# 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  $\underline{\text{JUL}}$   $\underline{2}$  5 2025 . IT IS SO ORDERED  $\underline{\text{JUN}}$  2 6 2025 .

PODIATRIC MEDICAL BOARD

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

1	ROB BONTA		
2	Attorney General of California JUDITH T. ALVARADO		
3	Supervising Deputy Attorney General LATRICE R. HEMPHILL		
4	Deputy Attorney General State Bar No. 285973		
5	300 So. Spring Street, Suite 1702		
	Los Angeles, CA 90013 Telephone: (213) 269-6198		
6	Facsimile: (916) 731-2117 E-mail: latrice.hemphill@doj.ca.gov		
7	Attorneys for Complainant	*•.	
8	BEFOR PODIATRIC ME		
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
10			
11	In the Matter of the Accusation Against:	Case No. 500-2022-001362	
12	ROGER Y. TSUTSUMI, D.P.M. 7111 Magnolia Avenue, Suite 100	OAH No. 2025030767	
13	Riverside, CA 92504	STIPULATED SETTLEMENT AND DISCIPLINARY ORDER	
14	Doctor of Podiatric Medicine No. E 4188,	·	
15	Respondent.		
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17	-		
18	IT IS HEREBY STIPULATED AND AGR	EED by and between the parties to the above-	
19	entitled proceedings that the following matters are	e true:	
20	<u>PAR</u>	<u>ries</u>	
21	Brian Naslund (Complainant) is the E	xecutive 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 addre	ss is: 16855 W. Bernardo Dr., Suite 255, San	
27	Diego, CA 92127.		
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On or about December 30, 1998, the Board issued Doctor of Podiatric Medicine No. 3. 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** Accusation No. 500-2022-001362 was filed before the Board and is currently pending 4. 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. A copy of Accusation No. 500-2022-001362 is attached as Exhibit A and 5. incorporated herein by reference. ADVISEMENT AND WAIVERS Respondent has carefully read, discussed with counsel, and fully understands the 6.

- 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.
- Respondent is fully aware of his legal rights in this matter, including the right to a 7. 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.
- Respondent voluntarily, knowingly, and intelligently waives and gives up each and 8. every right set forth above.

## **CULPABILITY**

Respondent understands and agrees that the charges and allegations in Accusation 9. No. 500-2022-001362, if proven at a hearing, constitute cause for imposing discipline upon his Doctor of Podiatric Medicine License.

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- 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.

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

16. 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 Doctor of Podiatric Medicine License No. E 4188 issued to Respondent Roger Y. Tsutsumi, D.P.M. is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions:

- 1. <u>EDUCATION COURSE</u> Within 60 days of the effective date of this Decision, and on an annual basis thereafter, 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 40 hours per year, for each year of probation. The educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified or Board approved and limited to classroom, conference, or seminar settings. The educational program(s) or course(s) 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 40 hours were in satisfaction of this condition.
- 2. <u>MEDICAL RECORD KEEPING COURSE</u> 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. Failure to successfully complete the course during the first 6 months of probation is a violation of probation.

A medical record keeping course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have

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

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

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

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

- 4. <u>PHYSICIAN ASSISTANTS</u> Prior to receiving assistance from a physician assistant, Respondent must notify the supervising physician of the terms and conditions of his probation.
- 5. <u>OBEY ALL LAWS</u> Respondent shall obey all federal, state and local laws, all rules governing the practice of podiatric medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.
- 6. <u>QUARTERLY DECLARATIONS</u> Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation. Respondent shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.
- 7. PROBATION COMPLIANCE UNIT Respondent shall comply with the Board's probation unit. Respondent shall, at all times, keep the Board informed of Respondent's business and residence addresses. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an 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. <u>INTERVIEW WITH THE BOARD OR ITS DESIGNEE</u> 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. <u>RESIDING OR PRACTICING OUT-OF-STATE</u> 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

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

10. FAILURE TO PRACTICE PODIATRIC MEDICINE - CALIFORNIA RESIDENT
In the event the Respondent resides in the State of California and for any reason Respondent stops practicing podiatric medicine in California, Respondent shall notify the Board or its designee in writing within 30 calendar days prior to the dates of non-practice and return to practice. Any period of non-practice within California as defined in this condition will not apply to the reduction of the probationary term and does not relieve Respondent of the responsibility to comply with the terms and conditions of probation. Non-practice is defined as any period of time exceeding thirty 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 which has been approved by the Board or its designee shall be considered time spent in the practice of medicine. For purposes of this condition, non-practice due to a Board-ordered suspension or in compliance with any other condition of probation shall not be considered a period of non-practice.

