

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

In the Matter of the Accusation
against:

KI JOON CHOE, D.P.M.

Doctor of Podiatric Medicine
License No. E-4716

Respondent

File No: 500-2018-000673

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby accepted and adopted as the Decision and Order by the Podiatric Medical Board, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on OCT 28 2021

IT IS SO ORDERED SEP 28 2021

PODIATRIC MEDICAL BOARD



Judith Manzi, D.P.M., President

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 KEITH C. SHAW
Deputy Attorney General
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8 *Attorneys for Complainant*

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

14 In the Matter of the Accusation Against:

15 **KI JOON CHOE, D.P.M.**

16 **9 La Flora**
17 **Irvine, CA 92614**

18 **Podiatrist License No. E 4716**

19
20 Respondent.

Case No. 5002018000673

OAH No. 2020100971

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPRIMAND**

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

24 **PARTIES**

25 1. Brian Naslund (Complainant) is the Executive Officer of the Podiatric Medical Board
26 (Board). He brought this action solely in his official capacity and is represented in this matter by
27 Rob Bonta, Attorney General of the State of California, by Keith C. Shaw, Deputy Attorney
28 General.

2. Respondent Ki Joon Choe, D.P.M. (Respondent) is represented in this proceeding by attorney Bradley McGirr, Esq., whose address is: 2677 North Main Street, #901, Santa Ana, CA 92705.

3. On or about March 21, 2007, the Board issued Podiatrist License No. E 4716 to Respondent Ki Joon Choe, D.P.M. The Podiatrist License expired on August 31, 2018, and has not been renewed.

JURISDICTION

4. Accusation No. 5002018000673 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 August 28, 2020. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 5002018000673 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 5002018000673. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reprimand.

7. 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.

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

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1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 5002018000673, if proven at a hearing, constitute cause for imposing discipline upon his
4 Podiatrist License.

5 10. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent gives up his right to contest that, at a hearing, Complainant
7 could establish a *prima facie* case with respect to the charges and allegations contained in the
8 Accusation.

9 11. Respondent agrees that his Podiatrist License is subject to discipline and he agrees to
10 be bound by the Board's terms as set forth in the Disciplinary Order below.

11 CONTINGENCY

12 12. This stipulation shall be subject to approval by the Podiatric Medical Board.
13 Respondent understands and agrees that counsel for Complainant and the staff of the Podiatric
14 Medical Board may communicate directly with the Board regarding this stipulation and
15 settlement, without notice to or participation by Respondent or his counsel. By signing the
16 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
17 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
18 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
19 Order for Public Reprimand shall be of no force or effect, except for this paragraph, it shall be
20 inadmissible in any legal action between the parties, and the Board shall not be disqualified from
21 further action by having considered this matter.

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

25 14. In consideration of the foregoing admissions and stipulations, the parties agree that
26 the Board may, without further notice or formal proceeding, issue and enter the following
27 Disciplinary Order:
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1 **DISCIPLINARY ORDER**

2 **A. PUBLIC REPRIMAND**

3 IT IS HEREBY ORDERED that Podiatrist License No. E 4716 issued to Ki Joon Choe,
4 D.P.M., shall be and hereby is publicly reprimanded pursuant to California Business and
5 Professions Code section 2227, subdivision (a)(4). This public reprimand is issued in connection
6 with allegations that Respondent failed to properly maintain adequate and accurate records,
7 including informed consent, regarding his care and treatment of a patient, as set forth in
8 Accusation No. 5002018000673.

9 **B. MEDICAL RECORD KEEPING COURSE**

10 Within 60 calendar days of the effective date of this Decision, respondent shall enroll in a
11 course in medical record keeping, at Respondent's expense, approved in advance by the Board or
12 its designee.

13 A medical record keeping course taken after the acts that gave rise to the charges in the
14 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
15 or its designee, be accepted towards the fulfillment of this condition if the course would have
16 been approved by the Board or its designee had the course been taken after the effective date of
17 this Decision.

18 Respondent shall submit a certification of successful completion to the Board or its
19 designee not later than 15 calendar days after successfully completing the course, or not later than
20 15 calendar days after the effective date of the Decision, whichever is later.

21 **C. COST RECOVERY**

22 Within three (3) years from the effective date of the Decision or other period agreed to by
23 the Board or its designee, Respondent shall reimburse the Board in the amount of \$12,500.00 for
24 its investigative and prosecution costs. The filing of bankruptcy or period of non-practice by
25 respondent shall not relieve Respondent of his obligation to reimburse the Board for its costs.

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1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
3 Reprimand and have fully discussed it with my attorney, Bradley McGirr, Esq. I understand the
4 stipulation and the effect it will have on my Podiatrist License. I enter into this Stipulated
5 Settlement and Disciplinary Order for Public Reprimand voluntarily, knowingly, and
6 intelligently, and agree to be bound by the Decision and Order of the Podiatric Medical Board.

