

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

In the Matter of the Accusation  
against:

SEONG MIN YOO, D.P.M.

Doctor of Podiatric Medicine  
License No. E 4519

Respondent

File No: 500-2018-000657

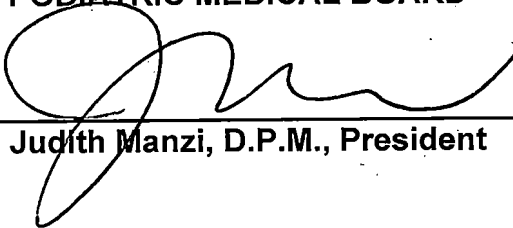
DECISION AND ORDER

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 DEC 23 2021

IT IS SO ORDERED NOV 23 2021

PODIATRIC MEDICAL BOARD



\_\_\_\_\_  
Judith Manzi, D.P.M., President

1 ROB BONTA  
2 Attorney General of California  
3 JUDITH T. ALVARADO  
4 Supervising Deputy Attorney General  
5 CHRISTINE R. FRIAR  
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7 State Bar No. 228421  
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13 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

14 **SEONG MIN YOO, D.P.M.**  
15 23043 Lyons Ave.  
16 Santa Clarita, CA 91321-2719  
17 **Podiatrist License No. E4519,**

18 Respondent.

Case No. 500-2018-000657

OAH No. 2021030715

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

21 **PARTIES**

22 1. Brian Naslund (Complainant) is the Executive Officer of the Podiatric Medical Board  
23 (Board). He brought this action solely in his official capacity and is represented in this matter by  
24 Rob Bonta, Attorney General of the State of California, by Christine R. Friar, Deputy Attorney  
25 General.

26 2. Respondent Seong Min Yoo, D.P.M. (Respondent) is represented in this proceeding  
27 by attorney Raymond J. McMahon, Doyle Schafer McMahon, LLP, 5440 Trabuco Road, Irvine,  
28 California 92620.



10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

11. Respondent agrees that if he ever petitions for early termination or modification of probation, or if an Accusation and/or Petition to Revoke Probation is filed against him before the Board, all of the charges and allegations contained in Accusation No. 500-2018-000657 shall be deemed true, correct and fully admitted by Respondent for purposes of any such proceeding or any other licensing proceeding involving Respondent in the State of California.

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

#### **CONTINGENCY**

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

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

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

**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Podiatrist License No. E4519 issued to Respondent Seong Min Yoo, D.P.M. is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions:

1. **CONTROLLED SUBSTANCES - MAINTAIN RECORDS AND ACCESS TO RECORDS AND INVENTORIES** Respondent shall maintain a record of all controlled substances ordered, prescribed, dispensed, administered or possessed by Respondent during probation showing all the following: 1) the name and address of the patient, 2) the date, 3) the character and quantity of controlled substances involved, and 4) the indications and diagnosis for which the controlled substance was furnished.

Respondent shall keep these records in a separate file or ledger in chronological order. All records and any inventories of controlled substances shall be available for immediate inspection and copying on the premises by the Board or its designee at all times during business hours and shall be retained for the entire term of probation.

Failure to maintain all records, to provide immediate access to the inventory, or to make all records available for immediate inspection and copying on the premises is a violation of probation.

2. **EDUCATION COURSE** Within 60 days of the effective date of this Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee for its prior approval educational program(s) or course(s) which shall not be less than 40 hours per year, for each year of probation. The educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified or Board approved and limited to classroom, conference, or seminar settings. The educational program(s) or course(s) shall be at the Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements, which must be scientific in nature, for renewal of licensure. Following the completion of each course, the Board or its designee may administer an examination to test Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65 hours of CME of which 40 hours were in satisfaction of this condition.

3. PREScribing PRACTICES COURSE Within 60 days of the effective date of this Decision, Respondent shall enroll in a course in prescribing practices, at Respondent's expense, approved in advance by the Board or its designee. Failure to successfully complete the course during the first 6 months of probation is a violation of probation.

