

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

In the Matter of the Accusation Against:

Taikeun Park, M.D.

Physician's and Surgeon's
Certificate No. C 51444

Respondent.

Case No. 800-2019-051730

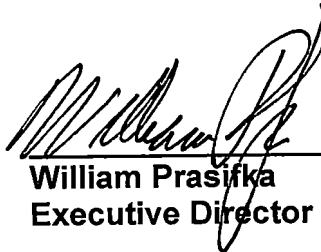
DECISION

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

This Decision shall become effective at 5:00 p.m. on May 31, 2022.

IT IS SO ORDERED May 24, 2022.

MEDICAL BOARD OF CALIFORNIA



William Prasifka
Executive Director

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 ROSEMARY F. LUZON
Deputy Attorney General
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8 *Attorneys for Complainant*

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

In the Matter of the Accusation Against:

TAIKEUN PARK, M.D.
13788 Torrey Del Mar Drive
San Diego, CA 92130

Physician's and Surgeon's Certificate
No. C 51444,

Respondent.

Case No. 800-2019-051730

**STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY 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. William Prasifka (Complainant) is the Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by Rosemary F. Luzon, Deputy Attorney General.

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1 CULPABILITY

2 9. Respondent does not contest that, at an administrative hearing, Complainant could
3 establish a *prima facie* case with respect to the charges and allegations in Accusation No. 800-
4 2019-051730, and Respondent hereby gives up his rights to contest those charges. Respondent
5 further agrees that he has thereby subjected his Physician's and Surgeon's Certificate No.
6 C 51444 to disciplinary action. Respondent hereby surrenders his Physician's and Surgeon's
7 Certificate No. C 51444 for the Board's formal acceptance.

8 10. Respondent agrees that his Physician's and Surgeon's Certificate No. C 51444 is
9 subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth
10 in the Disciplinary Order below.

11 11. Respondent further agrees that if he ever petitions for reinstatement of his Physician's
12 and Surgeon's Certificate No. C 51444, or if an accusation or petition to revoke probation is ever
13 filed against him before the Medical Board of California, all of the charges and allegations
14 contained in Accusation No. 800-2019-051730 shall be deemed true, correct, and fully admitted
15 by Respondent for purposes of any such proceeding or any other licensing proceeding involving
16 Respondent in the State of California or elsewhere.

17 12. Respondent understands that, by signing this stipulation, he enables the Executive
18 Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his
19 Physician's and Surgeon's Certificate No. C 51444 without further notice to, or opportunity to be
20 heard by, Respondent.

21 CONTINGENCY

22 13. This stipulation shall be subject to approval by the Medical Board of California.
23 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
24 Board may communicate directly with the Board regarding this stipulation and surrender, without
25 notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent
26 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation
27 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
28 as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or

1 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
2 and the Board shall not be disqualified from further action by having considered this matter.

3 14. This Stipulated Surrender of License and Disciplinary Order is intended by the parties
4 herein to be an integrated writing representing the complete, final, and exclusive embodiment of
5 the agreements of the parties in the above-entitled matter.

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

9 16. In consideration of the foregoing admissions and stipulations, the parties agree that
10 the Board may, without further notice or opportunity to be heard by the Respondent, issue and
11 enter the following Disciplinary Order:

12 **DISCIPLINARY ORDER**

13 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C 51444, issued
14 to Respondent Taikun Park, M.D., is surrendered and accepted by the Medical Board of
15 California.

16 1. The surrender of Respondent's Physician's and Surgeon's Certificate No. C 51444
17 and the acceptance of the surrendered license by the Medical Board shall constitute the
18 imposition of discipline against Respondent. This stipulation constitutes a record of the discipline
19 and shall become a part of Respondent's license history with the Medical Board of California.

20 2. Respondent shall lose all rights and privileges as a Physician and Surgeon in
21 California as of the effective date of the Medical Board's Decision and Order.

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

25 4. If Respondent ever files an application for licensure or a petition for reinstatement in
26 the State of California, the Medical Board shall treat it as a petition for reinstatement.
27 Respondent must comply with all the laws, regulations and procedures for reinstatement of a
28 revoked or surrendered license in effect at the time the petition is filed, and all of the charges and

1 allegations contained in Accusation No. 800-2019-051730 shall be deemed to be true, correct and
2 admitted by Respondent when the Board determines whether to grant or deny the petition.

