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9
10 **BEFORE THE**
PODIATRIC MEDICAL BOARD
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
12

13 In the Matter of the Accusation Against:	Case No. 500-2018-000722
14 CHANDRA MAE PASAMONTE, D.P.M.	
15 1806 Foundation Lane	
15 Chico, CA 95928	ACCUSATION
16 Podiatrist License No. E-4327	
17 Respondent.	

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20 **PARTIES**

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

23 2. On or about March 29, 2001, the Podiatric Medical Board issued Podiatrist License
24 No. E-4327 to Chandra Mae Pasamonte, D.P.M. (Respondent). The Podiatrist License was in full
25 force and effect at all times relevant to the charges brought herein and will expire on March 31,
26 2023, unless renewed.

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1 **JURISDICTION**

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

5 4. Section 2222 of the Code states:

6 "The California Board of Podiatric Medicine shall enforce and administer this
7 article as to doctors of podiatric medicine. Any acts of unprofessional conduct or
8 other violations proscribed by this chapter are applicable to licensed doctors of
9 podiatric medicine and wherever the Medical Quality Hearing Panel established
10 under Section 11371 of the Government Code is vested with the authority to enforce
11 and carry out this chapter as to licensed doctors of podiatric medicine.

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

21 5. Section 2497 of the Code states:

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

26 "(b) The board may hear all matters, including but not limited to, any contested
27 case or may assign any such matters to an administrative law judge. The proceedings
28 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."

6. 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:

"...

"(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

1 separate and distinct departure from the applicable standard of care shall constitute
2 repeated negligent acts.

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

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

11 “... ”

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

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

16 “... ”

17 7. Unprofessional conduct under Business Code section 2234 is conduct which breaches
18 the rules or ethical code of the medical profession, or conduct which is unbecoming to a member
19 in good standing of the medical profession, and which demonstrates an unfitness to practice
20 medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 546, 575.)

21 8. Section 2266 of the Code states:

22 “The failure of a physician and surgeon to maintain adequate and accurate
23 records relating to the provision of services to their patients constitutes unprofessional
24 conduct.”

25 COST RECOVERY

26 9. Section 2497.5 of the Code states:

27 “(a) The board may request the administrative law judge, under his or her
28 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.

1 “(c) When the payment directed in the board’s order for payment of costs is not
2 made by the licensee, the board may enforce the order for payment by bringing an
3 action in any appropriate court. This right of enforcement shall be in addition to any
4 other rights the board may have as to any licensee directed to pay costs.”

5 “(d) In any judicial action for the recovery of costs, proof of the board’s
6 decision shall be conclusive proof of the validity of the order of payment and the
7 terms for payment.”

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

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

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

18 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
19 administrative law judge to direct a licensee found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
22 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
23 included in a stipulated settlement.

24 **FACTUAL ALLEGATIONS**

25 11. Respondent is a licensed podiatrist and was employed at the Chico Podiatry Group
26 located Chico, California. On or about March 16, 2015, Patient A¹ initially presented to
27 Respondent with a chief complaint of fungal toenails. During this initial office consultation,
28 Respondent did not conduct a thorough and complete initial history and physical examination of
Patient A; specifically, the lower extremity examination findings were not documented nor was a
review of systems or medications noted. Laser treatment was performed on both of Patient A’s
hallux nails without additional topical or oral treatment. According to the care summary provided
for this consultation, Patient A also complained of difficulty walking, primarily on the right side.

¹ To protect the privacy of the patient involved, the patient name has not been included in
this pleading. Respondent is aware of the identity of the patient referred herein.

1 However, there is no documentation of an evaluation of this problem in the medical record on this
2 day. Patient A was cast for functional orthotic devices on this visit.

3 12. On or about June 1, 2015, Patient A returned to Respondent for a follow-up office
4 examination at which time her orthotic devices were adjusted due to complaints of pain in the
5 right first metatarsal-phalangeal joint.

6 13. On or about July 6, 2015, Patient A returned to Respondent for an office examination
7 at which time Respondent referred Patient A to Coast Physical Therapy for physical therapy
8 evaluation and treatments to address her tendonitis. The referral form contained the names of
9 K.V. and E.W. circled with a hand-written notation "or Travis". At the time of the referral,
10 Respondent did not inform Patient A that physical therapist K.V., D.P.T., was her husband, nor
11 did the referral form state as much either.

