

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

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

**Casey Bowen Fillerup, D.P.M.**

**Doctor of Podiatric Medicine  
License No. E 5622**

**Respondent.**

**Case No. 500-2020-001085**

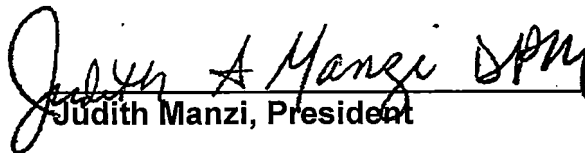
**DECISION**

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

**This Decision shall become effective at 5:00 p.m. on October 27, 2022**

**IT IS SO ORDERED September 27, 2022.**

**PODIATRIC MEDICAL BOARD**

  
Judith Manzi, President

1 ROB BONTA  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 VLADIMIR SHALKEVICH  
Deputy Attorney General  
4 State Bar No. 173955  
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*Attorneys for Complainant*  
7

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

12 In the Matter of the Accusation Against:

13 CASEY BOWEN FILLERUP, D.P.M.

14 1145 East Clark Avenue, Suite A  
15 Santa Maria, California 93455

16 Podiatrist License No. DPM 5622,

17 Respondent.  
18

Case No. 500-2020-001085

OAH No. 2022030017

**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 Vladimir Shalkevich, Deputy Attorney  
25 General.

26 2. Respondent Casey Bowen Fillerup, DPM (Respondent) is represented in this  
27 proceeding by attorney C. Keith Greer of 16855 West Bernardo Dr., Suite 255, San Diego,  
28 California 92127.

3. On December 16, 2019, the Board issued Podiatrist License No. DPM 5622 to Casey Bowen Fillerup, DPM (Respondent). That license was in full force and effect at all times relevant to the charges brought in Accusation No. 500-2020-001085, and will expire on April 30, 2023, unless renewed.

## JURISDICTION

4. Accusation No. 500-2020-001085 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 October 28, 2021. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 500-2020-001085 is attached as Exhibit A and is 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. 500-2020-001085. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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.

## CULPABILITY

9. Respondent admits the charges and allegations in Accusation No. 500-2020-001085. 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**

10. 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.

11. 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.

12. 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. DPM 5622 issued to Respondent Casey Bowen Fillerup, 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 - ABSTAIN FROM USE** Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business and Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide illness or condition.

Within 15 calendar days of receiving any lawful prescription medications, Respondent shall

1 notify the Board or its designee of the issuing practitioner's name, address, and telephone  
2 number; medication name and strength; and issuing pharmacy name, address, and telephone  
3 number.

4 2. ALCOHOL - ABSTAIN FROM USE Respondent shall abstain completely from the  
5 use of products or beverages containing alcohol.

6 3. BIOLOGICAL FLUID TESTING Respondent shall immediately submit to  
7 biological fluid testing, at Respondent's expense, upon the request of the Board or its designee, at  
8 a board-approved laboratory or laboratory service. A certified copy of any laboratory test results  
9 may be received in evidence in any proceedings between the Board and the Respondent. Failure  
10 to submit to, or failure to complete the required biological fluid testing, is a violation of  
11 probation.

12 4. REHABILITATION PROGRAM - ALCOHOL AND DRUG Within 30 days of the  
13 effective date of this decision, Respondent shall submit to the Board for its prior approval a  
14 rehabilitation monitoring program. Respondent may submit information about a rehabilitation  
15 program in which he may already be enrolled, however final approval of a Rehabilitation  
16 Program pursuant to this Order shall be in the sole discretion of the Board. When evaluating  
17 programs for approval, the following will be taken into consideration: Unless specifically noted in  
18 the decision, the minimum length of the program shall be no less than three years. All plans must  
19 include face to face monitoring, random biological fluid testing, and an educational program that  
20 addresses disease concepts, recovery process and recovery-oriented lifestyle changes.

21 Within 30 days of approval of said program, Respondent shall enroll and participate until  
22 the Board or its designee determines that further monitoring and rehabilitation is no longer  
23 necessary. If it is determined by both the rehabilitation program and a Board designated  
24 physician that Respondent cannot practice podiatric medicine safely, the Respondent shall  
25 immediately cease practice upon notification. Respondent may not resume practice until it has  
26 been determined by both the rehabilitation program and a Board designated physician that  
27 Respondent can safely practice podiatric medicine and has been notified in writing by the Board's  
28 designee. Failure to cooperate or comply with the rehabilitation program requirements and

1 recommendations, quitting the program without permission, or being expelled for cause is a  
2 violation of probation.

