that the
24 patient was on these antibiotics prior to her foot becoming infected.

25 37. Respondent's records show he irrigated the wound and then mechanically debrided it.
26 Respondent stated his plan is to have the assisted living facility employees care for Patient 1 by
27 doing dressing changes of the wound with topical antibacterial ointment.

28 38. Respondent had the opportunity to culture the wound site, consult with Patient 1's

1 urologist, as well as other physician specialists in infectious disease and vascular surgery but did
2 not do so.

3 39. Respondent next treated Patient 1 on January 28, 2022, when he visited Patient 1 to
4 follow-up on the wound site. Respondent noted that the size and appearance were responding to
5 the treatment he had pursued, and assisted living facility nurse was following his orders for
6 Patient 1's right foot dressing care.

7 40. Respondent sent a photo was sent to Patient 1's daughter, and he discussed his
8 treatment plan to "wait and watch" with her.

9 41. Respondent next treated Patient 1 on February 11, 2022, and his notes state Patient 1
10 was improving, with her wound site being less painful, although the opening has increased in
11 size, and there is still erythema. Respondent noted Patient 1 had no systemic signs of infection,
12 there was also less redness, and there was no odor or drainage from the wound. Respondent
13 debrided the site.

14 42. Respondent sent the patient's daughter a picture of Patient 1 right foot wound.
15 Unlike Respondent's notes, the photograph shows the wound looks significantly worse than the
16 January 28, 2022 picture. There is increased erythema and edema medial to the first
17 metatarsophalangeal joint. Respondent still does not order that a culture be taken from the site
18 nor does he request to have a consultation with an infectious disease physician. During his
19 interview Respondent stated he did not have a consultation with Patient 1's primary physician
20 during or after the February 11, 2022, visit.

21 43. Respondent sent a photo and text update to one of Patient 1's daughters, and
22 they agreed to talk later that night for a phone report of Patient 1's progress.

23 44. When Respondent treated Patient 1 on February 25, 2022, the wound site was larger.
24 In his objective findings, Respondent noted a 1.8 cm x 1.5 cm x 0.2 cm wound on the medical
25 side of the Patient 1's first metatarsal phalangeal joint (MPJ) with moderate drainage but no odor.
26 Respondent also noted that there was mild tenderness around the area of the lesion. The note
27 appears to refer to Respondent's observation after he performed his planned "sharp debridement
28 deep to the dermis."

1 45. Respondent's note indicates there was mild erythema deep to the debridement and
2 granular tissue at the base without probing to the level of the bone or evident deeper infection.
3 Respondent added an additional diagnosis of cellulitis, which indicated Patient 1's infection had
4 spread.

5 46. Respondent's records show that he provided sharp debridement, cleaned and dressed
6 the area, and stated in his notes that the assisted living facility is to continue caring for the wound
7 as directed with clean dry dressing. Respondent further notes that Patient 1 needs to avoid shoes
8 that put pressure on the wound site where there is a protruding bunion.

9 47. Respondent did not indicate that he believed the patient's condition required urgent
10 care. Respondent did not indicate that he believed that more diagnostic tests and surgical care
11 were needed. Respondent did not have a consultation with an infectious disease physician nor
12 with Patient 1's primary physician.

13 48. At 6:34 p.m. on February 25, 2022, Patient 1's daughter texted Respondent about her
14 mother's right foot status. Patient 1's daughter was concerned because a nurse called her stating
15 that there was "green discharge" coming from Patient 1's wound site.

16 49. Respondent responded to the daughter's text with a text and photo of Patient 1's
17 wound site from that same afternoon. Respondent assured Patient 1's daughter that Patient 1's
18 wound had less drainage, "looks better." Respondent recommended a dressing treatment change
19 and sends Patient 1's daughter a picture of Patient 1's foot.

20 50. After Respondent mentions during this exchange that Patient 1 is on antibiotics for
21 her UTI her daughter asked Respondent if the antibiotic should be changed since Patient 1 is
22 taking oral Bactrim prophylactically for her UTIs, and the foot looks swollen and red in the
23 photo.