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

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

4. MEDICAL RECORD KEEPING COURSE Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in medical record keeping, at Respondent's expense, approved in advance by the Board or its designee. Failure to successfully complete the course during the first 6 months of probation is a violation of probation.

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

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

5. ETHICS COURSE Within 60 days of the effective date of this Decision, Respondent shall enroll in a course in ethics, at Respondent's expense, approved in advance by the Board or its designee. Failure to successfully complete the course during the first year is a violation of probation.

1 An ethics course taken after the acts that gave rise to the charges in the Accusation, but  
2 prior to the effective date of the Decision may, in the sole discretion of the Board or its designee,  
3 be accepted towards the fulfillment of this condition if the course would have been approved by  
4 the Board or its designee had the course been taken after the effective date of this Decision.

5 Respondent shall submit a certification of successful completion to the Board or its  
6 designee not later than 15 calendar days after the effective date of the Decision.

7 6. MONITORING – PRACTICE Within thirty (30) calendar days of the effective date of  
8 this Decision, Respondent's practice shall be monitored by a Board-approved monitor. Respondent  
9 shall pay all monitoring costs.

10 The Board shall immediately, within the exercise of reasonable discretion, appoint a doctor  
11 of podiatric medicine from its panel of medical consultants or panel of expert reviewers as the  
12 monitor. The monitor shall have no financial, business, personal, or familial relationship with  
13 Respondent within the last five (5) years, or other relationship that could reasonably be expected  
14 to compromise the ability of the monitor to render fair and unbiased reports to the Board, shall be  
15 in Respondent's field of practice, and must agree to serve as Respondent's monitor. If it is  
16 impractical for anyone but Respondent's employer to serve as the worksite monitor, this  
17 requirement maybe waived by the Board; however, under no circumstances shall Respondent's  
18 worksite monitor be an employee of Respondent.

19 The monitor shall provide quarterly reports to the Board or its designee that includes an  
20 evaluation of Respondent's performance, indicating whether Respondent's practices are within  
21 the standards of practice of podiatric medicine or billing, or both, and whether Respondent is  
22 practicing podiatric medicine safely, billing appropriately, or both. It shall be the sole  
23 responsibility of Respondent to ensure that the monitor submits the quarterly written reports to  
24 the Board or its designee within ten (10) calendar days after the end of the preceding quarter.

25 The Board or its designee shall determine the frequency and practice areas to be  
26 monitored. Such monitoring shall be required during the entire period of probation.

27 The Board or its designee shall provide the approved monitor with copies of the  
28 Decision(s), Accusation(s), Statement of Issues, or Stipulated Settlement, and a proposed

1 monitoring plan. Within fifteen (15) calendar days of receipt of these documents, the monitor  
2 shall submit a signed statement that the monitor has read the Decision(s) and Accusation(s),  
3 Statement of Issues, or Stipulated Settlement, fully understands the role of a monitor, and agrees  
4 or disagrees with the proposed monitoring plan. If the monitor disagrees with the proposed  
5 monitoring plan, the monitor shall submit a revised monitoring plan with the signed statement for  
6 approval by the Board or its designee.

7 If the monitor resigns or is no longer available, Respondent shall immediately notify the  
8 Board or its designee of the termination. The Board or its designee shall appoint a new monitor as  
9 soon as feasible. Respondent shall not practice at any time during the probation until Respondent  
10 provides a copy of the contract with the current monitor to the probation monitor and such  
11 contract is approved by the Board.

12 Failure to maintain all records, or to make all appropriate records available for immediate  
13 inspection and copying on the premises, or to comply with this condition as outlined above is a  
14 violation of probation.

15 In lieu of a monitor, Respondent may participate in the professional enhancement program  
16 approved in advance by the Board or its designee, that includes, at a minimum, quarterly chart  
17 review, semi-annual practice assessment, and semi-annual review of professional growth and  
18 education. Respondent shall participate in the professional enhancement program at  
19 Respondent's expense during the term of probation.