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

- 11. <u>COMPLETION OF PROBATION</u> Respondent shall comply with all financial obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, respondent's certificate will be fully restored.
- 12. <u>VIOLATION OF PROBATION</u> If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, the period of probation shall be extended until the matter is final, and no petition for modification of penalty shall be considered while there is an accusation or petition to revoke

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probation pending against Respondent.

- COST RECOVERY Within 90 calendar days from the effective date of the Decision or other period agreed to by the Board or its designee, Respondent shall reimburse the Board the amount of \$19,657.50 for its investigative and prosecution costs. The filing of bankruptcy or period of non-practice by Respondent shall not relieve the Respondent of his obligation to reimburse the Board for its costs.
- 14. LICENSE SURRENDER Following the effective date of this Decision, if Respondent ceases practicing due to retirement or health reasons, or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request the voluntary surrender of Respondent's license. The Board reserves the right to evaluate the Respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its designee and Respondent shall no longer practice podiatric medicine. Respondent will no longer be subject to the terms and conditions of probation and the surrender of Respondent's license shall be deemed disciplinary action. If Respondent re-applies for a podiatric medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.
- PROBATION MONITORING COSTS Respondent shall pay the costs associated with probation monitoring each and every year of probation as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Board of Podiatric Medicine and delivered to the Board or its designee within 60 days after the start of the new fiscal year. Failure to pay costs within 30 calendar days of this date is a violation of probation.
- NOTICE TO EMPLOYEES Respondent shall, upon or before the effective date of 16. this Decision, post or circulate a notice which actually recites the offenses for which Respondent has been disciplined and the terms and conditions of probation to all employees involved in his practice. Within fifteen (15) days of the effective date of this Decision, Respondent shall cause his employees to report to the Board in writing, acknowledging the employees have read the Accusation and Decision in the case and understand Respondent's terms and conditions of

probation.

- 17. <u>CHANGES OF EMPLOYMENT</u> Respondent shall notify the Board in writing, through the assigned probation officer, of any and all changes of employment, location, and address within thirty (30) days of such change.
- 18. COMPLIANCE WITH REQUIRED CONTINUING MEDICAL EDUCATION

  Respondent shall submit satisfactory proof biennially to the Board of compliance with the requirement to complete fifty hours of approved continuing medical education and meet continuing competence requirements for re-licensure during each two (2) year renewal period.
- termination or modification of probation, or if an Accusation and/or Petition to Revoke Probation is filed against the Respondent before the 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 the Accusation No. 500-2022-001362 shall be deemed to be true, correct, and fully admitted by Respondent for the purpose of any Statement of Issues or any disciplinary proceeding seeking to deny, restrict, or revoke licensure or any petition proceeding seeking to reinstate licensure or modify probation.

#### **ACCEPTANCE**

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

DATED: 6/1/2025

ROGER Y. TSUTSUMI, D.P.M.

Respondent

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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		$\alpha/\nu$		
5	DATED: June 2, 2025			
6		KEITH GREER J  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	DATED.	Rob Bonta		
13		Attorney General of California JUDITH T. ALVARADO	. * · ·	
14		Supervising Deputy Attorney G	eneral	
15		THE SERVICE PROPERTY OF THE SERVICE	nga jakan	
16		LATRICE R. HEMPHILL Deputy Attorney General		
17		Attorneys for Complainant		
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STIPULATED SETTLEMENT DISCIPLINARY ORDER (500-2022-001362)