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

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

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

13 6. PSYCHIATRIC EVALUATION Within 30 days of the effective date of this  
14 Decision, and on whatever periodic basis thereafter may be required by the Board or its designee,  
15 Respondent shall undergo a psychiatric evaluation (and psychological testing, if deemed  
16 necessary) by a Board appointed board certified psychiatrist. The Board will seek to appoint Dr.  
17 Timothy Botello, M.D. for this purpose, however if Dr. Botello is unavailable for any reason, the  
18 Board shall appoint a different board-certified psychiatrist chosen solely by the Board or its  
19 designee. The appointed board-certified psychiatrist shall consider any information provided by  
20 the Board or designee and any other information the psychiatrist deems relevant, and shall furnish  
21 a written evaluation report to the Board or its designee. Psychiatric evaluations conducted prior  
22 to the effective date of the Decision shall not be accepted towards the fulfillment of the  
23 requirement. Respondent shall pay the cost of all psychiatric evaluations and psychological  
24 testing.

25 Respondent shall comply with all restrictions or conditions recommended by the evaluating  
26 psychiatrist within 15 calendar days after being notified by the Board or its designee. Failure to  
27 undergo and complete a psychiatric evaluation and psychological testing, or comply with the  
28 required additional conditions or restrictions, is a violation of probation.

1           7.    PSYCHOTHERAPY Within 60 calendar days of the effective date of this Decision,  
2 Respondent shall submit to the Board or its designee for prior approval the name and  
3 qualifications of a Board-certified psychiatrist or a licensed psychologist who has a doctoral  
4 degree in psychology and at least five years of postgraduate experience in the diagnosis and  
5 treatment of emotional and mental disorders. Upon approval, Respondent shall undergo and  
6 continue psychotherapy treatment, including any modifications to the frequency of  
7 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

8           The psychotherapist shall consider any information provided by the Board or its designee  
9 and any other information the psychotherapist deems relevant and shall furnish a written  
10 evaluation report to the Board or its designee. Respondent shall cooperate in providing the  
11 psychotherapist any information and documents that the psychotherapist may deem pertinent.  
12 Respondent shall have the treating psychotherapist submit quarterly status reports to the Board or  
13 its designee. The Board or its designee may require Respondent to undergo psychiatric  
14 evaluations by a Board appointed Board certified psychiatrist.

15           If, prior to the completion of probation, Respondent is found to be mentally unfit to resume  
16 the practice of podiatric medicine without restrictions, the Board shall retain continuing  
17 jurisdiction over the Respondent's license and the period of probation shall be extended until the  
18 Board determines that the Respondent is mentally fit to resume the practice of podiatric medicine  
19 without restrictions. Respondent shall pay the cost of all psychotherapy and psychiatric  
20 evaluations.

21           Failure to undergo and continue psychotherapy treatment, or comply with any required  
22 modification in the frequency of psychotherapy, is a violation of probation.

23           8.    MEDICAL EVALUATION AND TREATMENT Within 30 calendar days of the  
24 effective date of this Decision, and on a periodic basis thereafter as may be required by the Board,  
25 or its designee, Respondent shall undergo a medical evaluation by a Board appointed physician  
26 who shall consider any information provided by the Board or designee and any other information  
27 the evaluating physician deems relevant and shall furnish a medical report to the Board or its  
28 designee.

1 If Respondent is required by the Board or its designee to undergo medical treatment,  
2 Respondent shall, within 30 days of the requirement notice, submit to the Board or its designee  
3 for its prior approval the name and qualifications of a treating physician of Respondent's choice.  
4 Upon approval of the treating physician, Respondent shall, within 15 calendar days, undertake  
5 and continue such treatment until further notice from the Board or its designee.

6 The treating physician shall consider any information provided by the Board or its designee  
7 or any other information the treating physician may deem pertinent prior to commencement of  
8 treatment. Respondent shall have the treating physician submit quarterly reports to the Board or  
9 its designee indicating whether or not the Respondent is capable of practicing medicine safely.  
10 Respondent shall provide the Board or its designee with any and all medical records pertaining to  
11 treatment that the Board or its designee deems necessary.

