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

In the Matter of the Accusation Against:	)	
	)	
	)	
THOMAS GRANT SHOCK, D.P.M.	)	MBC File #500-2015-000260
	)	
Doctor of Podiatric Medicine License	)	
No. E 3241	)	
	)	
Respondent.	)	

ORDER CORRECTING NUNC PRO TUNC
CLERICAL ERROR IN "EFFECTIVE DATE" PORTION OF DECISION

On its own motion, the Board of Podiatric Medicine (hereafter "board") finds that there is a clerical error in the "effective date" portion of the Decision in the above-entitled matter and that such clerical error should be corrected.

IT IS HEREBY ORDERED that the effective date contained on the Decision Order Page in the above-entitled matter be and hereby is amended and corrected nunc pro tunc as of the date of entry of the decision to read as "June 4, 2018".

Dated: December 7, 2017

BRIAN NASLUND
Executive Officer

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

In the Matter of the Accusation Against:	)	
THOMAS GRANT SHOCK, D.P.M.	)	**Case No. 500-2015-000260**
Doctor of Podiatric Medicine License No. E 3241	)	
Respondent	)	

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Board of Podiatric Medicine, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on December 11, 2017.

IT IS SO ORDERED December 4, 2017.

BOARD OF PODIATRIC MEDICINE

By: _____
BRIAN NASLUND
Executive Officer

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General
DEMOND L. PHILSON
Deputy Attorney General
State Bar No. 220220
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 210-7548
Facsimile: (916) 327-2247
Attorneys for Complainant

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

In the Matter of the Accusation Against: **THOMAS GRANT SHOCK, DPM** **1300 W. Lodi Ave., Suite W** **Lodi, CA 95240** **Podiatrist License No. E 3241** Respondent.	Case No. 500-2015-000260 OAH No. 2017020357 **STIPULATED SURRENDER OF LICENSE AND ORDER**

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

PARTIES

1. Brian Naslund (Complainant) is the Executive Officer of the Board of Podiatric Medicine (Board). He brought this action solely in his official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Demond L. Philson, Deputy Attorney General.

2. Thomas Grant Shock, DPM (Respondent) is represented in this proceeding by attorney Jeffrey M. Oberto, whose address is 10960 Wilshire Blvd. 18th Floor Los Angeles, CA 90024.

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3. On or about July 10, 1984, the Board issued Podiatrist License No. E 3241 to Thomas Grant Shock, DPM (Respondent). The Podiatrist License was in full force and effect at all times relevant to the charges brought in Accusation No. 500-2015-000260 and will expire on November 30, 2019, unless renewed.

JURISDICTION

4. Accusation No. 500-2015-000260 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 December 1, 2016. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 500-2015-000260 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 500-2015-000260. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. 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.

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 500-2015-000260, and agrees that cause exists for discipline and hereby surrenders his Podiatrist License No. E 3241 for the Board's formal acceptance.

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9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Podiatrist License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he 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 Surrender 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.

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

12. 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 Order:

ORDER

IT IS HEREBY ORDERED that Podiatrist License No. E 3241, issued to Respondent Thomas Grant Shock, DPM, is surrendered and accepted by the Board of Podiatric Medicine.

1. The surrender of Respondent's Podiatrist License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Podiatric Medicine.

2. Respondent shall lose all rights and privileges as a Podiatrist in California six (6) months after the Board's approval of the Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 500-2015-000260 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of $19,970.25 prior to issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 500-2015-000260 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

7. The Stipulated Surrender of License and Order shall go into effect six (6) months after approval by the Board.

8. In a prior disciplinary action entitled In the Matter of the Accusation Against Thomas Grant Shock, DPM, before the Board of Podiatric Medicine, in Case Number 1B-2012-226841 (OAH 2014050846) Respondent's license was revoked subject to a stay, and was placed on probation for three (3) years with certain terms and conditions. The probationary terms of that order shall remain in effect until the Stipulated Surrender of License and Order goes into effect.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Jeffrey M. Oberto. I understand the stipulation and the effect it will have on my Podiatrist License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Podiatric Medicine.

DATED: _____ _____
THOMAS GRANT SHOCK, DPM
Respondent

I have read and fully discussed with Respondent Thomas Grant Shock, DPM the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: _____ _____
JEFFREY M. OBERTO
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Podiatric Medicine of the Department of Consumer Affairs.

Dated: 11/8/17

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General

DEMOND L. PHILSON
Deputy Attorney General
Attorneys for Complainant

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Jeffrey M. Oberto. I understand the stipulation and the effect it will have on my Podiatrist License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Podiatric Medicine.