7 DATED: June 25, 2021

8 
9 KI JOON CHOE, D.P.M.
Respondent

10 I have read and fully discussed with Respondent Ki Joon Choe, D.P.M., the terms and
11 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order
12 for Public Reprimand. I approve its form and content.

13 DATED: 6/28/2021

14 
15 BRADLEY MCGIRR, ESQ.
Attorney for Respondent


16 ENDORSEMENT

17 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
18 submitted for consideration by the Podiatric Medical Board.

19 DATED: 6/28/21

20 Respectfully submitted,

21 ROB BONTA
22 Attorney General of California
23 ALEXANDRA M. ALVAREZ
24 Supervising Deputy Attorney General

25 
26 KEITH C. SHAW
27 Deputy Attorney General
28 Attorneys for Complainant

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Exhibit A

1 XAVIER BECERRA
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2 ALEXANDRA M. ALVAREZ
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3 KEITH C. SHAW
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10 **BEFORE THE**
11 **PODIATRIC MEDICAL BOARD**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. 500-2018-000673

15 **KI JOON CHOE, D.P.M.**

16 9 La Flora
Irvine, CA 92614

ACCUSATION

17 **Podiatrist License No. E 4716**

18 Respondent.
19

20
21 **PARTIES**

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

24 2. On or about March 21, 2007, the Podiatric Medical Board issued Podiatrist License
25 No. E 4716 to Ki Joon Choe, D.P.M. (Respondent). The Podiatrist License expired on August
26 31, 2018, and is presently in delinquent status as the license has not been renewed.

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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 (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 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

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

3 6. Section 2234 requires that the Board take action against any licensee charged with
4 unprofessional conduct, which includes, but is not limited to:

5 "...."

6 "(c) Repeated negligent acts.

7 "...."

8 7. Section 2266 of the Code provides that failure to maintain adequate and accurate
9 medical records pertaining to patient care provided by the licensee constitutes unprofessional
10 conduct.

11 COST RECOVERY

12 8. Section 2497.5 of the Code states:

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

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

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

25 "(d) In any judicial action for the recovery of costs, proof of the board's decision shall be
26 conclusive proof of the validity of the order of payment and the terms for payment.

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

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

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

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Repeated Negligent Acts)

9. Respondent is subject to disciplinary action under section 2234, subdivision (c), of the Code in that he was repeatedly negligent in his care and treatment of Patient A.¹ The circumstances are as follows:

10. Patient A, a then 58 year-old male, was first seen by Respondent on or about January 19, 2015, for treatment of an ulcer at the bottom of his right foot. Patient A presented with a longstanding history of chronic comorbidities, including diabetes mellitus, diabetic peripheral neuropathy,² gastrointestinal cancer, kidney transplant, and anticoagulant therapy (cardiac pacemaker). At the initial examination, Respondent noted a right second hammertoe³ with extension of the second metatarsal phalangeal joint and a pre-ulcer lesion at the right second metatarsal phalangeal joint. There was no documentation that either a vascular examination⁴ or neurological examination was performed at the initial visit, nor any of the numerous subsequent

¹ The patient listed in this document is unnamed to protect his privacy. Respondent knows the name of the patient and can confirm his identity through discovery.

² Diabetic peripheral neuropathy is nerve damage caused by chronically high blood sugar and diabetes that typically affects the hands and feet.

³ Hammertoe is an abnormal bend in the middle joint of a toe, often placing pressure on the toes while wearing shoes and becoming progressively worse over time.

⁴ Due to Patient A's chronic ulcer of the right foot, a vascular examination would have been appropriate to determine why he was not healing and ensure adequate blood flow improvement.

1 office visits prior to Patient A's right foot surgery on or about June 3, 2016.⁵ Many of the notes
2 do not include which medications the patient was presently taking, and include cut and paste
3 statements from previous notes that bear no relation to the current office visit.

4 11. On several office visits throughout 2015, Respondent discussed extensive right foot
5 surgery with Patient A for a painful sub-second metatarsal phalangeal joint that did not probe to
6 the bone. Respondent noted that the patient had a full thickness ulcer of the right second
7 metatarsal phalangeal joint of the right foot. It was noted that Respondent had recommended on
8 several occasions a nephrology⁶ and cardiology consultation, but neither was accomplished prior
9 to surgery.