12 If prior to the completion of probation Respondent is found to be physically incapable of  
13 resuming the practice of podiatric medicine without restrictions, the Board shall retain continuing  
14 jurisdiction over Respondent's license and the period of probation shall be extended until the  
15 Board determines that Respondent is physically capable of resuming the practice of podiatric  
16 medicine without restrictions. Respondent shall pay the cost of the medical evaluation(s) and  
17 treatment.

18 Failure to undergo and continue medical treatment or comply with the required additional  
19 conditions or restrictions is a violation of probation.

20 9. SOLO PRACTICE Respondent is prohibited from engaging in the solo practice of  
21 podiatric medicine without a practice monitor installed pursuant to Condition 11 herein. Solo  
22 practice of podiatric medicine includes, but is not limited to, a practice setting where 1)  
23 Respondent merely shares office space with another physician or a doctor of podiatric medicine  
24 but is not affiliated for purposes of providing patient care, or 2) Respondent is the sole doctor of  
25 podiatric medicine who practices at that location.

26 10. CONTROLLED SUBSTANCES – PARTIAL RESTRICTION If Respondent is  
27 engaged in solo practice of podiatric medicine, he shall not work in a setting where controlled  
28 substances are stored, dispensed or administered.



11. MONITORING - PRACTICE During the term of probation, Respondent shall not engage in solo practice of podiatric medicine without a board-approved practice monitor. If engaged in solo practice, Respondent's practice shall be monitored by a Board-approved monitor. Respondent shall pay all monitoring costs.

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

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

The Board or its designee shall determine the frequency and practice areas to be monitored. Such monitoring shall be required during the entire period of probation. The Board or its designee may at its sole discretion also require prior approval by the monitor of any medical or surgical procedures engaged in by Respondent.

The Board or its designee shall provide the approved monitor with a complete copy of the Decision(s) and Accusation(s), Statement of Issues, or Stipulated Settlement, and a proposed monitoring plan. Within fifteen (15) calendar days of receipt of these documents, the monitor shall submit a signed statement that the monitor has read the Decision(s) and Accusation(s),

Statement of Issues, or Stipulated Settlement, fully understands the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the signed statement for approval by the Board or its designee.

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

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

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

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

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

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

15. QUARTERLY DECLARATIONS Respondent shall submit quarterly declarations

1 under penalty of perjury on forms provided by the Board, stating whether there has been  
2 compliance with all the conditions of probation. Respondent shall submit quarterly declarations  
3 not later than 10 calendar days after the end of the preceding quarter.

4 16. PROBATION COMPLIANCE UNIT Respondent shall comply with the Board's  
5 probation unit. Respondent shall, at all times, keep the Board informed of Respondent's business  
6 and residence addresses. Changes of such addresses shall be immediately communicated in  
7 writing to the Board or its designee. Under no circumstances shall a post office box serve as an  
8 address of record, except as allowed by Business and Professions Code section 2021(b).

9 Respondent shall not engage in the practice of podiatric medicine in Respondent's place of  
10 residence. Respondent shall maintain a current and renewed California doctor of podiatric  
11 medicine's license.

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

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

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

24 All time spent in an intensive training program outside the State of California which has  
25 been approved by the Board or its designee shall be considered as time spent in the practice of  
26 medicine within the State. A Board-ordered suspension of practice shall not be considered as a  
27 period of non-practice. Periods of temporary or permanent residence or practice outside  
28 California will not apply to the reduction of the probationary term. Periods of temporary or

1 permanent residence or practice outside California will relieve Respondent of the responsibility to  
2 comply with the probationary terms and conditions, with the exception of this condition, and the  
3 following terms and conditions of probation: Obey All Law; Probation Unit Compliance; and  
4 Cost Recovery.

5 Respondent's license shall be automatically cancelled if Respondent's periods of temporary  
6 or permanent residence or practice outside California totals two years. However, Respondent's  
7 license shall not be cancelled as long as Respondent is residing and practicing podiatric medicine  
8 in another state of the United States and is on active probation with the medical licensing  
9 authority of that state, in which case the two-year period shall begin on the date probation is  
10 completed or terminated in that state.

11 **19. FAILURE TO PRACTICE PODIATRIC MEDICINE - CALIFORNIA RESIDENT**

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

20 All time spent in an intensive training program which has been approved by the Board or its  
21 designee shall be considered time spent in the practice of medicine. For purposes of this  
22 condition, non-practice due to a Board-ordered suspension or in compliance with any other  
23 condition of probation shall not be considered a period of non-practice.