DATED: 11/8/17

THOMAS GRANT SHOCK, DPM
Respondent

I have read and fully discussed with Respondent Thomas Grant Shock, DPM the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 11/8/17

JEFFREY M. OBERTO
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Podiatric Medicine of the Department of Consumer Affairs.

Dated:

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General

DEMOND L. PHILSON
Deputy Attorney General
Attorneys for Complainant

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RECEIVED TIME NOV. 8. 10:19AM

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Dec. 1 20 16
BY R. Firdaus ANALYST

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

In the Matter of the Accusation Against: **THOMAS GRANT SHOCK, DPM** 1300 W. Lodi Ave., Suite W Lodi, CA 95240 Podiatrist License No. E 3241 Respondent.	Case No. 500-2015-000260 **ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about July 10, 1984, the Board of Podiatric Medicine issued Podiatrist License Number E 3241 to Thomas Grant Shock, DPM (Respondent). The Podiatrist License was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2017, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Podiatric Medicine (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions 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 2234 of the Code states in pertinent part:

"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) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a

single negligent act.

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

6. Section 2497 of the Code states:

"(a) The board may order the denial of an application for, or the suspension of, or the revocation of, or the imposition of probationary conditions upon, a certificate to practice podiatric medicine for any of the causes set forth in Article 12 (commencing with Section 2220) in accordance with Section 2222.

"(b) The board may hear all matters, including but not limited to, any contested case or may assign any such matters to an administrative law judge. The proceedings shall be held in accordance with Section 2230. If a contested case is heard by the board itself, the administrative law judge who presided at the hearing shall be present during the board's consideration of the case and shall assist and advise the board."

7. Section 2497.5 of the Code states:

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

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

"(c) When the payment directed in the board's order for payment of costs is not made by the licensee, the board may enforce the order for payment by bringing an action in any appropriate

court. This right of enforcement shall be in addition to any other rights the board may have as to any licensee directed to pay costs.

"(d) In any judicial action for the recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment."(e)(1) Except as provided in paragraph (2), the board shall not renew or reinstate the license of any licensee who has failed to pay all of the costs ordered under this section."(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license of any licensee who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within 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."

8. Section 2472 of the Code states:

"(a) The certificate to practice podiatric medicine authorizes the holder to practice podiatric medicine.

"(b) As used in this chapter, "podiatric medicine" means the diagnosis, medical, surgical, mechanical, manipulative, and electrical treatment of the human foot, including the ankle and tendons that insert into the foot and the nonsurgical treatment of the muscles and tendons of the leg governing the functions of the foot.

"(c) No podiatrist shall do any amputation or administer an anesthetic other than local. If an anesthetic other than local is required for any procedure, the anesthetic shall be administered by another health care practitioner licensed under this division, who is authorized to administer the required anesthetic within the scope of his or her practice.

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"(d) Surgical treatment of the ankle and tendons at the level of the ankle may be performed by a doctor of podiatric medicine who was certified by the board on an after January 1, 1984.

"(e) Surgical treatment by a podiatrist of the ankle and tendons at the level of the ankle shall be performed only in the following locations:

"(1) A licensed general acute care hospital, as defined in Section 1250 of the Health and Safety Code.

"(2) A licensed surgical clinic, as defined in Section 1204 of the Health and Safety Code, if the podiatrist has surgical privileges, including the privilege to perform surgery on the ankle, in a general acute care hospital described in subparagraph (1) and meets all the protocols of the surgical clinic.

"(3) An ambulatory surgical center that is certified to participate in the Medicare program under Title XVIII (42 U.S.C. Sec. 1395 et seq.) of the federal Social Security Act, if the podiatrist has surgical privileges, including the privilege to perform surgery on the ankle, in a general acute care hospital described in subparagraph (1) and meets all the protocols of the surgical center.

"(4) A freestanding physical plant housing outpatient services of a licensed general acute care hospital, as defined in Section 1250 of the Health and Safety Code, if the podiatrist has surgical privileges, including the privilege to perform surgery on the ankle, in a general acute care hospital described in paragraph (1). For purposes of this section, a "freestanding physical plant" means any building that is not physically attached to a building where inpatient services are provided.

"(f) The amendment of this section made at the 1983-84 Regular Session of the Legislature is intended to codify existing practice."