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 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: June 2, 2025 Respectfully submitted,				
12	ROB BONTA				
13	Attorney General of California  Judith T. Alvarado				
14	Supervising Deputy Attorney General				
15 16	S. nemphil				
17	LATRICE R. HEMPHILL  Deputy Attorney General  Attorneys for Complainant				
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# Exhibit A

Accusation No. 500-2022-001362

- 1			
1	ROB BONTA	·	
2	Attorney General of California JUDITH T. ALVARADO		
3	Supervising Deputy Attorney General LATRICE R. HEMPHILL		
	Deputy Attorney General	·	
4	State Bar No. 285973 300 So. Spring Street, Suite 1702		
5	Los Angeles, CA 90013 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 DEPARTMENT OF CONSUMER AFFAIRS		
10	STATE OF CA	· · · · · · · · · · · · · · · · · · ·	
11	In the Matter of the Accusation Against:	Case No. 500-2022-001362	
12	ROGER Y. TSUTSUMI, D.P.M. 7111 Magnolia Avenue, Suite 100	ACCUSATION	
13	Riverside, CA 92504		
14	Doctor of Podiatric Medicine No. E 4188,		
15	Respondent.		
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18	PART	•	
19	1. Brian Naslund (Complainant) brings this Accusation solely in his official capacity as		
20	the Executive Officer of the Podiatric Medical Boa	rd, 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.		
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	(ROGER Y. TSUT	SUMI, D.P.M.) ACCUSATION No. 500-2022-001362	

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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.

- (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.

# **FACTUAL ALLEGATIONS**

- 8. On or about December 11, 2018, Patient A, 1 a then sixty-three-year-old woman, presented to Respondent complaining of a painful bunion on her left foot. Patient A indicated that she previously tried conservative treatments, such as padding and over-the-counter inserts, but they only helped minimally. Patient A also complained of a painful toenail on her right big toe. Patient A specified that the toenail was discolored, disfigured, and painful. Patient A told Respondent that she wanted surgical correction of her bunion and the toenail removed.
- 9. Respondent examined Patient A and ordered x-rays. Respondent diagnosed Patient A with a tailor's bunion<sup>2</sup> on the left foot, onychocryptosis<sup>3</sup> and onychomycosis<sup>4</sup> of the right hallux (big toe), and an enlarged bone in the toe. Respondent planned to remove Patient A's toenail, with possible chemical destruction of the right big toe,
- 10. On or about January 28, 2019, Patient A again presented to Respondent complaining that she could no longer stand and walk due to the pain from the tailor's bunion. Respondent discussed conservative treatments with Patient A, but she reiterated her desire for surgical correction of the tailor's bunion. Patient A stated that she was not experiencing any toenail pain so the toenail removal procedure was deferred. Respondent again ordered x-rays of the foot and instructed Patient A to bring in a copy of the x-ray results to their next appointment.

<sup>&</sup>lt;sup>1</sup> The patient is identified as "Patient A" to protect her privacy.

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

the foot.

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.

<sup>&</sup>lt;sup>4</sup> 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.

- 11. On or about February 25, 2019, Patient A presented to Respondent complaining of pain from the tailor's bunion and a blister that recently popped on her left foot. Respondent examined Patient A's foot and noted the bunion and blister. Patient A brought the x-ray report to Respondent during this appointment but failed to bring the actual x-ray. Respondent instructed Patient A to use Neosporin cream and bandage the blister, and to bring the x-rays to her next appointment.
- 12. On or about March 11, 2019, Patient A returned to Respondent complaining about pain from the wound on her left foot and the bunion. Respondent examined the left foot and found a 2x2 centimeter (cm) ulcer on the fifth metatarsal. Respondent discussed wound care with Patient A and prescribed Silvadene cream.<sup>5</sup> Respondent recommended completion of the bunion compatition of the wound healed.
- 13. On or about April 8, 2019, Patient A presented to Respondent with the same complaints. During this visit, Respondent debrided the wound on Patient A's left foot and discussed conservative treatments with her.
- 14. On or about May 7, 2019, Patient A presented to Respondent. Respondent reviewed Patient A's x-rays and noted there were no signs of fractures, but he did note there were small bone spurs and an enlarged bone at the fifth metatarsal bone. During this visit, Patient A's bunion of the tailor's bunion was scheduled for September 6, 2019.
- 15. Patient A presented to Respondent additional times before the scheduled surgery. On or about September 6, 2019, Patient A presented to Respondent for a tailor bunion ectomy and removal of granuloma, 6 of the left foot. Respondent noted that Patient A tolerated the procedure well and without any complication.
- 16. On or about September 9, 2019, Patient A presented to Respondent for her first postoperative appointment. Respondent inspected the wound and reviewed x-rays of the foot. Respondent found that there were no signs of infection or inflammation, and no signs of fracture.