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

27 **20. COMPLETION OF PROBATION** Respondent shall comply with all financial  
28 obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar days prior

1 to the completion of probation. Upon successful completion of probation, Respondent's  
2 certificate will be fully restored.

3 21. VIOLATION OF PROBATION If Respondent violates probation in any respect, the  
4 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and  
5 carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is  
6 filed against Respondent during probation, the Board shall have continuing jurisdiction until the  
7 matter is final, the period of probation shall be extended until the matter is final, and no petition  
8 for modification of penalty shall be considered while there is an accusation or petition to revoke  
9 probation pending against Respondent.

10 22. COST RECOVERY Within 90 calendar days from the effective date of the  
11 Decision or other period agreed to by the Board or its designee, Respondent shall reimburse the  
12 Board the amount of \$ 13,477.50 for its investigative and prosecution costs.

13 Failure to pay such costs shall be considered a violation of probation. Payment must be  
14 made in full within 30 calendar days of the effective date of the Order, or by a payment plan  
15 approved by the Board or its designee. Any and all requests for a payment plan shall be  
16 submitted in writing by Respondent to the Board, and all of the payments shall be completed no  
17 later than 120 days prior to the completion of probation. Failure to comply with the payment plan  
18 shall be considered a violation of probation.

19 Filing for bankruptcy or a period of non-practice by Respondent shall not relieve the  
20 Respondent of his/her obligation to reimburse the Board for its costs.

21 23. LICENSE SURRENDER Following the effective date of this Decision, if  
22 Respondent ceases practicing due to retirement or health reasons, or is otherwise unable to satisfy  
23 the terms and conditions of probation, Respondent may request the voluntary surrender of  
24 Respondent's license. The Board reserves the right to evaluate the Respondent's request and to  
25 exercise its discretion whether to grant the request or to take any other action deemed appropriate  
26 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
27 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its  
28 designee and Respondent shall no longer practice podiatric medicine. Respondent will no longer

1 be subject to the terms and conditions of probation and the surrender of Respondent's license  
2 shall be deemed disciplinary action. If Respondent re-applies for a podiatric medical license, the  
3 application shall be treated as a petition for reinstatement of a revoked certificate.

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

9 25. NOTICE TO EMPLOYEES Respondent shall, upon or before the effective date of  
10 this Decision, post or circulate a notice which actually recites the offenses for which Respondent  
11 has been disciplined and the terms and conditions of probation to all employees involved in  
12 his/her practice. Within fifteen (15) days of the effective date of this Decision, Respondent shall  
13 cause his/her employees to report to the Board in writing, acknowledging the employees have  
14 read the Accusation and Decision in the case and understand Respondent's terms and conditions  
15 of probation.

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

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

23 28. FUTURE ADMISSIONS CLAUSE If Respondent should petition for early  
24 termination or modification of probation, or if an Accusation and/or Petition to Revoke Probation  
25 is filed against the Respondent before the Board, or Respondent should ever apply or reapply for  
26 a new license or certification, and/or file a petition for reinstatement of a license, before the Board  
27 or any other health care licensing action agency in the State of California, all of the charges and  
28 allegations contained in the Accusation No. 500-2020-001085 shall be deemed to be true, correct,

1 and fully admitted by Respondent for the purpose of any Statement of Issues or any disciplinary  
2 proceeding seeking to deny, restrict, or revoke licensure or any petition proceeding seeking to  
3 reinstate licensure or modify probation.

4 **ACCEPTANCE**

5 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
6 discussed it with my attorney, C. Keith Greer. I understand the stipulation and the effect it will  
7 have on my Podiatrist License. I enter into this Stipulated Settlement and Disciplinary Order  
8 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
9 Podiatric Medical Board.

10  
11 DATED: 8/3/2022

12   
CASEY BOWEN FILLERUP, D.P.M.  
*Respondent*

13 I have read and fully discussed with Respondent Casey Bowen Fillerup, DPM the terms and  
14 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
15 I approve its form and content.

