

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

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

Darrick William Proehl, D.P.M.

Podiatrist License No. E 5140

Respondent.

Case No. 500-2016-000317

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 OCT 26 2020.

IT IS SO ORDERED OCT 19 2020.

PODIATRIC MEDICAL BOARD



**Brian Naslund
Executive Officer**

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 ALICE W. WONG
Deputy Attorney General
4 State Bar No. 160141
455 Golden Gate Avenue, Suite 11000
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6 Facsimile: (415) 703-5480
Attorneys for Complainant
7

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

11 In the Matter of the First Amended Accusation
12 Against:

Case No. 500-2016-000317

13 **DARRICK WILLIAM PROEHL, DPM**

14 **555 W. Middlefield Road, #F311**
15 **Mountain View, CA 94043**

16
17 **Podiatrist License No. E 5140**

18 Respondent.

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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

22 **PARTIES**

23 1. Brian Naslund (Complainant) is the Executive Officer of the Podiatric Medical Board
24 (Board). He brought this action solely in his official capacity and is represented in this matter by
25 Xavier Becerra, Attorney General of the State of California, by Alice W. Wong, Deputy Attorney
26 General.

27 2. Darrick William Proehl, DPM (Respondent) is represented in this proceeding by
28 attorney Mark R. Gibson, whose address is: Bradley, Curley, Asiano, Barrabee, Abel &
Kowalski, P.C., 1100 Larkspur Landing Circle, Suite 200, Larkspur, CA 94939.

1 3. On or about May 27, 2014, the Board issued Podiatrist License No. E 5140 to Darrick
2 William Proehl, DPM (Respondent). The Podiatrist License was in full force and effect at all
3 times relevant to the charges brought in the First Amended Accusation No. 500-2016-000317 and
4 expired on March 31, 2020.

5 **JURISDICTION**

6 4. First Amended Accusation No. 500-2016-000317 was filed before the Board, and is
7 currently pending against Respondent. The First Amended Accusation and all other statutorily
8 required documents were properly served on Respondent. Respondent timely filed his Notice of
9 Defense. A copy of the First Amended Accusation No. 500-2016-000317 is attached as Exhibit
10 A and incorporated by reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in the First Amended Accusation No. 500-2016-000317. Respondent also
14 has carefully read, fully discussed with counsel, and understands the effects of this Stipulated
15 Surrender of License and Order.

16 6. Respondent is fully aware of his legal rights in this matter, including the right to a
17 hearing on the charges and allegations in the First Amended Accusation; the right to confront and
18 cross-examine the witnesses against him; the right to present evidence and to testify on his own
19 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
20 production of documents; the right to reconsideration and court review of an adverse decision;
21 and all other rights accorded by the California Administrative Procedure Act and other applicable
22 laws.

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

25 **CULPABILITY**

26 8. Respondent admits the truth of each and every charge and allegation in the First
27 Amended Accusation No. 500-2016-000317.

28

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

3 **CONTINGENCY**

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

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

16 12. In consideration of the foregoing admissions and stipulations, the parties agree that
17 the Board may, without further notice or formal proceeding, issue and enter the following Order:

18 **ORDER**

19 IT IS HEREBY ORDERED that Podiatrist License No. E 5140, issued to Respondent
20 Darrick William Proehl, DPM, is surrendered and accepted by the Board.

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

25 2. Respondent shall lose all rights and privileges as a Doctor of Podiatric Medicine in
26 California as of the effective date of the Board's Decision and Order.

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

1 4. If Respondent ever files an application for licensure or a petition for reinstatement in
2 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
3 comply with all the laws, regulations and procedures for reinstatement of a revoked or
4 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
5 contained in the First Amended Accusation No. 500-2016-000317 shall be deemed to be true,
6 correct and admitted by Respondent when the Board determines whether to grant or deny the
7 petition.

8 5. Respondent shall pay the agency its costs of investigation and enforcement in the
9 amount of \$16,489.25 prior to issuance of a new or reinstated license.

10 6. If Respondent should ever apply or reapply for a new license or certification, or
11 petition for reinstatement of a license, by any other health care licensing agency in the State of
12 California, all of the charges and allegations contained in the First Amended Accusation, No.
13 500-2016-000317 shall be deemed to be true, correct, and admitted by Respondent for the
14 purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

15 **ACCEPTANCE**

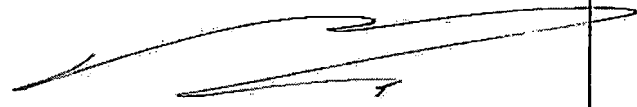
16 I have carefully read the above Stipulated Surrender of License and Order and have fully
17 discussed it with my attorney Mark R. Gibson. I understand the stipulation and the effect it will
18 have on my Podiatrist License. I enter into this Stipulated Surrender of License and Order
19 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
20 Podiatric Medical Board.