10 12. On or about May 18, 2016, an extensive right forefoot reconstructive surgery was
11 planned for Patient A, which would include resection of the second metatarsal head, rotation skin
12 flap, and hammertoe second repair with arthrodesis.⁷ It was advised that Patient A should stop
13 Plavix and aspirin for seven days prior to surgery and should have cardiac clearance, EKG, chest
14 X-ray, and a stress test. Patient A obtained medical clearance for surgery from his primary care
15 physician on or about June 1, 2016, who noted that Patient A had poorly controlled diabetes;
16 however, Patient A was not referred to an internist to focus on better controlling the
17 hyperglycemia. There was no documentation that Respondent obtained and reviewed an X-ray.⁸
18 Similarly, there was no record that Respondent ordered an MRI of the right foot to define osseous
19 and soft tissue pathology. There was no record that Respondent discussed informed consent with
20 Patient A, including the nature and purpose for surgery, the risks and benefits of surgery, and

21 ⁵ Patient A had a total of 11 recorded office visits with Respondent between January 19,
22 2015, and May 18, 2016.

23 ⁶ Nephrology is a specialty of medicine focusing on the kidneys, specifically normal
24 kidney function and kidney disease. Patient A was taking a number of immunosuppressive drugs
for a prior kidney transplant.

25 ⁷ Arthrodesis is the surgical immobilization of a joint by fusion of the adjacent bones and
intended to relieve intractable pain.

26 ⁸ An X-ray should have been obtained when the pre-ulcer lesion had significantly
27 worsened, as noted in the office visit on or about July 10, 2015; an X-ray should have also been
28 read when the surgery was scheduled and at the post-operative visit on or about June 9, 2016.

1 alternatives to surgery and the risks to those alternatives. There was no consent form contained in
2 the patient's record.⁹

3 13. On or about June 3, 2016, Respondent performed right forefoot reconstructive
4 surgery on Patient A, including hammertoe repair of the second digit with K-wire, second
5 metatarsal head resection with rotational skin plasty, and excision of the ulceration. There is no
6 record that Patient A was prescribed antibiotics either before or just after surgery even though that
7 may have reduced the risk of infection and complications given Patient A was an
8 immunocompromised patient, had multiple comorbidities, as well as a non-healing ulcer. Several
9 days following surgery, Patient A developed fever and chills, as well as cellulitis.¹⁰ Patient A's
10 foot pain continued to worsen and he noticed discoloration extending from his foot to below his
11 knee.

12 14. On or about June 9, 2016, Patient A attended his scheduled post-operative visit with
13 Respondent. Respondent suspected cellulitis and prescribed Patient A an antibiotic with
14 instructions to go the emergency room the following day if there was no significant improvement.
15 Patient A was admitted to Cedars Sinai Hospital on or about June 10, 2016, with cellulitis and
16 suspected ischemia¹¹ of the second digit of the right foot. During the hospital stay, Patient A
17 underwent a number of incision and drainage procedures. However, internists and infectious
18 disease specialists who managed Patient A ultimately determined right foot second toe
19 amputation was necessary due to cellulitis and osteomyelitis,¹² and amputation was subsequently
20 performed.¹³ On or about June 30, 2016, Patient A was discharged from Cedars Sinai Hospital.

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22
23 ⁹ The surgery center obtained a consent form from Patient A only at the time of surgery;
24 instead, a consent form for an elective surgery should be obtained at the pre-operative visit so that
25 the patient has time to contemplate the surgery and plan accordingly.

26 ¹⁰ Cellulitis is a common and sometimes painful bacterial skin infection.

27 ¹¹ Ischemia is an inadequate blood supply to an organ or part of the body.

28 ¹² Osteomyelitis is an infection in a bone.

¹³ Respondent did not care for Patient A while at Cedars Sinai Hospital due to not having hospital privileges.

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

- (a) Respondent failed to provide informed consent;
- (b) Respondent failed to keep adequate and accurate records; and
- (c) Respondent failed to properly and comprehensively plan for Patient A's surgery to reduce the risk of infection and/or poor outcome, including preplanning the patient's comorbidities with his internist, and obtaining adequate lower extremity tests to include X-rays, MRI and vascular consultation.

SECOND CAUSE FOR DISCIPLINE

(Inadequate Medical Record Keeping)

16. Respondent is subject to disciplinary action under section 2266 of the Code in that Respondent failed to keep adequate and accurate medical records related to the care and treatment of Patient A as alleged in paragraphs 9 through 15, which are herein incorporated by reference.

PRAYER

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

1. Revoking or suspending Podiatrist License No. E 4716, issued to Ki Joon Choe, D.P.M.;
2. Ordering Ki Joon Choe, D.P.M., to pay the Podiatric Medical Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2497.5;
3. Ordering Ki Joon Choe, D.P.M., if placed on probation, to pay the Board the costs of probation monitoring; and

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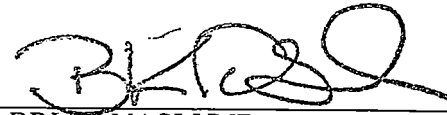
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4. Taking such other and further action as deemed necessary and proper.

DATED: AUG 28 2020



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

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