16 DATED: 8/3/2022

17 DocuSigned by:  
  
0F755D92A5F2415...  
C. KEITH GREER  
*Attorney for Respondent*

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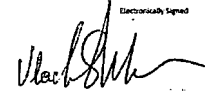
**ENDORSEMENT**

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

Dated: August 4, 2022

Respectfully submitted,

ROB BONTA  
Attorney General of California  
ROBERT MCKIM BELL  
Supervising Deputy Attorney General

Electronically signed

VLADIMIR SHALKEVICH  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 500-2020-001085**

1 ROB BONTA  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 VLADIMIR SHALKEVICH  
Deputy Attorney General  
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14 1145 East Clark Avenue, Suite A  
Santa Maria, CA 93455

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

15 Podiatrist License No. E5622,

16 Respondent.

17  
18 **PARTIES**

19 1. Brian Naslund (Complainant) brings this Accusation solely in his official capacity as  
20 the Executive Officer of the Podiatric Medical Board of California (Board).

21 2. On December 16, 2019, the Board issued Podiatrist License Number E5622 to Casey  
22 Bowen Fillerup, D.P.M. (Respondent). That license was in full force and effect at all times  
23 relevant to the charges brought herein and will expire on April 30, 2023, unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board under the authority of the following  
26 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
27 indicated.  
28

1           4.    6. Section 2497 of the Code states:

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

5               (b) The board may hear all matters, including but not limited to, any contested case or  
6               may assign any such matters to an administrative law judge. The proceedings shall be held  
7               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           5.    Section 2222 of the Code states, in pertinent part:

9               The California Board of Podiatric Medicine shall enforce and administer this article  
10              as to doctors of podiatric medicine. Any acts of unprofessional conduct or other violations  
11              proscribed by this chapter (Business and Professions Code, Division 2, Chapter 5, also  
12              known as the Medical Practice Act) are applicable to licensed doctors of podiatric medicine  
13              and wherever the Medical Quality Hearing Panel established under Section 11371 of the  
14              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.

15          6.    Section 822 of the Code states:

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

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

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

21                   (c) Placing the licentiate on probation.

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

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

27          7.    Section 2236 of the Code states:

28              (a) The conviction of any offense substantially related to the qualifications,  
              functions, or duties of a physician and surgeon constitutes unprofessional conduct

1 within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record  
2 of conviction shall be conclusive evidence only of the fact that the conviction  
3 occurred.

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

11 (c) The clerk of the court in which a licensee is convicted of a crime shall,  
12 within 48 hours after the conviction, transmit a certified copy of the record of  
13 conviction to the board. The division may inquire into the circumstances surrounding  
14 the commission of a crime in order to fix the degree of discipline or to determine if  
15 the conviction is of an offense substantially related to the qualifications, functions, or  
16 duties of a physician and surgeon.

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

21 8. Section 11550 of the Health and Safety Code states, in pertinent part:

22 (a) A person shall not use, or be under the influence of any controlled substance that is (1)  
23 specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054,  
24 specified in paragraph (14), (15), (21), (22), or (23) of subdivision (d) of Section 11054, specified  
25 in subdivision (b) or (c) of Section 11055, or specified in paragraph (1) or (2) of subdivision (d)  
26 or in paragraph (3) of subdivision (e) of Section 11055, or (2) a narcotic drug classified in  
27 Schedule III, IV, or V, except when administered by or under the direction of a person licensed  
28 by the state to dispense, prescribe, or administer controlled substances.

9. Section 11170 of the Health and Safety Code states:

No person shall prescribe, administer, or furnish a controlled substance for himself.

10. Section 2238 of the Code states:

A violation of any federal statute or federal regulation or any of the statutes or  
regulations of this state regulating dangerous drugs or controlled substances  
constitutes unprofessional conduct.

11. Section 2239 of the Code states:

(a) The use or prescribing for or administering to himself or herself, of any  
controlled substance; or the use of any of the dangerous drugs specified in Section  
4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous  
or injurious to the licensee, or to any other person or to the public, or to the extent that  
such use impairs the ability of the licensee to practice medicine safely or more than  
one misdemeanor or any felony involving the use, consumption, or

1 self-administration of any of the substances referred to in this section, or any  
2 combination thereof, constitutes unprofessional conduct. The record of the  
3 conviction is conclusive evidence of such unprofessional conduct.