21
22 DATED: 9/7/20


23 DARRICK WILLIAM PROEHL, DPM
Respondent

24 I have read and fully discussed with Respondent Darrick William Proehl, DPM the terms
25 and conditions and other matters contained in this Stipulated Surrender of License and Order. I
26 approve its form and content.

27 DATED: 9-8-20


28 MARK R. GIBSON
Attorney for Respondent

ENDORSEMENT

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

DATED: September 8, 2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General

Alice W. Wong

ALICE W. WONG
Deputy Attorney General
Attorneys for Complainant

SF2018400021

Exhibit A

First Amended Accusation No. 500-2016-000317

1 XAVIER BECERRA
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2 MARY CAIN-SIMON
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7 *Attorneys for Complainant*

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

11 In the Matter of the First Amended Accusation
12 Against:

Case No. 500-2016-000317

OAH No. 2020060569

13 **DARRICK WILLIAM PROEHL, DPM**

FIRST AMENDED

14 **555 W. Middlefield Road, #F311**
15 **Mountain View, CA 94043**

ACCUSATION

16 **Podiatrist License No. E 5140**

17 Respondent.

18
19
20 Complainant alleges:

21 **PARTIES**

- 22 1. Brian Naslund (Complainant) brings this First Amended Accusation solely in his
23 official capacity as the Executive Officer of the Podiatric Medical Board of California.
- 24 2. On or about May 27, 2014, the Podiatric Medicine Board of California issued Doctor
25 of Podiatric Medicine Number E 5140 to Darrick William Proehl, DPM (Respondent). The
26 Podiatrist License is in delinquent status, having expired on March 31, 2020.
- 27
28

1
2 **JURISDICTION**

3 3. This First Amended Accusation is brought before the Podiatric Medical Board of
4 California (Board), Department of Consumer Affairs, under the authority of the following laws.
5 All section references are to the Business and Professions Code unless otherwise indicated.

6 4. Section 2222 of the Code states the Board shall enforce and administer this article as
7 to doctors of podiatric medicine. Any acts of unprofessional conduct or other violations
8 proscribed by this chapter are applicable to licensed doctors of podiatric medicine and wherever
9 the Medical Quality Hearing Panel established under Section 11371 of the Government Code is
10 vested with the authority to enforce and carry out this chapter as to licensed physicians and
11 surgeons, the Medical Quality Hearing Panel also possesses that same authority as to licensed
12 doctors of podiatric medicine.

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

20 5. Section 2497 of the Code states:

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

25 "(b) The board may hear all matters, including but not limited to, any contested case or may
26 assign any such matters to an administrative law judge. The proceedings shall be held in
27 accordance with Section 2230. If a contested case is heard by the board itself, the administrative
28

1 law judge who presided at the hearing shall be present during the board's consideration of the case
2 and shall assist and advise the board."

3 6. Section 2234 states in relevant part:

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

7 "... "

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

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

11 7. Section 822 of the Code states:

12 "If a licensing agency determines that its licentiate's ability to practice his or her profession
13 safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the
14 licensing agency may take action by any one of the following methods:

15 "(a) Revoking the licentiate's certificate or license.

16 "(b) Suspending the licentiate's right to practice.

17 "(c) Placing the licentiate on probation.

18 "(d) Taking such other action in relation to the licentiate as the licensing agency in its
19 discretion deems proper.

20 "The licensing section shall not reinstate a revoked or suspended certificate or license until
21 it has received competent evidence of the absence or control of the condition which caused its
22 action and until it is satisfied that with due regard for the public health and safety the person's
23 right to practice his or her profession may be safely reinstated."

24 8. Section 2236 of the Code states in pertinent part:

25 "(a) The conviction of any offense substantially related to the qualifications, functions, or
26 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this
27 chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction
28 occurred.

1 " (b) The district attorney, city attorney, or other prosecuting agency shall notify the
2 Division of Medical Quality of the pendency of an action against a licensee charging a felony or
3 misdemeanor immediately upon obtaining information that the defendant is a licensee. The notice
4 shall identify the licensee and describe the crimes charged and the facts alleged. The prosecuting
5 agency shall also notify the clerk of the court in which the action is pending that the defendant is
6 a licensee, and the clerk shall record prominently in the file that the defendant holds a license as a
7 physician and surgeon.

8 " "

9 " (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to
10 be a conviction within the meaning of this section and Section 2236.1. The record of conviction
11 shall be conclusive evidence of the fact that the conviction occurred."

12 COST RECOVERY

13 9. Section 2497.5 of the Code states:

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

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

22 " (c) When the payment directed in the board's order for payment of costs is not made by the
23 licensee, the board may enforce the order for payment by bringing an action in any appropriate
24 court. This right of enforcement shall be in addition to any other rights the board may have as to
25 any licensee directed to pay costs.