24 51. However, Patient 1's daughter ultimately agreed to follow Respondent's
25 recommendation to wait, texting Respondent she is receiving photos from "[sic]Home health
26 nurse" and "thinks it would be better to hold until next visit for adding another antibiotic".
27
28

1 52. Respondent last treated Patient 1 February 28, 2022, and his assessment does not
2 mention worsening of Patient 1's right foot wound site. Respondent recommended that the
3 assisted living facility change Patient 1's dressings after cleansing the wound.

4 53. Patient 1's right foot continued to worsen after February 28, 2022. On March 2,
5 2022, Respondent and one of the patient's daughters, Ann texted about changing the care plan.
6 Patient 1's daughter stated the assisted living facility's nurse notified her he ordered a different
7 antibiotic. The nurse also suggested Patient 1 should stop taking Bactrim. Patient 1's daughter
8 asked the patient's urologist be consulted prior to changing the patient's antibiotics because the
9 patient had incurred frequent resistant infections. Additionally, the patient's daughter requested
10 that a culture and sensitivity of the foot wound be taken prior to any treatment changes.

11 54. Several additional text communications occur after this date, a culture is taken by the
12 assisted living facility nurse staff on March 4, 2022. The results of Patient 1's foot cultures came
13 back March 10, 2022, and revealed Patient 1 had a severe mixed microbial infection of her right
14 foot. Patient 1's family then moves Patient 1 to inpatient hospital care for the required
15 intravenous antibiotics and a higher level of wound care.

16 55. There are continued text communications between Patient 1's daughter and
17 Respondent regarding his care plan. Respondent was questioned about consultations with other
18 physician and Respondent states he is unable to consult anyone. Patient 1's daughter stated that
19 Respondent never seemed to be aware of the patient's other comorbid conditions at the same time
20 he was treating her.

21 DEPARTURES FROM THE STANDARD OF CARE

22 56. The standard of care for a doctor of podiatric medicine to arrive at a proper diagnosis
23 requires the doctor of podiatric medicine to perform appropriate evaluations of the patient's
24 condition.

25 57. The standard of care for a doctor of podiatric medicine to arrive at a proper diagnosis
26 requires the physician to order appropriate tests to obtain accurate evaluations of the patient's
27 condition.

28 58. The standard of care for a doctor of podiatric medicine to arrive at a proper diagnosis

1 requires the physician to order appropriate imaging studies.

2 59. The standard of care for a doctor of podiatric medicine is to provide the appropriate
3 care for the patient is to determine and follow a treatment plan for the patient.

4 60. The standard of care for a doctor of podiatric medicine is to provide the appropriate
5 care for the patient is to provide an appropriate response to the patient's ongoing clinical and
6 diagnostic changes.

7 61. The standard of care for a doctor of podiatric medicine is to provide the appropriate
8 care for the patient is to seek consultation from specialists when necessary.

9 62. The standard of care for a doctor of podiatric medicine is to provide the appropriate
10 care for the patient is to keep accurate and complete records of patient care including the
11 obtaining of
12 informed consent for the patient's care which may include agreements with the patient's
13 designated appointee.

14 63. The standard of care for a doctor of podiatric medicine is to provide the appropriate
15 care for the patient is to keep accurate and complete records of patient care including medical
16 history and physical examination, assessments and treatment plan changes.

17 64. The standard of care for a doctor of podiatric medicine is to provide the appropriate
18 care for the patient is to keep accurate and complete records of patient care including any
19 correspondence, including phone and text communications.

20 FIRST CAUSE FOR DISCIPLINE

21 (Gross Negligence)

22 65. Respondent is subject to disciplinary action under section 2234, subdivision (b) of the
23 Code in that he committed an act of gross negligence in his care and treatment of Patient 1. The
24 circumstances are as follows:

25 66. The Allegations of paragraphs 27 through 55 are incorporated herein by reference.

26 (A) Respondent's failures to perform appropriate evaluations of Patient 1's condition
27 constitutes an extreme departure from the standard of care.