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being

renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

10. Respondent has subjected his Podiatrist License Number E 3241 to disciplinary action under sections 2227 and 2234, as defined in section 2234, subdivision (b), of the Code, in that he committed gross negligence in his care and treatment of patient K.S., as more particularly alleged hereinafter:

11. On or about April 17, 2014, patient K.S. saw Respondent for severe pain in both her right and left feet. She had been having pain for several months and had been taking ibuprofen with minimal relief. Patient K.S. had x-rays taken by Respondent which were not read at that time and she was diagnosed with acute plantar fasciitis/probable rupture. Respondent gave her bilateral triamcinolone injections[1] in her heels and dispensed BK immobilization boots with instructions to ice and stretch.

12. On or about May 20, 2014, patient K.S. returned to Respondent's office and told him that she could not use the boots and that the pain was returning after a few weeks. She again was diagnosed with acute plantar fascial tear. She was given a second set of bilateral triamcinolone injections in her heels. Patient K.S. was advised to stretch, ice, and massage her heels, and to apply night splints which were dispensed to her bilaterally. Surgery was discussed and suggested at this appointment due to her degree of pain and lack of response to treatment. Respondent's note indicated she was desperate for relief. The notes also indicate that she has been on several narcotics but is not clear as to what Respondent prescribed.

13. On or about May 21, 2014, patient K.S. was scheduled to have surgery for bilateral plantar fascial release on May 28, 2014.

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[1] Triamcinolone injection is a steroid. It prevents the release of substances in the body that cause inflammation. Triamcinolone injection is injected into the joint space to treat inflammation of the joints or tendons to treat arthritis, bursitis, or epicondylitis (tennis elbow).

14. On or about May 27, 2014, patient K.S. returned to Respondent's office with pain being greater in her left heal than on the right. She was again assessed as having acute episode/phase of plantar fasciitis right. Patient K.S. was casted for custom orthotics. Respondent reviewed the Plantar Fascial release procedure with patient K.S. Respondent told patient K.S. she will need aggressive night splint use. Respondent noted that patient K.S. was aware of potential complications and ordered patient K.S. to use crutches to ambulate.

15. On or about May 28, 2014, patient K.S. had a bilateral plantar fascial release procedure with a regional ankle block. Immediately following surgery patient K.S. reported having severe pain of 10/10 on a pain scale. Respondent had already left for vacation and his partner Dr. K.S. was called to come in and see patient K.S.. One hour later Dr. K.S. loosened patient K.S.'s bandages and provided patient K.S. with Toradol (20mg) and Demoral IV (40mg) which brought her pain level down to a 7/10 on a pain scale.

16. On or about June 5, 2014, patient K.S. was seen by Dr. K.S. He noted that patient K.S. was in distress due to pain from the use of BK CAM walking boots to keep her ankle at a 90 degree angle. Dr. K.S. gave her further narcotic pain medication.

17. On or about June 19, 2014, patient K.S. was seen by Respondent and complained of severe pain and numbness. Respondent noted that patient K.S.'s pain was in a "stocking manner" and that it could be from the tourniquets. Respondent was not concerned about the report of numbness as his assessment states there are no apparent complications. Respondent prescribed patient K.S. Tramadol for pain relief and advised patient K.S. to begin some activity.

18. On or about July 3, 2014, patient K.S returned to the office and was "cautiously walking" and complaining about gaining weight. Patient K.S. requested weight loss pills. Respondent's note indicates patient K.S. had considerable pain and "unfortunately, some numbness resolving". Respondent diagnosed slowly resolving bilateral plantar fasciitis. Respondent advised patient K.S. to use shoes, increase activity, engage in aggressive stretching, and prescribed Qsymia[2], a weight loss medication. There is an addendum dated July 25, 2014,

[2] Qsymia contains a combination of phentermine and topiramate in an extended-release capsule. Phentermine is an appetite suppressant similar to an amphetamine. Topiramate is a (continued...)

that noted a prescription of Sonata sleeping pills. The note also indicated patient K.S. was continuing to use a wheelchair since surgery.

19. On or about July 24, 2014, patient K.S. presented to Respondent with significant bilateral pain in her proximal arch and heel region. patient K.S. was given a corticosteroid injection bilaterally and was dispensed orthotics on this visit. Respondent's note indicates that patient K.S.'s neurovascular/derma/musculoskeletal status remained unchanged.

20. On or about August 7, 2014, patient K.S. again presented to Respondent's office. Respondent noted some relief from pain. The note also indicated there was no appreciative swelling or complications from surgery. Respondent assessed patient K.S. with guarded recovery in both her right and left heel. Respondent dispensed cushioned orthotics and prescribed physical therapy.