20 7. PROHIBITED PRACTICE During probation, Respondent is prohibited from  
21 prescribing any medication to treat or address weight loss, but can recommend weight loss  
22 strategies and treatments consistent with his practice as a podiatrist. Further, Respondent is  
23 prohibited from treating any psychiatric conditions and is prohibited from prescribing any  
24 medications for the treatment of any psychiatric disorders. After the effective date of this  
25 Decision, the first time that a patient seeking the prohibited services makes an appointment,  
26 Respondent shall orally notify the patient that Respondent does not utilize medications to treat or  
27 address weight loss, does not treat any psychiatric conditions, and does not prescribe any  
28 medications for the treatment of any psychiatric disorders. Respondent shall maintain a log of all



patients to whom the required oral notification was made. The log shall contain the: 1) patient's name, address, and phone number; 2) patient's medical record number, if available; 3) the full name of the person making the notification; 4) the date the notification was made; and 5) a description of the notification given. Respondent shall keep this log in a separate file or ledger, in chronological order, shall make the log available for immediate inspection and copying on the premises at all times during business hours by the Board or its designee, and shall retain the log for the entire term of probation. Failure to maintain a log as defined in the section, or to make the log available for immediate inspection and copying on the premises during business hours is a violation of probation.

In addition to the required oral notification, after the effective date of this Decision, the first time that a patient who seeks the prohibited services presents to Respondent, Respondent shall provide a written notification to the patient stating that Respondent does not utilize medications to treat or address weight loss, does not treat any psychiatric conditions, and does not prescribe any medications for the treatment of any psychiatric disorders. Respondent shall maintain a copy of the written notification in the patient's file, shall make the notification available for immediate inspection and copying on the premises at all times during business hours by the Board or its designee, and shall retain the notification for the entire term of probation. Failure to maintain the written notification as defined in the section, or to make the notification available for immediate inspection and copying on the premises during business hours is a violation of probation.

8. PATIENT DISCLOSURE Before a patient's first visit following the effective date of this order and while the Respondent is on probation, the Respondent must provide all patients, or patient's guardian or health care surrogate, with a separate disclosure that includes the Respondent's probation status, the length of the probation, the probation end date, all practice restrictions placed on the Respondent by the board, the board's telephone number, and an explanation of how the patient can find further information on the Respondent's probation on the Respondent's profile page on the board's website. Respondent shall obtain from the patient, or the patient's guardian or health care surrogate, a separate, signed copy of that disclosure. Respondent shall not be required to provide a disclosure if any of the following applies: (1) The

1 patient is unconscious or otherwise unable to comprehend the disclosure and sign the copy of the  
2 disclosure and a guardian or health care surrogate is unavailable to comprehend the disclosure  
3 and sign the copy; (2) The visit occurs in an emergency room or an urgent care facility or the visit  
4 is unscheduled, including consultations in inpatient facilities; (3) Respondent is not known to the  
5 patient until immediately prior to the start of the visit; (4) Respondent does not have a direct  
6 treatment relationship with the patient.

7 9. NOTIFICATION Prior to engaging in the practice of medicine, the Respondent shall  
8 provide a true copy of the Decision(s) and Accusation(s) to the Chief of Staff or the Chief  
9 Executive Officer at every hospital where privileges or membership are extended to Respondent,  
10 at any other facility where Respondent engages in the practice of podiatric medicine, including all  
11 physician and locum tenens registries or other similar agencies, and to the Chief Executive  
12 Officer at every insurance carrier which extends malpractice insurance coverage to Respondent.  
13 Respondent shall submit proof of compliance to the Division or its designee within 15 calendar  
14 days.

15 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

16 10. PHYSICIAN ASSISTANTS Prior to receiving assistance from a physician assistant,  
17 Respondent must notify the supervising physician of the terms and conditions of his/her  
18 probation.

