

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

**In the Matter of the
Accusation Against:**

Roger Y. Tsutsumi, D.P.M

**Doctor of Podiatric Medicine
Certificate No. E- 4188**

Case No. 500-2022-001362

Respondent.

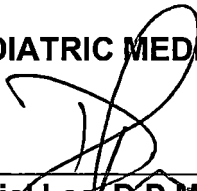
DECISION

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 JUL 25 2025.

IT IS SO ORDERED JUN 26 2025.

PODIATRIC MEDICAL BOARD



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

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 LATRICE R. HEMPHILL
Deputy Attorney General
4 State Bar No. 285973
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

12 **ROGER Y. TSUTSUMI, D.P.M.**
13 **7111 Magnolia Avenue, Suite 100**
Riverside, CA 92504

14 **Doctor of Podiatric Medicine No. E 4188,**
15 **Respondent.**
16

Case No. 500-2022-001362

OAH No. 2025030767

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Brian Naslund (Complainant) is the Executive Officer of the Podiatric Medical Board
22 (Board). He brought this action solely in his official capacity and is represented in this matter by
23 Rob Bonta, Attorney General of the State of California, by Latrice R. Hemphill, Deputy Attorney
24 General.

25 2. Respondent Roger Y. Tsutsumi, D.P.M. (Respondent) is represented in this
26 proceeding by attorney Keith Greer, whose address is: 16855 W. Bernardo Dr., Suite 255, San
27 Diego, CA 92127.

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3. On or about December 30, 1998, the Board issued Doctor of Podiatric Medicine No. E 4188 to Roger Y. Tsutsumi, 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. 500-2022-001362, and will expire on April 30, 2026, unless renewed.

JURISDICTION

4. Accusation No. 500-2022-001362 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 23, 2025. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 500-2022-001362 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. 500-2022-001362. 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 and agrees that the charges and allegations in Accusation No. 500-2022-001362, if proven at a hearing, constitute cause for imposing discipline upon his Doctor of Podiatric Medicine License.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

11. Respondent agrees that his Doctor of Podiatric Medicine License is subject to discipline and he agrees to be bound by the Board's probationary terms 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. Respondent agrees that if he ever petitions for early termination or modification of probation, or if an accusation and/or petition to revoke probation is filed against him before the Board, all of the charges and allegations contained in Accusation No. 500-2022-001362 shall be deemed true, correct and fully admitted by Respondent for purposes of any such proceeding or any other licensing proceeding involving Respondent in the State of California.

14. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to be an integrated writing representing the complete, final and exclusive embodiment of the agreement of the parties in this above-entitled matter.

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1 been approved by the Board or its designee had the course been taken after the effective date of
2 this Decision.

3 Respondent shall submit a certification of successful completion to the Board or its
4 designee not later than 15 calendar days after successfully completing the course, or not later than
5 15 calendar days after the effective date of the Decision, whichever is later.

6 3. NOTIFICATION Prior to engaging in the practice of medicine, the Respondent shall
7 provide a true copy of the Decision and Accusation to the Chief of Staff or the Chief Executive
8 Officer at every hospital where privileges or membership are extended to Respondent, at any
9 other facility where Respondent engages in the practice of podiatric medicine, including all
10 physician and locum tenens registries or other similar agencies, and to the Chief Executive
11 Officer at every insurance carrier which extends malpractice insurance coverage to Respondent.
12 Respondent shall submit proof of compliance to the Division or its designee within 15 calendar
13 days.

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

15 4. PHYSICIAN ASSISTANTS Prior to receiving assistance from a physician assistant,
16 Respondent must notify the supervising physician of the terms and conditions of his probation.

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

20 6. QUARTERLY DECLARATIONS Respondent shall submit quarterly declarations
21 under penalty of perjury on forms provided by the Board, stating whether there has been
22 compliance with all the conditions of probation. Respondent shall submit quarterly declarations
23 not later than 10 calendar days after the end of the preceding quarter.

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

Respondent shall not engage in the practice of podiatric medicine in Respondent's place of residence. Respondent shall maintain a current and renewed California doctor of podiatric medicine's license.