3 5. Respondent shall pay the Medical Board a portion of its costs of investigation and
4 enforcement in this matter in the amount of \$6,806.25 (six thousand eight hundred six dollars and
5 twenty-five cents) prior to issuance of a new or reinstated license.

6 6. If Respondent should ever apply or reapply for a new license or certification, or
7 petition for reinstatement of a license, by any other health care licensing agency in the State of
8 California, all of the charges and allegations contained in Accusation No. 800-2019-051730 shall
9 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
10 Issues or any other proceeding seeking to deny or restrict licensure.

11 **ACCEPTANCE**

12 I have carefully read the above Stipulated Surrender of License and Disciplinary Order and
13 have fully discussed it with my attorney, David Rosenberg, Esq. I understand the stipulation and
14 the effect it will have on my Physician's and Surgeon's Certificate No. C 51444. I enter into this
15 Stipulated Surrender of License and Disciplinary Order voluntarily, knowingly, and intelligently,
16 and agree to be bound by the Decision and Order of the Medical Board of California.

17
18 DATED: 04/29/2022

Taikeun Park
19 TAIKEUN PARK, M.D.
20 Respondent

21 I have read and fully discussed with Respondent Taikeun Park, M.D., the terms and
22 conditions and other matters contained in this Stipulated Surrender of License and Disciplinary
23 Order. I approve its form and content.

24
25 DATED: 5/2/22

David Rosenberg
26 DAVID ROSENBERG, ESQ.
Attorney for Respondent

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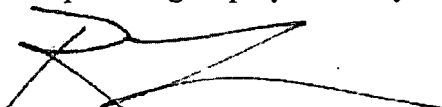
ENDORSEMENT

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

DATED: 5/3/22

Respectfully submitted,

ROB BONTA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General



ROSEMARY F. LUZON
Deputy Attorney General
Attorneys for Complainant

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83349930.docx

Exhibit A

Accusation No. 800-2019-051730

1 ROB BONTA
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2 ALEXANDRA M. ALVAREZ
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3 ROSEMARY F. LUZON
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8 *Attorneys for Complainant*

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In the Matter of the Accusation Against:
TAIKEUN PARK, M.D.
13788 Torrey Del Mar Drive
San Diego, CA 92130
Physician's and Surgeon's Certificate
No. C 51444,
Respondent.

Case No. 800-2019-051730

A C C U S A T I O N

PARTIES

1. William Prasifka (Complainant) brings this Accusation solely in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about December 12, 2003, the Board issued Physician's and Surgeon's Certificate No. C 51444 to Taikeun Park, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2023, unless renewed.

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JURISDICTION

1
2 3. This Accusation is brought before the Board, under the authority of the following
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise
4 indicated.

5 4. Section 2220 of the Code states:

6 Except as otherwise provided by law, the board may take action against all
7 persons guilty of violating this chapter. . .

8 5. Section 2227 of the Code states:

9 (a) A licensee whose matter has been heard by an administrative law judge of
10 the Medical Quality Hearing Panel as designated in Section 11371 of the Government
11 Code, or whose default has been entered, and who is found guilty, or who has entered
12 into a stipulation for disciplinary action with the board, may, in accordance with the
13 provisions of this chapter:

14 (1) Have his or her license revoked upon order of the board.

15 (2) Have his or her right to practice suspended for a period not to exceed one
16 year upon order of the board.

17 (3) Be placed on probation and be required to pay the costs of probation
18 monitoring upon order of the board.

19 (4) Be publicly reprimanded by the board. The public reprimand may include a
20 requirement that the licensee complete relevant educational courses approved by the
21 board.

22 (5) Have any other action taken in relation to discipline as part of an order of
23 probation, as the board or an administrative law judge may deem proper.

24 ...

25 6. Section 2234 of the Code states:

26 The board shall take action against any licensee who is charged with
27 unprofessional conduct. In addition to other provisions of this article, unprofessional
28 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
separate and distinct departure from the applicable standard of care shall constitute
repeated negligent acts.