19 11. OBEY ALL LAWS Respondent shall obey all federal, state and local laws, all rules  
20 governing the practice of podiatric medicine in California and remain in full compliance with any  
21 court ordered criminal probation, payments, and other orders.

22 12. QUARTERLY DECLARATIONS Respondent shall submit quarterly declarations  
23 under penalty of perjury on forms provided by the Board, stating whether there has been  
24 compliance with all the conditions of probation. Respondent shall submit quarterly declarations  
25 not later than 10 calendar days after the end of the preceding quarter.

26 13. PROBATION COMPLIANCE UNIT Respondent shall comply with the Board's  
27 probation unit. Respondent shall, at all times, keep the Board informed of Respondent's business  
28 and residence addresses. Changes of such addresses shall be immediately communicated in writing to

1 writing to the Board or its designee. Under no circumstances shall a post office box serve as an  
2 address of record, except as allowed by Business and Professions Code section 2021(b).

3 Respondent shall not engage in the practice of podiatric medicine in Respondent's place of  
4 residence. Respondent shall maintain a current and renewed California doctor of podiatric  
5 medicine's license.

6 Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
7 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than 30  
8 calendar days.

9 14. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent shall be  
10 available in person for interviews either at Respondent's place of business or at the probation unit  
11 office with the Board or its designee, upon request, at various intervals and either with or without  
12 notice throughout the term of probation.

13 15. RESIDING OR PRACTICING OUT-OF-STATE In the event Respondent should  
14 leave the State of California to reside or to practice, Respondent shall notify the Board or its  
15 designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is  
16 defined as any period of time exceeding 30 calendar days in which Respondent is not engaging in  
17 any activities defined in section 2472 of the Business and Professions Code.

18 All time spent in an intensive training program outside the State of California which has  
19 been approved by the Board or its designee shall be considered as time spent in the practice of  
20 medicine within the State. A Board-ordered suspension of practice shall not be considered as a  
21 period of non-practice. Periods of temporary or permanent residence or practice outside  
22 California will not apply to the reduction of the probationary term. Periods of temporary or  
23 permanent residence or practice outside California will relieve Respondent of the responsibility to  
24 comply with the probationary terms and conditions, with the exception of this condition, and the  
25 following terms and conditions of probation: Obey All Law; Probation Unit Compliance; and  
26 Cost Recovery.

27 Respondent's license shall be automatically cancelled if Respondent's periods of temporary  
28 or permanent residence or practice outside California totals two years. However, Respondent's

1 license shall not be cancelled as long as Respondent is residing and practicing podiatric medicine  
2 in another state of the United States and is on active probation with the medical licensing  
3 authority of that state, in which case the two year period shall begin on the date probation is  
4 completed or terminated in that state. without

5 16. FAILURE TO PRACTICE PODIATRIC MEDICINE - CALIFORNIA RESIDENT

6 In the event the Respondent resides in the State of California and for any reason Respondent stops  
7 practicing podiatric medicine in California, Respondent shall notify the Board or its designee in  
8 writing within 30 calendar days prior to the dates of non-practice and return to practice. Any  
9 period of non-practice within California as defined in this condition will not apply to the  
10 reduction of the probationary term and does not relieve Respondent of the responsibility to  
11 comply with the terms and conditions of probation. Non-practice is defined as any period of time  
12 exceeding thirty calendar days in which Respondent is not engaging in any activities defined in  
13 section 2472 of the Business and Professions Code.

14 All time spent in an intensive training program which has been approved by the Board or its  
15 designee shall be considered time spent in the practice of medicine. For purposes of this  
16 condition, non-practice due to a Board-ordered suspension or in compliance with any other  
17 condition of probation shall not be considered a period of non-practice. without

18 Respondent's license shall be automatically cancelled if Respondent resides in California  
19 and for a total of two years, fails to engage in California in any of the activities described in  
20 Business and Professions Code section 2472.

21 17. COMPLETION OF PROBATION Respondent shall comply with all financial  
22 obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar days prior  
23 to the completion of probation. Upon successful completion of probation, Respondent's  
24 certificate will be fully restored.