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

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

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

All time spent in an intensive training program outside the State of California which has been approved by the Board or its designee shall be considered as time spent in the practice of medicine within the State. A Board-ordered suspension of practice shall not be considered as a period of non-practice. Periods of temporary or permanent residence or practice outside California will not apply to the reduction of the probationary term. Periods of temporary or permanent residence or practice outside California will relieve Respondent of the responsibility to comply with the probationary terms and conditions, with the exception of this condition, and the following terms and conditions of probation: Obey All Law; Probation Unit Compliance; and Cost Recovery.

Respondent's license shall be automatically cancelled if Respondent's periods of temporary or permanent residence or practice outside California totals two years. However, Respondent's license shall not be cancelled as long as Respondent is residing and practicing podiatric medicine in another state of the United States and is on active probation with the medical licensing

1 authority of that state, in which case the two-year period shall begin on the date probation is
2 completed or terminated in that state.

3 10. FAILURE TO PRACTICE PODIATRIC MEDICINE - CALIFORNIA RESIDENT

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

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

16 Respondent's license shall be automatically cancelled if respondent resides in California
17 and for a total of two years, fails to engage in California in any of the activities described in
18 Business and Professions Code section 2472.

19 11. COMPLETION OF PROBATION Respondent shall comply with all financial
20 obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar days prior
21 to the completion of probation. Upon successful completion of probation, respondent's certificate
22 will be fully restored.

23 12. VIOLATION OF PROBATION If Respondent violates probation in any respect, the
24 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
25 carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is
26 filed against Respondent during probation, the Board shall have continuing jurisdiction until the
27 matter is final, the period of probation shall be extended until the matter is final, and no petition
28 for modification of penalty shall be considered while there is an accusation or petition to revoke

1 probation pending against Respondent.

2 13. COST RECOVERY Within 90 calendar days from the effective date of the Decision
3 or other period agreed to by the Board or its designee, Respondent shall reimburse the Board the
4 amount of \$19,657.50 for its investigative and prosecution costs. The filing of bankruptcy or
5 period of non-practice by Respondent shall not relieve the Respondent of his obligation to
6 reimburse the Board for its costs.

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

18 15. PROBATION MONITORING COSTS Respondent shall pay the costs associated
19 with probation monitoring each and every year of probation as designated by the Board, which
20 may be adjusted on an annual basis. Such costs shall be payable to the Board of Podiatric
21 Medicine and delivered to the Board or its designee within 60 days after the start of the new fiscal
22 year. Failure to pay costs within 30 calendar days of this date is a violation of probation.

23 16. NOTICE TO EMPLOYEES Respondent shall, upon or before the effective date of
24 this Decision, post or circulate a notice which actually recites the offenses for which Respondent
25 has been disciplined and the terms and conditions of probation to all employees involved in his
26 practice. Within fifteen (15) days of the effective date of this Decision, Respondent shall cause
27 his employees to report to the Board in writing, acknowledging the employees have read the
28 Accusation and Decision in the case and understand Respondent's terms and conditions of

1 probation.

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

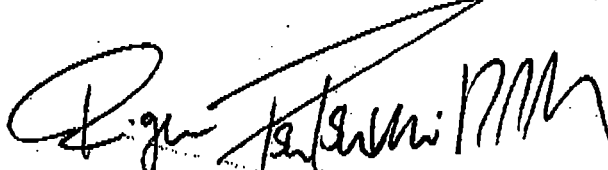
5 18. COMPLIANCE WITH REQUIRED CONTINUING MEDICAL EDUCATION
6 Respondent shall submit satisfactory proof biennially to the Board of compliance with the
7 requirement to complete fifty hours of approved continuing medical education and meet
8 continuing competence requirements for re-licensure during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

9 19. FUTURE ADMISSIONS CLAUSE If Respondent should petition for early
10 termination or modification of probation, or if an Accusation and/or Petition to Revoke Probation
11 is filed against the Respondent before the Board, or Respondent should ever apply or reapply for
12 a new license or certification, and/or file a petition for reinstatement of a license, before the Board
13 or any other health care licensing action agency in the State of California, all of the charges and
14 allegations contained in the Accusation No. 500-2022-001362 shall be deemed to be true, correct,
15 and fully admitted by Respondent for the purpose of any Statement of Issues or any disciplinary
16 proceeding seeking to deny, restrict, or revoke licensure or any petition proceeding seeking to
17 reinstate licensure or modify probation.