4 (b) A plea or verdict of guilty or a conviction following a plea of nolo  
5 contendere is deemed to be a conviction within the meaning of this section. The  
6 Division of Licensing may order discipline of the licensee in accordance with Section  
7 2227 or the Division of Licensing may order the denial of the license when the time  
8 for appeal has elapsed or the judgment of conviction has been affirmed on appeal or  
9 when an order granting probation is made suspending imposition of sentence,  
10 irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal  
11 Code allowing such person to withdraw his or her plea of guilty and to enter a plea of  
12 not guilty, or setting aside the verdict of guilty, or dismissing the accusation,  
13 complaint, information, or indictment.

14 12. Section 2497.5 of the Code states:

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

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

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

27 (d) In any judicial action for the recovery of costs, proof of the board's decision  
28 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 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.

1 **DEFINITIONS**

2 13. Ambien – Is a brand name for zolpidem. It is a dangerous drug pursuant to Business  
3 and Professions Code section 4022 and a Schedule IV Controlled Substance pursuant to Health  
4 and Safety Code section 11057 (d)(32) indicated for short-term treatment of insomnia.

5 14. Percocet – Is a brand name for oxycodone with acetaminophen. It is a dangerous drug  
6 pursuant to Business and Professions Code section 4022 and a Schedule II Controlled Substance  
7 pursuant to Health and Safety Code section 11055 (b)(1)(M) indicated for relief of moderate to  
8 severe pain.

9 15. Tramadol – Is sold under the brand name Ultram. It is a dangerous drug pursuant to  
10 Business and Professions Code section 4022 and a Schedule IV Controlled Substance pursuant to  
11 Code of Federal Regulations, title 21, section 1308.14(b)(3) indicated for relief of moderate pain.

12 16. Valium – Is a brand name for diazepam. It is a dangerous drug pursuant to Business  
13 and Professions Code section 4022 and a Schedule IV Controlled Substance pursuant to Health  
14 and Safety Code section 11057 (d)(9) indicated for anxiety, endoscopy procedures, alcohol  
15 withdrawal, muscle spasms, seizures, and sedation.

16 17. Vicodin – Is a brand name for hydrocodone with acetaminophen. It is a dangerous  
17 drug pursuant to Business and Professions Code section 4022 and a Schedule II Controlled  
18 Substance pursuant to Health and Safety Code section 11055 (b)(1)(I) indicated for relief of  
19 moderate to moderately severe pain.

20 **FACTUAL ALLEGATIONS**

21 18. On October 15, 2020, the Podiatric Medical Board of California (PMBC) received from  
22 Respondent a *Criminal Action Reporting Form* advising that he had plead no contest on August 26,  
23 2020, to a violation of Health and Safety Code section 11550 (a) [being under the influence of a  
24 controlled substance], and a violation of Vehicle Code section 23103/23103.5 [reckless driving], and  
25 a violation of Vehicle Code section 23152 [driving under the influence of a controlled substance].  
26 The Board initiated an investigation, which included a mental health evaluation of Respondent. The  
27 investigation revealed the following pertinent facts:  
28

1           19. Respondent described to his Board-appointed psychological evaluator a long history  
2 of drug and alcohol abuse. Respondent stated that during his last semester in high school, he  
3 began experimenting with drugs and excessively drinking alcohol. Respondent described  
4 suffering several sports injuries in high school and college, for which he was prescribed  
5 controlled pain medications, including Vicodin, which he used in excess of what was prescribed  
6 to him. Respondent told his Board-appointed psychological evaluator that taking opiates made  
7 him feel "less anxious, calm, peaceful and numbed out, felt good, similar type of feeling like after  
8 alcohol."

9           20. After he was accepted to podiatry school, Respondent told his Board-appointed  
10 psychological evaluator: "I let my hair down and was done with rules and feeling guilty and  
11 started to party." Respondent related that he started smoking marijuana for a few months and  
12 tried Adderall, which he obtained from his friend. Respondent was also able to obtain and take  
13 Vicodin, Valium and Xanax. Respondent stated that he liked the effects of Vicodin. During his  
14 last two years of podiatry school, in 2016-2017, he was doing clinical rotations and using  
15 20-30 mg of valium a day to control his anxiety during rotations.

16           21. After graduating from podiatry school in May 2017, Respondent started a three-year  
17 surgical residency program. Initially, he was happy to be there, but as the time passed, he felt  
18 bitter and depressed. He was taking 20-30 mg of Valium per day to help him sleep and relax.  
19 Respondent sought treatment from the hospital's Employee Assistance Program. Respondent told  
20 his Board-appointed psychological evaluator that during his third year of residency training,  
21 starting in September 2019, he was drinking alcohol, mostly hard liquor, alone, for the purpose to  
22 "black out" on weekends.