12 14. On or about July 8, 2015, Patient A was initially seen and treated by K.V., D.P.T., at
13 Coast Physical Therapy. K.V., D.P.T., assessed and diagnosed Patient A with right peroneal soft
14 tissue dysfunction with probable peroneal nerve entrapment. The recommended course of
15 treatment was therapeutic exercise, neuromuscular re-education, manual therapy, e-stim
16 unattended interferential, and strapping physical therapy techniques.

17 15. On or about July 15, 2015 through February 23, 2017, Patient A was examined and
18 treated by Respondent's husband, K.V., D.P.T., on approximately twenty-six (26) different
19 occasions. There is no documentation in the records of Patient A that she was informed that K.V.,
20 D.P.T., was Respondent's husband at any of those visits.

21 16. On or about July 10, 2015 through November 28, 2016, Patient A was examined and
22 treated by Respondent on approximately eight (8) different occasions. There is no documentation
23 in the medical records of Patient A that Respondent informed Patient A that K.V., D.P.T., was
24 Respondent's husband at any of those office visits.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 17. Respondent has subjected her Podiatric License No. E-4327 to disciplinary action
4 under sections 2222, 2497, and 2234, subdivision (b), of the Code, in that Respondent committed
5 gross negligence in her care and treatment of Patient A. The circumstances are set forth in
6 Paragraphs 11 through 16, above, which are hereby incorporated by reference and re-alleged as if
7 fully set forth herein.

8 Additional circumstances are as follows:

9 18. Respondent committed gross negligence in her care and treatment of Patient A for her
10 acts and omissions, including but not limited to:

11 (a) failed to perform and document the lower extremity examination on the initial
12 visit history and physical examination;

13 (b) failed to appropriately document lower extremity findings that would support
14 Respondent's plan of care; and

15 (c) failed to follow ethical practice standards by referring Patient A to Respondent's
16 husband, K.V., D.P.T., without disclosing their relationship to Patient A.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Repeated Negligent Acts)**

19 19. Respondent has further subjected her Podiatric License No. E-4327 to disciplinary
20 action under sections 2227 and 2234, subdivision (c), of the Code, in that Respondent committed
21 repeated negligent acts in her care and treatment of Patient A, as more particularly alleged in
22 paragraphs 11 through 18, above, which are hereby incorporated by reference and re-alleged as if
23 fully set forth herein.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **(Failure to Maintain Adequate and Accurate Medical Records)**

26 20. Respondent has further subjected her Podiatric License No. E-4327 to disciplinary
27 action under section 2234, as defined by section 2266 of the Code, in that Respondent failed to
28 maintain adequate and accurate medical records for Patient A, as more particularly alleged in

1 paragraphs 11 through 18, above, which are hereby incorporated by reference and re-alleged as if
2 fully set forth herein.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(General Unprofessional Conduct)**


5 21. Respondent has further subjected her Podiatric License No. E-4327 to disciplinary
6 action under section 2234 of the Code, in that Respondent has engaged in conduct which breaches
7 the rules of ethical code of the medical profession, or conduct which is unbecoming to a member
8 in good standing of the medical profession, and which demonstrated an unfitness to practice
9 medicine, as more particularly alleged in paragraphs 11 through 18, above, which are hereby
10 incorporated by reference and re-alleged as if fully set forth herein.

11 **PRAYER**

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

- 14 1. Revoking or suspending Podiatrist's License Number E-4327, issued to Chandra Mae
15 Pasamonte, D.P.M.;
- 16 2. Ordering Chandra Mae Pasamonte, D.P.M. to pay the Podiatric Medical Board the
17 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
18 Professions Code section 2497.5; and,
- 19 3. Taking such other and further action as deemed necessary and proper.
- 20
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22 DATED: MAY 26 2021

23 
24 BRIAN NASLUND
25 Executive Officer
26 Podiatric Medical Board
27 Department of Consumer Affairs
28 State of California
Complainant

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