18 ACCEPTANCE

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

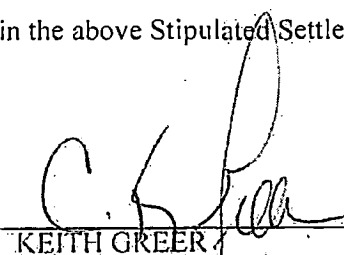
24
25 DATED: 6/1/2025

26 
27 ROGER Y. TSUTSUMI, D.P.M.
28 Respondent

///

1 I have read and fully discussed with Respondent Roger Y. Tsutsumi, 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
5 DATED: June 2, 2025


6 KEITH GREER
Attorney for Respondent

7
8 **ENDORSEMENT**

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

11 DATED: _____

Respectfully submitted,

12
13 ROB BONTA
Attorney General of California
14 JUDITH T. ALVARADO
Supervising Deputy Attorney General

15
16 LATRICE R. HEMPHILL
Deputy Attorney General
17 Attorneys for Complainant
18
19

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1 I have read and fully discussed with Respondent Roger Y. Tsutsumi, 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
5 DATED: _____

6 KEITH GREER
7 *Attorney for Respondent*

8 **ENDORSEMENT**

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

11 DATED: June 2, 2025

12 Respectfully submitted,

13 ROB BONTA
14 Attorney General of California
15 JUDITH T. ALVARADO
16 Supervising Deputy Attorney General

17 

18 LATRICE R. HEMPHILL
19 Deputy Attorney General
20 *Attorneys for Complainant*

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Exhibit A

Accusation No. 500-2022-001362

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 LATRICE R. HEMPHILL
Deputy Attorney General
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Telephone: (213) 269-6198
6 Facsimile: (916) 731-2117
E-mail: latrice.hemphill@doj.ca.gov
7 *Attorneys for Complainant*

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. 500-2022-001362

13 **ROGER Y. TSUTSUMI, D.P.M.**
7111 Magnolia Avenue, Suite 100
14 Riverside, CA 92504

ACCUSATION

15 **Doctor of Podiatric Medicine No. E 4188,**

16 Respondent.

17
18 **PARTIES**

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

21 2. On or about December 30, 1998, Podiatric Medical Board issued Doctor of Podiatric
22 Medicine License Number E 4188 to ROGER Y. TSUTSUMI, D.P.M. (Respondent). The Doctor
23 of Podiatric Medicine License was in full force and effect at all times relevant to the charges
24 brought herein and will expire on April 30, 2026, unless renewed.

25 ///

26 ///

27 ///

28 ///

JURISDICTION

3. This Accusation is brought before the Podiatric Medical Board (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 physicians and surgeons, the Medical Quality Hearing Panel also possesses that same authority as to licensed doctors of podiatric medicine.

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

5. Section 2460.1 of the Code states:

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

STATUTORY PROVISIONS

6. Section 2234 of the Code states:

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

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

(b) Gross negligence.

(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

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

4 (2) When the standard of care requires a change in the diagnosis, act, or
5 omission that constitutes the negligent act described in paragraph (1), including, but
6 not limited to, a reevaluation of the diagnosis or a change in treatment, and the
7 licensee's conduct departs from the applicable standard of care, each departure
8 constitutes a separate and distinct breach of the standard of care.

9 (d) Incompetence.

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

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

14 (g) The failure by a certificate holder, in the absence of good cause, to attend
15 and participate in an interview by the board no later than 30 calendar days after being
16 notified by the board. This subdivision shall only apply to a certificate holder who is
17 the subject of an investigation by the board.

18 (h) Any action of the licensee, or another person acting on behalf of the
19 licensee, intended to cause their patient or their patient's authorized representative to
20 rescind consent to release the patient's medical records to the board or the
21 Department of Consumer Affairs, Health Quality Investigation Unit.

22 (i) Dissuading, intimidating, or tampering with a patient, witness, or any person
23 in an attempt to prevent them from reporting or testifying about a licensee.

24 COST RECOVERY

25 7. Section 2497.5 of the Code states:

26 (a) The board may request the administrative law judge, under his or her
27 proposed decision in resolution of a disciplinary proceeding before the board, to
28 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.