23           22. On November 24, 2019, Respondent, who lived in Pasadena, California at the time,  
24 spent the weekend with his parents. While Respondent was at his parents' home in the vicinity of  
25 Arroyo Grande, California, he took two of his father's Ambien in early evening, because he was  
26 planning on sleeping for a few hours and then waking up at about 3:00 a.m. to drive back to his  
27 residency hospital in Los Angeles. After taking the Ambien, Respondent told his Board-  
28 appointed psychological evaluator: "...it takes control. It vacated my choices." He looked for and

1 found other controlled medications in his parents' home. He told the Board-appointed  
2 psychological evaluator that he took 4-5 tablets of tramadol (50 mg each), 4-5 tablets of Vicodin  
3 (10 mg each), and 3-4 tablets of Valium (10 mg each), from supplies in the house that had been  
4 prescribed to his parents.

5 23. Respondent then left his parents' home in the evening of November 24, 2019, even  
6 though his parents were questioning his ability to drive safely. At approximately 8:40 p.m., a  
7 short while after getting onto the 101-freeway southbound, Respondent lost control of his vehicle,  
8 which overturned and rolled, coming to rest off the freeway. Luckily, there were no other  
9 vehicles or individuals involved in the accident and Respondent suffered no injuries. The police  
10 soon came to the scene and Respondent began to incoherently confess to the things which he had  
11 done and the substances which he had ingested. Respondent did not have any alcohol in his  
12 system, but he failed field sobriety tests. This triggered a request for a blood draw, and a drug  
13 screen revealed that Respondent had multiple controlled substances in his system which included  
14 hydrocodone, Valium, Ambien and Tramadol.

15 24. Respondent was arrested, and on August 26, 2020, in the case entitled *People vs.*  
16 *Casey Bowen Fillerup*, San Louis Obispo County Superior Court case number 20m-00172, he  
17 was convicted, upon his plea of no contest, of a violation of Vehicle Code sections 23103 and  
18 23103.5 (reckless driving involving consumption, ingestion or administration of alcohol or a  
19 drug). Respondent was fined and sentenced to time served (1 day) in jail, followed by 18 months'  
20 probation that included requirements to not drive with any measurable alcohol in his system and  
21 to complete an alcohol related program within the probationary period.

#### 22 **FIRST CAUSE FOR DISCIPLINE**

##### 23 **(Substance Abuse)**

24 25. Respondent Casey Bowen Fillerup, D.P.M. is subject to disciplinary action under  
25 section 2239 of the Code in that he used drugs and alcohol in a manner that was dangerous or  
26 injurious to himself and the public, causing Respondent to suffer a substance abuse related  
27 criminal conviction. The circumstances are as follows:

28 26. The allegations of paragraphs 18 through 24 are incorporated herein by reference.



1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Conviction of a Crime)**

3 27. Respondent Casey Bowen Fillerup, D.P.M. is subject to disciplinary action under  
4 section 2236 of the Code in that he was convicted of a crime that was substantially related to the  
5 qualifications, functions. The circumstances are as follows:

6 28. The allegations of paragraphs 18 through 24 are incorporated herein by reference.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Violation of Drug Laws)**

9 29. Respondent Casey Bowen Fillerup, D.P.M. is subject to disciplinary action under  
10 section 2238 of the Code in that he diverted for his own use and consumed controlled substances  
11 prescribed to others, in violation of Health and Safety Code sections 11550 and 11170. The  
12 circumstances are as follows:

13 30. The allegations of paragraphs 18 through 24 are incorporated herein by reference.

14 **PRAYER**

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

17 1. Revoking or suspending Podiatrist License Number E5622, issued to Respondent  
18 Casey Bowen Fillerup, D.P.M.;

19 2. Revoking, suspending or denying approval of Respondent Casey Bowen Fillerup,  
20 D.P.M.'s authority to supervise physician assistants and advanced practice nurses;

21 3. Ordering Respondent Casey Bowen Fillerup, D.P.M. to pay the Board's costs of  
22 investigation and prosecution in this case;

23 4. If placed on probation, ordering Respondent Casey Bowen Fillerup, D.P.M. to pay  
24 the Board the costs of probation monitoring; and

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

DATED: OCT 28 2021

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

*Complainant*

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