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

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

9
10 7. Section 2266 of the Code states:

11 The failure of a physician and surgeon to maintain adequate and accurate
12 records relating to the provision of services to their patients constitutes unprofessional
13 conduct.

14 8. Unprofessional conduct under section 2234 of the Code is conduct which breaches
15 the rules or ethical code of the medical profession, or conduct which is unbecoming a member in
16 good standing of the medical profession, and which demonstrates an unfitness to practice
17 medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.)

18 COST RECOVERY

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

25 10. Section 125.3 of the Code states:

26 (a) Except as otherwise provided by law, in any order issued in resolution of a
27 disciplinary proceeding before any board within the department or before the
28 Osteopathic Medical Board, upon request of the entity bringing the proceeding, the
administrative law judge may direct a licensee 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.

(b) In the case of a disciplined licensee that is a corporation or a partnership, the
order may be made against the licensed corporate entity or licensed partnership.

(c) A certified copy of the actual costs, or a good faith estimate of costs where
actual costs are not available, signed by the entity bringing the proceeding or its

1 designated representative shall be prima facie evidence of reasonable costs of
2 investigation and prosecution of the case. The costs shall include the amount of
3 investigative and enforcement costs up to the date of the hearing, including, but not
4 limited to, charges imposed by the Attorney General.

5 (d) The administrative law judge shall make a proposed finding of the amount
6 of reasonable costs of investigation and prosecution of the case when requested
7 pursuant to subdivision (a). The finding of the administrative law judge with regard
8 to costs shall not be reviewable by the board to increase the cost award. The board
9 may reduce or eliminate the cost award, or remand to the administrative law judge if
10 the proposed decision fails to make a finding on costs requested pursuant to
11 subdivision (a).

12 (e) If an order for recovery of costs is made and timely payment is not made as
13 directed in the board's decision, the board may enforce the order for repayment in any
14 appropriate court. This right of enforcement shall be in addition to any other rights
15 the board may have as to any licensee to pay costs.

16 (f) In any action for recovery of costs, proof of the board's decision shall be
17 conclusive proof of the validity of the order of payment and the terms for payment.

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

21 (2) Notwithstanding paragraph (1), the board may, in its discretion,
22 conditionally renew or reinstate for a maximum of one year the license of any
23 licensee who demonstrates financial hardship and who enters into a formal agreement
24 with the board to reimburse the board within that one-year period for the unpaid
25 costs.

26 (h) All costs recovered under this section shall be considered a reimbursement
27 for costs incurred and shall be deposited in the fund of the board recovering the costs
28 to be available upon appropriation by the Legislature.

(i) Nothing in this section shall preclude a board from including the recovery of
the costs of investigation and enforcement of a case in any stipulated settlement.

(j) This section does not apply to any board if a specific statutory provision in
that board's licensing act provides for recovery of costs in an administrative
disciplinary proceeding.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Gross Negligence)

3 11. Respondent has subjected his Physician's and Surgeon's Certificate No. C 51444 to
4 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of
5 the Code, in that he committed gross negligence in his care and treatment of Patient A, as more
6 particularly alleged hereinafter:¹

7 12. Between in or about October 2018, and December 2018, Patient A was seen by
8 Respondent during four (4) visits.

9 13. On or about December 21, 2018, Patient A had her final visit with Respondent.
10 During this visit, Patient A presented for a follow-up regarding cold symptoms. Respondent
11 noted a history of body ache, cough, sneezing, runny nose, sore throat, and fever. He also noted
12 that Patient A's nephew had cold symptoms. Respondent documented a normal physical exam,
13 including a lung exam with "clear" findings. A rapid in-office test for Influenza A and B was
14 also performed, which was negative. Nevertheless, Respondent diagnosed Patient A with
15 "[i]nfluenza" in addition to major depression. Respondent prescribed amoxicillin² to Patient A,
16 as well as acetaminophen and dextromethorphan-guaifenesin (cough suppressant), as needed.