21. On or about October 16, 2014, patient K.S. was seen for a complaint of "life altering disability" due to her pain which was "no better". Her physical examination noted significant reactive discomfort pain in the proximal arch and heel bilaterally. She was diagnosed with unresponsive musculoskeletal pain. She was given corticosteroid injections bilaterally and was told that she should consider extracorporeal shock wave therapy and protein rich plasma injections in which an authorization in medical coverage was sought.

22. On or about October 19, 2014, Respondent prescribed patient K.S. for her pain. On or about December 1, 2014, Patient K.S. was prescribed more pain medicine. On January 12, 2015, Respondent documented an addendum note indicating patient K.S. has a lot of pain with last prescription given on December 12, 2014. The note also indicated that patient K.S. no longer had insurance.

23. On or about January 13, 2015, patient K.S. was seen as a cash patient and presented in a power wheelchair. Respondent's medical note indicates significant guarding to muscular testing with resistance. It also states that her neurovascular/derma/musculoskeletal status is

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(...continued)
seizure medication, also called an anticonvulsant. Qsymia is used together with diet and exercise to treat obesity.

unchanged. Respondent's note additionally stated patient K.S. has reactive allodynia in both her right and left foot. Respondent's diagnosed systemic inflammatory disease for which he prescribed Norco (10 mg) #20. However, patient K.S. actually received a dosage of 200 pills. Patient K.S. was referred to the University of California Davis Medical Center. On January 14, 2015, Respondent documented communication with patient K.S. that indicated Respondent wanted to send her to the University of California Davis Medical Center. This note indicated that patient K.S.'s best treatment mechanism may be to go to the emergency room at the University of California Davis Medical Center.

24. There is another addendum from Respondent's office on January 20, 2015, that indicated the University of California Davis Medical Center will not accept patient as they are too busy with their own patients. Patient K.S. was advised to go to the emergency room at University of California Davis Medical Center. Respondent's office manager also told patient K.S. that she could call around in her area to find her another doctor.

25. Respondent's care and treatment of patient K.S., as described above, constitutes gross negligence as follows:

A. Respondent failed to adequately document a pre-operative history, including the documentation of painful symptomatology;

B. Respondent failed to wait and assess the efficacy of conservative treatment options including corticosteroid injections and orthotic inserts prior to performing surgery;

C. Respondent failed to properly diagnose post-operative complications, and

D. Respondent performed a surgical procedure on patient K.S. based on convenience rather than performing a procedure that would facilitate the best possible outcome.

26. Respondent's care and treatment of patient K.S., as described above, constitutes gross negligence and is unprofessional conduct in violation of sections 2227, and 2234 (b) of the Code thereby providing cause for discipline to Respondent's license.

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SECOND CAUSE FOR DISCIPLINE

(Repeated Acts of Negligence)

27. Respondent has subjected his Podiatrist License Number E 3241 to disciplinary action under sections 2227 and 2234, as defined in section 2234, subdivision (c), of the Code, in that he committed repeated negligent acts in his care and treatment of patient K.S., as more particularly alleged hereinafter:

28. Paragraphs 11 through 25, above, are repeated here as if fully set forth.

29. Respondent committed repeated negligent acts in his care and treatment of patient K.S. which included, but was not limited to, the following:

A. Respondent prescribed long-term narcotics and sleep medication for pain without further investigation of the cause of pain;

B. Respondent failed to fully inform the patient regarding the procedure to be performed and possible complications. Respondent also departed from the standard of care by not documenting the possible alternatives and complications inherent to the procedures;

C. Respondent failed to maintain adequate and accurate medical records in his care and treatment of patient K.S. The medical records reviewed do not indicate the correct medications the patient was on at the time of each visit. The medical records are difficult to follow and the operative report does not accurately describe medical procedure performed.

30. Respondent's care and treatment of patient K.S., in any two or more instances as described above, constitutes repeated acts of negligence and is unprofessional conduct in violation of sections 2227 and 2234(c) of the Code and thereby provides cause for discipline to Respondent's license.

DISCIPLINE CONSIDERATIONS

31. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about January 13, 2016, in a prior disciplinary action entitled In the Matter of the Accusation Against Thomas Grant Shock, DPM before the Board of Podiatric Medicine, in Case Number 1B-2012-226841 (OAH 2014050846). Respondent's license was revoked subject to a stay, and was placed on probation for three (3) years with certain terms and

conditions for engaging in gross negligence and repeated negligent acts. That decision is now final and is incorporated by reference as if fully set forth.

PRAYER

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

1. Revoking or suspending Podiatrist License Number E 3241, issued to Thomas Grant Shock, DPM;

2. Ordering Thomas Grant Shock, DPM to pay the Board of Podiatric Medicine the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2497.5; and,

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

DATED: December 1, 2016

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

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