<sup>&</sup>lt;sup>5</sup> Silvadene cream is a topical antibiotic cream used to treat or prevent serious skin infections

<sup>&</sup>lt;sup>6</sup> A granuloma is a tiny cluster of white blood cells and other tissue that form in response to infections, inflammation, irritants, or foreign objects.

	17.	Patient A presented for additional follow-up appointments. I	During these visits, it was
found	l that	there was dehiscence of the wound at the surgical site. Antibio	otic cream was applied,
oral a	ntibi	otics were prescribed, and home health methods were discussed	d. Respondent evaluated
and n	nonito	pred the progress of the wound during each visit.	

- 18. A pathology report was found in Patient A's medical records. According to the pathology report, Quest Diagnostics received Patient A's specimen on or about September 7, 2019, seemingly following her bunionectomy. The pathology report was completed on September 12, 2019, and faxed to Respondent the same day. The report revealed a melanoma, invasive to 8 millimeters in depth, Clark Level IV. There was no indication that this pathology report was discussed with Respondent.
- 19. On or about November 9, 2019, Patient A was again seen for a postoperative follow-up appointment. Patient A indicated that her wound was improving and she was experiencing minimal to moderate pain. Respondent found that the wound was 0.1 x 0.1 cm without signs of infection. The wound was debrided, wound care was advised, and Patient A was discharged from Respondent's care.
- 20. Following her discharge from Respondent's care, Patient A had numerous visits to the emergency department and additional hospital stays to address numerous conditions and maladies.
- 21. On or about June 11, 2020, Patient A was admitted to UCI Health in Orange, California, due to pulmonary distress. After a full work-up, it was found that Patient A's lymph node in the left upper thigh area showed metastatic melanoma. Patient A was diagnosed with metastatic melanoma and underwent rounds of cancer treatment through July 2022.

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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.

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

# CAUSE FOR DISCIPLINE

(Gross Negligence)

- 22. Respondent is subject to disciplinary action under Code section 2234, subdivision (b), in that he was grossly negligent in his care and treatment of Patient A. The circumstances are as follows:
- 23. Complainant hereby re-alleges the facts set forth in paragraphs 8 through 21, above, as though fully set forth.
- 24. The standard of care when treating a tailor's bunion requires a practitioner to gather medical history, perform a physical examination, order appropriate imaging studies, obtain proper informed consent, perform the appropriate surgery, and administer follow-up treatment as required.
- 25. The standard of care when treating a wound excision after performing a biopsy requires a practitioner to follow up on the results of the biopsy, discuss the results with the patient, and provide the necessary treatment.
- 26. Respondent evaluated Patient A and provided the necessary preoperative care. He also performed the procedures properly. However, Respondent failed to properly review the pathology report and discuss with Patient A the melanoma diagnosis contained in the report. As a result, Respondent failed to refer Patient A for additional treatment. During his interview with the Board, Respondent acknowledged his oversight. Respondent's actions and inactions constitute an extreme departure from the standard of care.

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# PRAYER

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

- 1. Revoking or suspending Doctor of Podiatric Medicine Number E 4188, issued to Respondent Roger Y. Tsutsumi, D.P.M.;
- 2. Ordering Respondent Roger Y. Tsutsumi, D.P.M. to pay the Podiatric Medical Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2497.5 and if placed on probation, the costs of probation monitoring; and
  - 3. Taking such other and further action as deemed necessary and proper.

12 DATED:

JAN 23 2025

BRIAN NASLUND

Executive Officer Podiatric Medical Board

Department of Consumer Affairs

State of California

Complainant

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