17 14. During this visit, Respondent conducted a cardiac exam on Patient A using a
18 stethoscope. Prior to performing the exam, Respondent failed to explain to Patient A that he
19 would be conducting a cardiac exam or the purpose for the exam. While conducting the cardiac
20 exam, Respondent lifted the left side of Patient A's bra above her left breast without explanation
21 or permission from Patient A to do so. Respondent's conduct resulted in him exposing and
22 touching Patient A's left breast and nipple during the course of the cardiac exam.

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27 ¹ References to "Patient A" herein are used to protect patient privacy.

28 ² Amoxicillin is an antibiotic used to treat bacterial infections.

1 pain. Moreover, despite diagnosing and treating Patient A for migraines, Respondent failed to
2 obtain or document any history or symptoms relating to Patient A's migraines and he failed to
3 perform or document a physical exam that included a neurologic exam or exam of the patient's
4 head. Likewise, Respondent prescribed an antibiotic (doxycycline) to Patient A without a history,
5 diagnosis, or physical exam suggestive of a bacterial infection. According to Respondent, he
6 prescribed doxycycline for use as a broad spectrum anti-viral agent, even though doxycycline is
7 an antibiotic used for treating bacterial infections. Lastly, Respondent failed to note the labs
8 performed for Patient A.

9 20. On or about October 19, 2018, Patient A saw Respondent for a follow-up visit
10 regarding her lock jaw. Respondent noted a history of stiff jaw and fever. Patient A reported
11 persistent stiffness in her jaw, but no headaches, fever, chills, or dysphagia. Respondent noted a
12 normal physical exam, but he failed to document any exam of Patient A's jaw. Respondent's
13 assessment was pain radiating to the jaw and he prescribed acetaminophen, baclofen, and Imitrex
14 as needed. Respondent also prescribed doxycycline to Patient A, however, the prescription
15 lacked a history, diagnosis, or physical exam finding indicating the need for an antibiotic.

16 21. On or about November 16, 2018, Patient A had another follow-up visit regarding her
17 stiff jaw. Respondent noted improvement with her jaw pain, but continuing jaw stiffness. He
18 also noted Patient A's complaints of feeling depressed and anxious due to financial hardship, no
19 dysphagia or blurry vision, and prior travel abroad. Respondent noted a normal physical exam,
20 with the exception that the patient was "teary." Respondent diagnosed Patient A with depression
21 and prescribed Lexapro⁶ to her. Despite diagnosing and treating Patient A for depression,
22 Respondent failed to obtain or document any history relating to Patient A's depression or past
23 psychiatric diagnoses. Respondent also failed to perform or document any assessment of suicidal
24 thoughts or plans.

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28 ⁶ Lexapro (escitalopram) is used to treat depression and anxiety.

1 22. Respondent committed gross negligence in his care and treatment of Patient A, which
2 included, but was not limited to the following:

3 A. During the October 12, 2018, visit, Respondent failed to document any
4 exam of Patient A's jaw and he failed to obtain or document any details relating to
5 her history of jaw stiffness and pain.

6 B. During the October 12, 2018, visit, despite diagnosing and treating
7 Patient A for migraines, Respondent failed to obtain or document any history or
8 symptoms relating to Patient A's migraines and he failed to perform or document a
9 physical exam that included a neurologic exam or exam of the patient's head.

10 C. During the October 12, 2018, visit, Respondent prescribed an antibiotic,
11 doxycycline, to Patient A without a history, diagnosis, or physical exam suggestive of
12 a bacterial infection.

13 D. During the October 12, 2018, visit, Respondent prescribed doxycycline to
14 Patient A for use as a broad spectrum anti-viral agent, even though doxycycline is an
15 antibiotic used for treating bacterial infections.

16 E. During the October 19, 2018, visit, Respondent again prescribed
17 doxycycline to Patient A without a history, diagnosis, or physical exam finding
18 indicating the need for an antibiotic.

19 F. During the November 16, 2018, visit, despite diagnosing and treating
20 Patient A for depression, Respondent failed to obtain or document any history
21 relating to Patient A's depression or past psychiatric diagnoses and he failed to
22 perform or document any assessment of suicidal thoughts or plans.