28 (B) Respondent's failures to order appropriate tests to obtain adequate evaluations of

1 Patient 1's condition constitutes an extreme departure from the standard of care.

2 (C) Respondent's failures to order appropriate imaging studies for Patient 1 constitutes an
3 extreme departure from the standard of care.

4 (D) Respondent's failures to determine and follow a treatment plan for Patient 1
5 constitutes an extreme departure from the standard of care.

6 (E) Respondent's failures to provide an appropriate response to Patient 1's ongoing
7 clinical and diagnostic changes constitutes an extreme departure from the standard of
8 care.

9 (F) Respondent's failures to seek consultation from specialists when necessary to treat
10 Patient 1 constitutes an extreme departure from the standard of care.

11 SECOND CAUSE FOR DISCIPLINE

12 (Repeated Negligent Acts)

13 67. Respondent is subject to disciplinary action under section 2234, subdivision (c) of the
14 Code in that he was repeatedly negligent in his care and treatment of Patient 1. The
15 circumstances are as follows:

16 68. The Allegations of paragraphs 27 through 55 are incorporated herein by reference.

17 (A) Respondent's failures to perform appropriate evaluations of Patient 1's condition
18 constitutes a departure from the standard of care.

19 (B) Respondent's failures to order appropriate tests to obtain adequate evaluations of
20 Patient 1's condition constitutes a departure from the standard of care.

21 (C) Respondent's failures to order appropriate imaging studies for Patient 1 constitutes a
22 departure from the standard of care.

23 (D) Respondent's failures to determine and follow a treatment plan for Patient 1 constitutes
24 a departure from the standard of care.

25 (E) Respondent's failures to provide an appropriate response to Patient 1's ongoing clinical
26 and diagnostic changes constitutes a departure from the standard of care.

27 (F) Respondent's failures to seek consultation from specialists when necessary to treat
28 Patient 1 constitutes a departure from the standard of care.

1 (G) Respondent's failures to keep accurate and complete records of patient care including
2 the obtaining of informed consent for the patient's care which may include agreements
3 with the patient's designated appointee constitutes a departure from the standard of
4 care.

5 (H) Respondent's failures to keep accurate and complete records of patient care including
6 the medical history and physical examination, assessments and treatment plan changes
7 constitutes a departure from the standard of care.

8 (I) Respondent's failures to keep accurate and complete records of patient care including
9 any correspondence, including phone and text communications constitutes a departure
10 from the standard of care.

11 **THIRD CAUSE FOR DISCIPLINE**

12 (Failure to Maintain Adequate and Accurate Records)

13 69. Respondent is subject to disciplinary action under section 2266 of the Code in that
14 Respondent failed to keep complete and adequate records of his care and treatment of Patient 1.
15 The circumstances are as follows:

16 70. The Allegations of paragraphs 27 through 55 are incorporated herein by reference.

17 **FOURTH CAUSE FOR DISCIPLINE**

18 (Unprofessional Conduct)

19 71. Respondent is subject to disciplinary action under section 2234 of the Code in that
20 Respondent engaged in unprofessional conduct. The circumstances are as follows:

21 72. The allegations of the First, Second, and Third Causes for Discipline are incorporated
22 herein by reference as if fully set forth.

23 73. Respondent's acts and/or omissions as outlined in paragraphs 27 through 55, whether
24 proven individually, jointly, or in any combination thereof, constitute unprofessional conduct.

25 **PRAYER**

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

28 1. Revoking or suspending Podiatrist License Number 5409, issued to Luke Sunghyun

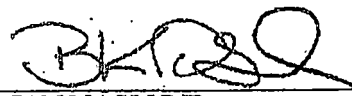
1 Won, D.P.M.;

2 2. Ordering him to pay the Podiatric Medical Board the reasonable costs of the
3 investigation and enforcement of this case, pursuant to Business and Professions Code section
4 2497.5;

5 3. If placed on probation, ordering him to pay the costs of probation monitoring; and,

6 4. Taking such other and further action as deemed necessary and proper.
7
8

9 DATED: MAY 29 2024


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

Complainant

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