26 " (d) In any judicial action for the recovery of costs, proof of the board's decision shall be
27 conclusive proof of the validity of the order of payment and the terms for payment." (e)(1) Except
28 as provided in paragraph (2), the board shall not renew or reinstate the license of any licensee

1 who has failed to pay all of the costs ordered under this section."(2) Notwithstanding paragraph
2 (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year
3 the license of any licensee who demonstrates financial hardship and who enters into a formal
4 agreement with the board to reimburse the board within one year period for those unpaid costs.

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

8 **FIRST CAUSE FOR DISCIPLINE**

9 (Mental or Physical Impairment)

10 10. Respondent is subject to disciplinary action under section 822 in that Respondent is
11 mentally and/or physically impaired and such impairment impacts patient safety. The
12 circumstances are as follows:

13 11. Respondent underwent a psychiatric evaluation in August 2017, conducted by board
14 certified psychiatrist J.M.G., M.D. Dr. J.M.G. interviewed Respondent on July 24, 2017 and
15 August 7, 2017. Dr. J.M.G. opined that Respondent suffers from major depressive disorder and
16 unspecified anxiety disorder; however, Respondent's depression and anxiety appear to be well-
17 managed by his current psychiatric regime. Dr. J.M.G. also diagnosed Respondent with alcohol
18 use disorder based on several factors.

19 12. Respondent was arrested on two separate occasions for alcohol related crimes.
20 Respondent told Dr. J.M.G. that he was arrested for domestic violence in 2012 but that the charge
21 was reduced to disturbing the peace. Respondent explained the event to Dr. J.M.G. by stating that
22 he and his girlfriend, now wife, had been out drinking when she stumbled and police thought the
23 two were fighting. Respondent was also arrested for driving under the influence and two counts
24 of hit and run on December 27, 2015. Respondent told Dr. J.M.G. that he did not realize how
25 intoxicated he was and neither he nor his wife were aware that he hit two vehicles. According to
26 California Highway Patrol Reports, Respondent's breath alcohol test result was 0.18% and
27 0.17%. Respondent pled no contest to the charges on October 7, 2016. Respondent also informed
28 Dr. J.M.G. about an incident in 2016 where his wife called the police because she thought he was

1 suicidal. Respondent stated he was depressed and had been drinking but after being hospitalized
2 for a few days, doctors released him from Valley Medical Center.

3 13. Respondent also told Dr. J.M.G. that he attended The Camp, a substance abuse
4 treatment center, as an in-patient in April 2017 for 28 days; however, Respondent denied that he
5 was there for alcohol or substance abuse treatment and only to deal with his depression. Dr.
6 J.M.G. also noted that Respondent received a prescription for chlordiazepoxide while he was at
7 The Camp.¹

8 14. Dr. J.M.G. also administered psychological tests to Respondent that “suggest an
9 evaluation of his use of alcohol . . . his pattern is fairly often associated with episodes of serious if
10 not occasional uncontrolled chemical use.”

11 15. Dr. J.M.G.’s diagnosis is also based on his review of Respondent’s psychological
12 treatment records by two other providers. One of Respondent’s psychiatrists stated that
13 Respondent is a “borderline alcoholic” and made several recommendations that Respondent stop
14 drinking and seek treatment, but Respondent continued drinking.

15 16. Dr. J.M.G. also noted that, while he diagnosed Respondent’s alcohol use disorder as
16 mild, Respondent appeared to minimize his symptoms. Respondent was also vague as to use of
17 alcohol, the two alcohol-related arrests, and the alcohol related hospitalization, yet he was
18 completely clear about his mental health history.

19 17. Dr. J.M.G. opined that Respondent’s “Alcohol Use Disorder currently impacts his
20 ability to safely engage in the practice of medicine, as this illness had not been adequately
21 treated.” Additionally, Respondent’s Alcohol Use Disorder renders him unable to safely practice
22 medicine and poses a potential risk to the public health, safety, and welfare.

23 18. Respondent’s license is subject to discipline under section 822 of the Code in that,
24 due to a mental and/or physical illness, Respondent is unable, and/or impaired in his ability to
25 practice podiatric medicine with safety to the public.

26
27 ¹ Chlordiazepoxide is a benzodiazepine used to treat short term anxiety disorders. It is
28 also used to treat anxiety or withdrawal symptoms of alcoholism. It is classified as a dangerous
drug under section 4022.