1 (e)(1) Except as provided in paragraph (2), the board shall not renew or
2 reinstate the license of any licensee who has failed to pay all of the costs ordered
3 under this section.

4 (2) Notwithstanding paragraph (1), the board may, in its discretion,
5 conditionally renew or reinstate for a maximum of one year the license of any
6 licensee who demonstrates financial hardship and who enters into a formal agreement
7 with the board to reimburse the board within that one year period for those unpaid
8 costs.

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

12 FACTUAL ALLEGATIONS

13 8. On or about December 11, 2018, Patient A,¹ a then sixty-three-year-old woman,
14 presented to Respondent complaining of a painful bunion on her left foot. Patient A indicated
15 that she previously tried conservative treatments, such as padding and over-the-counter inserts,
16 but they only helped minimally. Patient A also complained of a painful toenail on her right big
17 toe. Patient A specified that the toenail was discolored, disfigured, and painful. Patient A told
18 Respondent that she wanted surgical correction of her bunion and the toenail removed.

19 9. Respondent examined Patient A and ordered x-rays. Respondent diagnosed Patient A
20 with a tailor's bunion² on the left foot, onychocryptosis³ and onychomycosis⁴ of the right hallux
21 (big toe), and an enlarged bone in the toe. Respondent planned to remove Patient A's toenail,
22 with possible chemical destruction of the right big toe.

23 10. On or about January 28, 2019, Patient A again presented to Respondent complaining
24 that she could no longer stand and walk due to the pain from the tailor's bunion. Respondent
25 discussed conservative treatments with Patient A, but she reiterated her desire for surgical
26 correction of the tailor's bunion. Patient A stated that she was not experiencing any toenail pain
27 so the toenail removal procedure was deferred. Respondent again ordered x-rays of the foot and
28 instructed Patient A to bring in a copy of the x-ray results to their next appointment.

¹ The patient is identified as "Patient A" to protect her privacy.

² A tailor's bunion is a bony bump that forms at the base of the pinkie toe where it meets
the foot.

³ Onychocryptosis, also known as an ingrown nail, is a condition in which the corner or
side of a toenail grows into the flesh. This condition usually affects the big toe.

⁴ Onychomycosis, also known as nail fungus, is a common infection of the nail that causes
changes in appearance of the nail, and can cause pain and/or a foul odor.

1 11. On or about February 25, 2019, Patient A presented to Respondent complaining of
2 pain from the tailor's bunion and a blister that recently popped on her left foot. Respondent
3 examined Patient A's foot and noted the bunion and blister. Patient A brought the x-ray report to
4 Respondent during this appointment but failed to bring the actual x-ray. Respondent instructed
5 Patient A to use Neosporin cream and bandage the blister, and to bring the x-rays to her next
6 appointment.

7 12. On or about March 11, 2019, Patient A returned to Respondent complaining about
8 pain from the wound on her left foot and the bunion. Respondent examined the left foot and
9 found a 2x2 centimeter (cm) ulcer on the fifth metatarsal. Respondent discussed wound care with
10 Patient A and prescribed Silvadene cream.⁵ Respondent recommended completion of the
11 bunionectionomy after the wound healed.

12 13. On or about April 8, 2019, Patient A presented to Respondent with the same
13 complaints. During this visit, Respondent debrided the wound on Patient A's left foot and
14 discussed conservative treatments with her.

15 14. On or about May 7, 2019, Patient A presented to Respondent. Respondent reviewed
16 Patient A's x-rays and noted there were no signs of fractures, but he did note there were small
17 bone spurs and an enlarged bone at the fifth metatarsal bone. During this visit, Patient A's
18 bunionectionomy of the tailor's bunion was scheduled for September 6, 2019.

19 15. Patient A presented to Respondent additional times before the scheduled surgery. On
20 or about September 6, 2019, Patient A presented to Respondent for a tailor bunionectionomy and
21 removal of granuloma,⁶ of the left foot. Respondent noted that Patient A tolerated the procedure
22 well and without any complication.

23 16. On or about September 9, 2019, Patient A presented to Respondent for her first
24 postoperative appointment. Respondent inspected the wound and reviewed x-rays of the foot.
25 Respondent found that there were no signs of infection or inflammation, and no signs of fracture.