25 18. VIOLATION OF PROBATION If Respondent violates probation in any respect, the  
26 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and  
27 carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is  
28 filed against Respondent during probation, the Board shall have continuing jurisdiction until the

1 matter is final, the period of probation shall be extended until the matter is final, and no petition  
2 for modification of penalty shall be considered while there is an accusation or petition to revoke  
3 probation pending against Respondent.

4 19. COST RECOVERY Within 90 calendar days from the effective date of the Decision  
5 or other period agreed to by the Board or its designee, Respondent shall reimburse the Board the  
6 amount of \$20,000.00 for its investigative and prosecution costs. The filing of bankruptcy or  
7 period of non-practice by Respondent shall not relieve the Respondent of his/her obligation to  
8 reimburse the Board for its costs.

9 20. LICENSE SURRENDER Following the effective date of this Decision, if  
10 Respondent ceases practicing due to retirement or health reasons, or is otherwise unable to satisfy  
11 the terms and conditions of probation, Respondent may request the voluntary surrender of  
12 Respondent's license. The Board reserves the right to evaluate the Respondent's request and to  
13 exercise its discretion whether to grant the request or to take any other action deemed appropriate  
14 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
15 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its  
16 designee and Respondent shall no longer practice podiatric medicine. Respondent will no longer  
17 be subject to the terms and conditions of probation and the surrender of Respondent's license  
18 shall be deemed disciplinary action. If Respondent re-applies for a podiatric medical license, the  
19 application shall be treated as a petition for reinstatement of a revoked certificate.

20 21. PROBATION MONITORING COSTS Respondent shall pay the costs associated  
21 with probation monitoring each and every year of probation as designated by the Board, which  
22 may be adjusted on an annual basis. Such costs shall be payable to the Board of Podiatric  
23 Medicine and delivered to the Board or its designee within 60 days after the start of the new fiscal  
24 year. Failure to pay costs within 30 calendar days of this date is a violation of probation.

25 22. NOTICE TO EMPLOYEES Respondent shall, upon or before the effective date of  
26 this Decision, post or circulate a notice which actually recites the offenses for which Respondent  
27 has been disciplined and the terms and conditions of probation to all employees involved in  
28 his/her practice. Within fifteen (15) days of the effective date of this Decision, Respondent shall

cause his/her employees to report to the Board in writing, acknowledging the employees have read the Accusation and Decision in the case and understand Respondent's terms and conditions of probation.

23. CHANGES OF EMPLOYMENT Respondent shall notify the Board in writing, through the assigned probation officer, of any and all changes of employment, location, and address within thirty (30) days of such change.

24. COMPLIANCE WITH REQUIRED CONTINUING MEDICAL EDUCATION Respondent shall submit satisfactory proof biennially to the Board of compliance with the requirement to complete fifty hours of approved continuing medical education, and meet continuing competence requirements for re-licensure during each two (2) year renewal period.

ACCEPTANCE


I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Raymond J. McMahon. I understand the stipulation and the effect it will have on my Podiatrist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Podiatric Medical Board.

DATED: 9/22/2021

  
SEONG MIN YOO, D.P.M.  
Respondent

I have read and fully discussed with Respondent Seong Min Yoo, D.P.M. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: September 23, 2021

  
RAYMOND J. MCMAHON, ESQ.  
Attorney for Respondent

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DATED: September 23, 2021

ROB BONTA  
Attorney General of California  
JUDITH T. ALVARADO  
Supervising Deputy Attorney General

CHRISTINE R. FRIAR  
Deputy Attorney General  
*Attorneys for Complainant*

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## **Exhibit A**

**Accusation No. 500-2018-000657**



1 XAVIER BECERRA  
Attorney General of California  
2 E. A. JONES III  
Supervising Deputy Attorney General  
3 CHRISTINE R. FRIAR  
Deputy Attorney General  
4 State Bar No. 228421  
California Department of Justice  
5 300 South Spring Street, Suite 1702  
Los Angeles, CA 90013  
6 Telephone: (213) 269-6472  
Facsimile: (916) 731-2117  
7 *Attorneys for Complainant*