1 **SECOND CAUSE FOR DISCIPLINE**

2 (Criminal Conviction: Driving Under the Influence)

3 19. Respondent is subject to disciplinary action for unprofessional conduct under sections
4 2234 and/or 2236 in that Respondent was convicted of a crime that is substantially related to the
5 practice of podiatric medicine. The circumstances are as follows:

6 20. On or about December 27, 2015, at approximately 1:40 p.m. California Highway
7 Patrol Officers were dispatched to reports of two different hit and run crashes that appeared to
8 involve the same black Toyota pickup truck. Officers located the black Toyota pickup truck at a
9 gas station with the driver and passenger still seated in the car. Officers identified the driver of
10 the black Toyota pickup as Respondent by his California driver's license. Respondent denied
11 being involved in any traffic collisions. The officer immediately noticed that Respondent's
12 speech was slow, thick, and slurred, and his eyes were glassy and watery. Upon stepping out of
13 the vehicle, the officer also noted that Respondent's balance was unsteady. The officer also
14 observed damage to Respondent's vehicle consistent with both hit and run reports.

15 21. Respondent told the officer that he had several beers the night before but had not had
16 anything to drink that day. The officer then administered several field sobriety tests, which
17 indicated to the officer that Respondent was driving under the influence of alcohol. The officer
18 arrested Respondent. The officer performed chemical breath tests on Respondent at
19 approximately 3:27 p.m. and 3:30 p.m. The results were 0.18% and 0.17% breath alcohol
20 concentration.

21 22. On or about May 18, 2016, the El Dorado County District Attorney's Office filed a
22 criminal complaint in the Superior Court, *People v. Darrick William Proehl*, Case No.
23 P16CRM0454. The complaint charged Respondent with driving under the influence in violation
24 of Vehicle Code section 23152(a) and (b), the special allegation of having a blood alcohol content
25 higher than 0.15%, and two counts of hit and run in violation of Vehicle Code section 20002(a).

26 23. On or about October 7, 2016, Respondent pled no contest to driving under the
27 influence with a blood alcohol higher than 0.08% and one count of hit and run. The remaining
28 charges were dismissed. The Court placed Respondent on probation for 48 months, ordered him

1 to complete the three-month driving under the influence class, serve 10 days in jail (alternative
2 custody approved), and standard first offense driving under the influence terms, conditions, and
3 fines.

4 **THIRD CAUSE FOR DISCIPLINE**

5 (Criminal Conviction: Providing False Identification to Peace Officer,
6 Vandalism, and Disturbing the Peace)

7 24. Respondent is subject to disciplinary action for unprofessional conduct under sections
8 2234 and/or 2236 in that Respondent was convicted of a crime that is substantially related to the
9 practice of podiatric medicine. The circumstances are as follows:

10 25. On or about April 8, 2017, at approximately 6:51 p.m. Mountain View police officers
11 were dispatched to Respondent's home on report of a disturbance between Respondent and his
12 spouse, who reported Respondent was "drunk and in a rage" and broke her cell phone during an
13 argument. When officers arrived on scene, Respondent had already left his home.

14 26. Officers located Respondent a short time later at a nearby apartment complex. When
15 officers made contact with Respondent, Respondent gave a fake name and fake address in an
16 attempt to avoid proper identification by investigating officers. When the officer confronted
17 Respondent with Respondent's own Department of Motor Vehicle photo, Respondent admitted
18 his true identity. The officer arrested Respondent.

19 27. On or about May 18, 2017, the Santa County District Attorney's Office filed a
20 criminal complaint in the Superior Court, *People v. Darrick William Proehl*, Case No. B1792140.
21 The complaint charged Respondent with battery, vandalism, and false identification to a peace
22 officer to evade proper identification, in violation of Penal Code sections 242, 594(a), and 148.9.

23 28. On or about January 29, 2018, on motion of the District Attorney, a fourth charge was
24 added to the criminal complaint, disturbing the peace, in violation of Penal Code section 415.
25 Respondent pled no contest to false identification to a peace officer to evade proper identification,
26 vandalism, and disturbing the peace, in violation of Penal Code sections 148.9, 594 (a), and 415.
27 The remaining charge of battery was dismissed. The Court placed Respondent on probation for
28

1 36 months, serve 30 days in jail, no alcohol condition, domestic violence class, and restricted
2 from use of a firearm, conditions, and fines.

3 PRAYER

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

6 1. Revoking or suspending Podiatrist License Number E 5140, issued to Darrick
7 William Proehl, DPM,

8 2. Ordering Darrick William Proehl, DPM to pay the Podiatric Medical Board of
9 California the reasonable costs of the investigation and enforcement of this case, pursuant to
10 Business and Professions Code section 2497.5; and,

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

12
13
14 DATED: **SEP 02 2020**



15 BRIAN NASLUND
16 Executive Officer
17 Board of Podiatric Medicine
18 State of California
19 *Complainant*

20 SF2018400021
21 First Amended Accusation.docx
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