26 _____
27 ⁵ Silvadene cream is a topical antibiotic cream used to treat or prevent serious skin
infections.

28 ⁶ A granuloma is a tiny cluster of white blood cells and other tissue that form in response
to infections, inflammation, irritants, or foreign objects.

1 17. Patient A presented for additional follow-up appointments. During these visits, it was
2 found that there was dehiscence of the wound at the surgical site. Antibiotic cream was applied,
3 oral antibiotics were prescribed, and home health methods were discussed. Respondent evaluated
4 and monitored the progress of the wound during each visit.

5 18. A pathology report was found in Patient A's medical records. According to the
6 pathology report, Quest Diagnostics received Patient A's specimen on or about September 7,
7 2019, seemingly following her bunionectomy. The pathology report was completed on
8 September 12, 2019, and faxed to Respondent the same day. The report revealed a melanoma,
9 invasive to 8 millimeters in depth, Clark Level IV.⁷ There was no indication that this pathology
10 report was discussed with Respondent.

11 19. On or about November 9, 2019, Patient A was again seen for a postoperative follow-
12 up appointment. Patient A indicated that her wound was improving and she was experiencing
13 minimal to moderate pain. Respondent found that the wound was 0.1 x 0.1 cm without signs of
14 infection. The wound was debrided, wound care was advised, and Patient A was discharged from
15 Respondent's care.

16 20. Following her discharge from Respondent's care, Patient A had numerous visits to
17 the emergency department and additional hospital stays to address numerous conditions and
18 maladies.

19 21. On or about June 11, 2020, Patient A was admitted to UCI Health in Orange,
20 California, due to pulmonary distress. After a full work-up, it was found that Patient A's lymph
21 node in the left upper thigh area showed metastatic melanoma.⁸ Patient A was diagnosed with
22 metastatic melanoma and underwent rounds of cancer treatment through July 2022.

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25 ⁷ The Clark Level is a staging system that describes the depth of melanoma as it grows in
26 the skin. Level IV typically means the melanoma has invaded the reticular dermis layer. The
27 reticular dermis has blood vessels and connective tissue that supports the skin. Hair follicles and
28 sweat glands, among other structures, are found in the reticular dermis.

⁸ Metastatic melanoma is a disease that occurs when the cancerous cells from the original
tumor get loose and spread by traveling through the lymph or blood circulation, and start a new
tumor elsewhere.

1 CAUSE FOR DISCIPLINE

2 (Gross Negligence)

3 22. Respondent is subject to disciplinary action under Code section 2234, subdivision (b),
4 in that he was grossly negligent in his care and treatment of Patient A. The circumstances are as
5 follows:

6 23. Complainant hereby re-alleges the facts set forth in paragraphs 8 through 21, above,
7 as though fully set forth.

8 24. The standard of care when treating a tailor's bunion requires a practitioner to gather
9 medical history, perform a physical examination, order appropriate imaging studies, obtain proper
10 informed consent, perform the appropriate surgery, and administer follow-up treatment as
11 required.

12 25. The standard of care when treating a wound excision after performing a biopsy
13 requires a practitioner to follow up on the results of the biopsy, discuss the results with the
14 patient, and provide the necessary treatment.

15 26. Respondent evaluated Patient A and provided the necessary preoperative care. He
16 also performed the procedures properly. However, Respondent failed to properly review the
17 pathology report and discuss with Patient A the melanoma diagnosis contained in the report. As a
18 result, Respondent failed to refer Patient A for additional treatment. During his interview with
19 the Board, Respondent acknowledged his oversight. Respondent's actions and inactions
20 constitute an extreme departure from the standard of care.

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1 PRAYER

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

4 1. Revoking or suspending Doctor of Podiatric Medicine Number E 4188, issued to
5 Respondent Roger Y. Tsutsumi, D.P.M.;

6 2. Ordering Respondent Roger Y. Tsutsumi, D.P.M. to pay the Podiatric Medical Board
7 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
8 Professions Code section 2497.5 and if placed on probation, the costs of probation monitoring;
9 and

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

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12 DATED: JAN 23 2025

13 
14 BRIAN NASLUND
15 Executive Officer
16 Podiatric Medical Board
17 Department of Consumer Affairs
18 State of California
19 Complainant

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