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10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 500-2018-000657

13 **SEONG MIN YOO, D.P.M.**  
14 **1551 Ocean Avenue #200**  
**Santa Monica, CA 90401**

**A C C U S A T I O N**

15 **Podiatrist License No. E4519,**

16 Respondent.  
17

18  
19 **PARTIES**

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

22 2. On or about September 22, 2003, the Podiatric Medical Board issued Podiatrist  
23 License Number E4519 to Seong Min Yoo, D.P.M. (Respondent). That Podiatrist License was in  
24 full force and effect at all times relevant to the charges brought herein and will expire on May 31,  
25 2021, unless renewed.

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(b) A licensee required to provide a disclosure pursuant to subdivision (a) shall obtain from the patient, or the patient's guardian or health care surrogate, a separate, signed copy of that disclosure.

7. Section 2497 of the Code states:

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

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

8. Section 2234 of the Code, states:

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

(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

(b) Gross negligence.

(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

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

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

...

9. Section 2242, subdivision (a), of the Code states, in pertinent part, that

"[p]rescribing, dispensing, or furnishing dangerous drugs as defined in Section 4022 without an appropriate prior examination and a medical indication, constitutes unprofessional conduct."

///

10. Section 2266 of the Code states, "The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct."

## COST RECOVERY

11. Section 2497.5 of the Code states:

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

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

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

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

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

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

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

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 12. Respondent Seong Min Yoo, D.P.M. (Respondent) is subject to disciplinary action  
4 under Code section 2234, subdivision (b), in that he committed gross negligence in his care and  
5 treatment of Patients 1, 2, 3 and 4.<sup>1</sup> The circumstances are as follows:

6 13. At all times relevant herein, Respondent operated a solo podiatry practice from two  
7 locations: Unruh Spine Center, located in Santa Clarita, California, and Younique Surgery Center  
8 and Medical Spa, located in Santa Monica, California. At both locations, Respondent shared  
9 office space with other health care providers and staff.

10 14. The standard of care in the podiatric medical community provides that prescribing  
11 medication for weight gain or loss is outside the scope of podiatric medical practice. While it is  
12 within the scope of podiatry to recommend losing weight as a course of management in treating  
13 foot and ankle conditions, such as heel pain and obesity, the prescribing of medication for the  
14 purpose of weight loss should be left to health care providers with specific experience in the  
15 treatment of that condition.

16 15. The standard of care in the podiatric medical community provides that prior to giving  
17 medical advice or prescribing medication, the following should be taken and documented: a  
18 history of the patient, including, but not limited to, medications, allergies, illnesses, injuries,  
19 diagnosis or assessment; a physical examination; and a medical management plan and discussion  
20 of the patient.

21 **Patient 1**

22 16. Patient 1 was born in 1983. At all times relevant herein, she was employed at Unruh  
23 Spine Center in Santa Clarita, California. Respondent never directly employed Patient 1, but they  
24 shared an office space together and were colleagues.

25 17. Between May 2015 and December 2015, Respondent counseled Patient 1 on her  
26 hyperactivity, weight loss and lower extremity issues. During this time, Respondent repeatedly

27 <sup>1</sup> The patients are designated in this document as Patients 1, 2, 3 and 4 to protect their  
28 privacy. Respondent knows the names of the patients and can confirm their identities through  
discovery.

1 prescribed controlled substances to her, specifically, Phentermine (a Schedule IV, central nervous  
2 system stimulant) and Norco (brand name for hydrocodone/acetaminophen, a Schedule II opiate  
3 narcotic).

4 18. Respondent maintained no documentation or medical records pertaining to his care  
5 and treatment of Patient 1, including any documentation of a complete history, physical,  
6 assessment, or discussion of medical management.