23 G. During the December 21, 2018, visit, Respondent diagnosed Patient A
24 with influenza despite a negative influenza test, and he prescribed amoxicillin to
25 Patient A despite the fact that amoxicillin is an antibiotic that is not indicated for the
26 treatment of viruses.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Repeated Negligent Acts)**

3 23. Respondent has subjected his Physician's and Surgeon's Certificate No. C 51444 to
4 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (c), of
5 the Code, in that he committed repeated negligence acts in his care and treatment of Patient A, as
6 more particularly alleged hereinafter:

7 24. Paragraphs 13 and 17 through 21, above, are hereby incorporated by reference and re-
8 alleged as if fully set forth herein.

9 25. Respondent committed repeated negligent acts in his care and treatment of
10 Patient A, which included, but were not limited to, the following:

11 A. During the October 12, 2018, visit, Respondent failed to document any
12 exam of Patient A's jaw and he failed to obtain or document any details relating to
13 her history of jaw stiffness and pain.

14 B. During the October 12, 2018, visit, despite diagnosing and treating
15 Patient A for migraines, Respondent failed to obtain or document any history or
16 symptoms relating to Patient A's migraines and he failed to perform or document a
17 physical exam that included a neurologic exam or exam of the patient's head.

18 C. During the October 12, 2018, visit, Respondent prescribed an antibiotic,
19 doxycycline, to Patient A without a history, diagnosis, or physical exam suggestive of
20 a bacterial infection.

21 D. During the October 12, 2018, visit, Respondent prescribed doxycycline to
22 Patient A for use as a broad spectrum anti-viral agent, even though doxycycline is an
23 antibiotic used for treating bacterial infections.

24 E. During the October 19, 2018, visit, Respondent again prescribed
25 doxycycline to Patient A without a history, diagnosis, or physical exam finding
26 indicating the need for an antibiotic.

27 F. During the November 16, 2018, visit, despite diagnosing and treating
28 Patient A for depression, Respondent failed to obtain or document any history

1 relating to Patient A's depression or past psychiatric diagnoses and he failed to
2 perform or document any assessment of suicidal thoughts or plans.

3 G. During the December 21, 2018, visit, Respondent diagnosed Patient A
4 with influenza despite a negative influenza test, and he prescribed amoxicillin to
5 Patient A despite the fact that amoxicillin is an antibiotic that is not indicated for the
6 treatment of viruses.

7 **FOURTH CAUSE FOR DISCIPLINE**

8 **(Failure to Maintain Adequate and Accurate Records)**

9 26. Respondent has subjected his Physician's and Surgeon's Certificate No. C 51444 to
10 disciplinary action under sections 2227 and 2234, as defined by section 2266, of the Code, in that
11 he failed to maintain adequate and accurate records regarding his care and treatment of Patient A,
12 as more particularly alleged in paragraphs 13 and 17 through 21, above, which are hereby
13 incorporated by reference and re-alleged as if fully set forth herein.

14 **FIFTH CAUSE FOR DISCIPLINE**

15 **(General Unprofessional Conduct)**

16 27. Respondent has subjected his Physician's and Surgeon's Certificate No. C 51444 to
17 disciplinary action under sections 2227 and 2234 of the Code, in that he has engaged in conduct
18 which breaches the rules or ethical code of the medical profession, or conduct which is
19 unbecoming to a member in good standing of the medical profession, and which demonstrates an
20 unfitness to practice medicine, as more particularly alleged in paragraphs 12 through 26, above,
21 which are hereby incorporated by reference and realleged as if fully set forth herein.

22 **PRAYER**

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

25 1. Revoking or suspending Physician's and Surgeon's Certificate No. C 51444, issued to
26 Respondent Taikeun Park, M.D.;

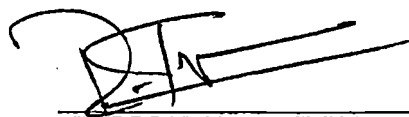
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2. Revoking, suspending or denying approval of Respondent Taikeun Park, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code, and advanced practice nurses;
3. Ordering Respondent Taikeun Park, M.D., to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: DEC 21 2021



Reji Varghese
Deputy Director

for: ~~WILLIAM PRASIFKA~~
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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