7 19. Respondent committed an extreme departure from the standard of care when he  
8 treated Patient 1's hyperactivity and weight loss issues with prescription medication, specifically  
9 Phentermine. Such care and treatment is not within the scope of podiatric medical practice.

10 20. Respondent committed an extreme departure from the standard of care when he  
11 provided medical advice and prescribed controlled substances to Patient 1 without performing or  
12 documenting a complete history and physical examination. Respondent maintained no records  
13 for Patient 1, whatsoever, let alone any records documenting her diagnosis, assessment, or any  
14 discussion of her medical management.

15 **Patient 2**

16 21. Patient 2 was born in 1987. At all times relevant herein, Respondent and Patient 2  
17 worked together at Younique Surgery Center and Medical Spa, located in Santa Monica,  
18 California. Patient 2 helped Respondent with Workers Compensation and personal injury cases.

19 22. Between March and April 2015, Respondent counseled and treated Patient 2 for  
20 weight loss. According to Respondent, Patient 2 was an athlete and was upset about recent  
21 weight gain. During that time period, Respondent repeatedly prescribed Phentermine to Patient 2  
22 for weight loss. For example, on or about March 6, 2015, Respondent prescribed Patient 2  
23 Phentermine, 30 mg., 30 count, with 2 refills.

24 23. Respondent maintained no documentation or medical records pertaining to his care  
25 and treatment of Patient 2, including any documentation of a complete history, physical,  
26 assessment, or discussion of medical management.

27 24. Respondent committed an extreme departure from the standard of care when he  
28 treated Patient 2's weight loss issues with prescription medication, specifically Phentermine.

1 Such care and treatment is not within the scope of podiatric medical practice.

2 25. Respondent committed an extreme departure from the standard of care when he  
3 provided medical advice and prescribed controlled substances to Patient 2 without performing or  
4 documenting a complete history and physical examination. Respondent maintained no records  
5 for Patient 2, whatsoever, let alone any records documenting her diagnosis, assessment, or any  
6 discussion of her medical management.

7 **Patient 3**

8 26. Patient 3 was born in 1970. At all times relevant herein, she was employed in the  
9 billing department at the Unruh Spine Center in Santa Clarita, California. She and Respondent  
10 were coworkers. Respondent had also treated Patient 3's daughter as a patient.

11 27. Between April 2015 and August 2015, Respondent prescribed controlled narcotic  
12 substances to Patient 3, including Phentermine.

13 28. Respondent maintained no documentation or medical records pertaining to his care  
14 and treatment of Patient 3, including any documentation of a complete history, physical,  
15 assessment, or discussion of medical management.

16 29. Respondent committed an extreme departure from the standard of care when he  
17 treated Patient 3's weight loss issues with prescription medication, specifically Phentermine.  
18 Such care and treatment is not within the scope of podiatric medical practice.

19 30. Respondent committed an extreme departure from the standard of care when he  
20 provided medical advice and prescribed controlled substances to Patient 3 without performing or  
21 documenting a complete history and physical examination. Respondent maintained no records  
22 for Patient 3, whatsoever, let alone any records documenting her diagnosis, assessment, or any  
23 discussion of her medical management.

24 **Patient 4**

25 31. Patient 4 was born in 1986. At all times relevant herein, she was employed at  
26 Younique Surgery Center and Medical Spa in Santa Monica, California. Respondent never  
27 directly employed Patient 4, but they shared an office space together and were colleagues.

28 32. On or about October 13, 2015, Respondent prescribed a controlled narcotic substance

1 to Patient 4, specifically an amphetamine salt combo, known generically as Adderall, a Schedule  
2 II central nervous system stimulant.

3 33. Respondent has no documentation or medical records pertaining to his care and  
4 treatment of Patient 4, including any documentation of a complete history, physical, assessment,  
5 or discussion of medical management. According to Respondent, he "lost" Patient 4's medical  
6 records during his conversion from written records to electronic medical records.

7 34. Respondent admits that treating patients with central nervous system drugs like  
8 Adderall and Phentermine is not within the scope of podiatric medical practice.

9 35. Respondent committed an extreme departure from the standard of care when he  
10 prescribed Patient 4 Adderall. Such care and treatment is not within the scope of podiatric  
11 medical practice.

12 36. Respondent's acts and/or omissions as set forth in paragraphs 13 through 35 above,  
13 whether proven individually, jointly, or in any combination thereof, constitute gross negligence  
14 pursuant to section 2234, subdivision (b), of the Code. As such, cause for discipline exists.

## 15 **SECOND CAUSE FOR DISCIPLINE**

### 16 **(Repeated Negligent Acts)**

17 37. Respondent is subject to disciplinary action under Code section 2234, subdivision (c),  
18 in that he committed repeated negligent acts in his care and treatment of Patients 1, 2, 3 and 4, as  
19 follows:

20 38. The allegations of the First Cause for Discipline are incorporated by reference as if  
21 fully set forth herein.

22 39. The standard of care in the podiatric medical community provides that medication  
23 should not be prescribed to a non-patient, be it a colleague, co-worker, family member or friend.  
24 Medication should only be prescribed to individuals with whom there is an established doctor-  
25 patient relationship, which includes, but is not limited to, a complete understanding of the  
26 individual's past and present medical history, so as not to cause unintentional harm to the  
27 individual.

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1       40. Respondent's care and treatment of Patient 1 departed from the standard of care in  
2 that, even though Respondent and Patient 1 did not have had an established doctor-patient  
3 relationship, he prescribed her controlled substances.

4       41. Respondent's care and treatment of Patient 2 departed from the standard of care in  
5 that, even though Respondent and Patient 2 did not have had an established doctor-patient  
6 relationship, he prescribed her controlled substances.

7       42. Respondent's care and treatment of Patient 3 departed from the standard of care in  
8 that, even though Respondent and Patient 3 did not have had an established doctor-patient  
9 relationship, he prescribed her controlled substances.

10       43. Respondent's acts and/or omissions as set forth in paragraphs 38 through 42 above,  
11 whether proven individually, jointly, or in any combination thereof, constitute repeated negligent  
12 acts pursuant to section 2234, subdivision (c), of the Code. As such, cause for discipline exists.

13                   **THIRD CAUSE FOR DISCIPLINE**

14       **(Prescribing Dangerous Drugs Without a Prior Examination and Medical Indication)**

15       44. Respondent is subject to disciplinary action under Code section 2242, subdivision (a),  
16 in that he prescribed dangerous drugs as defined in section 4022 of the Code to Patient 1, 2, 3 and  
17 4 without an appropriate prior examination and a medical indication, as follows:

18       45. The allegations of the First and Second Causes for Discipline are incorporated by  
19 reference as if fully set forth herein.

20       46. Respondent's acts and/or omissions as set forth in paragraph 45, above, whether  
21 proven individually, jointly, or in any combination thereof, constitute prescribing dangerous  
22 drugs without prior examination or medical indication in violation of section 2242, subdivision  
23 (a), of the Code. As such, cause for discipline exists.

24                   **FOURTH CAUSE FOR DISCIPLINE**

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

26       47. Respondent is subject to disciplinary action under Code section 2266, in that he failed  
27 to maintain adequate and accurate records as to Patient 1, 2, 3 and 4, as follows:

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48. The allegations of the First and Second Causes for Discipline are incorporated by reference as if fully set forth herein.

49. Respondent's acts and/or omissions as set forth in paragraph 48, above, whether proven individually, jointly, or in any combination thereof, constitute failure to maintain adequate and accurate records in violation of section 2266 of the Code. As such, cause for discipline exists.

## 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 Number E4519, issued to Seong Min Yoo, D.P.M.;
2. Ordering Seong Min Yoo, 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; and
3. Taking such other and further action as deemed necessary and proper.

DATED: JAN 28 2021

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