

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

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

Case No: 500-2019-000966

FRANK CONRAD CARUANA, D.P.M.

**Doctor of Podiatric Medicine
License No. E-2336**

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Disciplinary Order is hereby adopted by the Podiatric Medical Board of the Department of Consumer Affairs, State of California, as its Decision in the above-entitled matter.

This Decision shall become effective at 5:00 p.m. on May 18, 2023.

DATED May 11, 2023.

PODIATRIC MEDICAL BOARD



**Brian Naslund
Executive Officer**

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 ROBERT W. LINCOLN
Deputy Attorney General
4 State Bar No. 316290
California Department of Justice
5 600 West Broadway, Suite 1800
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8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:
14 **FRANK CONRAD CARUANA, D.P.M.**
15 **1621 Arch Way Drive**
Newport Beach, CA 926621
16 **Doctor of Podiatric Medicine License No.**
E-2336

17 Respondent.
18

Case No. 500-2019-000966

OAH No. 2022110056

**STIPULATED SURRENDER OF
LICENSE 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 Robert W. Lincoln, Deputy Attorney
25 General.

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

3. On or about July 12, 1978, the Board issued Doctor of Podiatric Medicine License No. E-2336 to FRANK CONRAD CARUANA, D.P.M. (Respondent). The Doctor of Podiatric Medicine License was in full force and effect at all times relevant to the charges brought in Accusation No. 500-2019-000966 and will expire on July 31, 2024, unless renewed.

JURISDICTION

4. Accusation No. 500-2019-000966 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 31, 2022. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 500-2019-000966 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 500-2019-000966. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. 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.

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

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1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 500-2019-000966, agrees that cause exists for discipline and hereby surrenders his Doctor of
4 Podiatric Medicine License No. E-2336 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation he enables the Board to issue
6 an order accepting the surrender of his Doctor of Podiatric Medicine License without further
7 process.

8 **CONTINGENCY**

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

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

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

23 **ORDER**

24 IT IS HEREBY ORDERED that Doctor of Podiatric Medicine License No. E-2336, issued
25 to Respondent FRANK CONRAD CARUANA, D.P.M., is surrendered and accepted by the
26 Board.

27 1. The surrender of Respondent's Doctor of Podiatric Medicine License and the
28 acceptance of the surrendered license by the Board shall constitute the imposition of discipline

1 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
2 of Respondent's license history with the Board.

3 2. Respondent shall lose all rights and privileges as a Doctor of Podiatric Medicine in
4 California as of the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
6 issued, his wall certificate on or before the effective date of the Decision and Order.

7 4. If Respondent ever files an application for licensure or a petition for reinstatement in
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
9 comply with all the laws, regulations and procedures for reinstatement of a revoked or
10 surrendered license in effect at the time the petition is filed, and all of the charges and allegations
11 contained in Accusation No. 500-2019-000966 shall be deemed to be true, correct and admitted
12 by Respondent when the Board determines whether to grant or deny the petition.

13 5. Respondent shall pay the agency its costs of investigation and enforcement in the
14 amount of \$15,000.00 prior to issuance of a new or reinstated license.

15 6. If Respondent should ever apply or reapply for a new license or certification, or
16 petition for reinstatement of a license, by any other health care licensing agency in the State of
17 California, all of the charges and allegations contained in Accusation, No. 500-2019-000966 shall
18 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
19 Issues or any other proceeding seeking to deny or restrict licensure.

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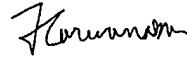
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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Bradley McGirr, Esq., and John C. Lender, Esq., I understand the stipulation and the effect it will have on my Doctor of Podiatric Medicine License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Podiatric Medical Board.

DATED: 04/12/2023



FRANK CONRAD CARUANA, D.P.M.
Respondent

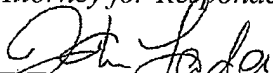
I have read and fully discussed with Respondent FRANK CONRAD CARUANA, D.P.M. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 04/12/2023



BRADLEY J. MCGIRR, ESQ.
Attorney for Respondent

DATED: 04/12/2023



JOHN C. LENDER, ESQ.
Attorney for Respondent

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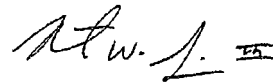
ENDORSEMENT

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

DATED: 4/13/2023

Respectfully submitted,

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



ROBERT W. LINCOLN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 500-2019-000966

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 ROBERT W. LINCOLN
Deputy Attorney General
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10 **BEFORE THE**
11 **PODIATRIC MEDICAL BOARD**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. 500-2019-000966

15 **FRANK CONRAD CARUANA, D.P.M.**
16 **1621 Arch Bay Drive**
17 **Newport Beach, CA 92660**

ACCUSATION

18 **Doctor of Podiatric Medicine License**
19 **No. 2336**

Respondent.

20 **PARTIES**

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

23 2. On or about July 12, 1978, the Podiatric Medical Board issued Doctor of Podiatric
24 Medicine License No. 2336 to Frank Conrad Caruana, D.P.M. (Respondent). The Doctor of
25 Podiatric Medicine License was in full force and effect at all times relevant to the charges brought
26 herein and will expire on July 31, 2024, unless renewed.

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4. Section 2222 of the Code states:

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

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

- (1) Have his or her license revoked upon order of the board.
- (2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.
- (3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.
- (4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

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

3 (b) Any matter heard pursuant to subdivision (a), except for warning letters, medical
4 review or advisory conferences, professional competency examinations, continuing
5 education activities, and cost reimbursement associated therewith that are agreed to with the
6 board and successfully completed by the licensee, or other matters made confidential or
7 privileged by existing law, is deemed public, and shall be made available to the public by
8 the board pursuant to Section 803.1.

9 6. Section 2228.5 of the Code states:

10 (a) On and after July 1, 2019, except as otherwise provided in subdivision (c), the
11 board shall require a licensee to provide a separate disclosure that includes the licensee's
12 probation status, the length of the probation, the probation end date, all practice restrictions
13 placed on the licensee by the board, the board's telephone number, and an explanation of
14 how the patient can find further information on the licensee's probation on the licensee's
15 profile page on the boards' online license information internet web site, to a patient or the
16 patient's guardian or health care surrogate before the patient's first visit following the
17 probationary order while the licensee is on probation pursuant to a probationary order made
18 after July 1, 2019.

19 7. Section 2497 of the Code states:

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

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

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29 8. Section 2234 of the Code states, in pertinent part:

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

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

35 (b) Gross negligence.

1 (c) Repeated negligent acts. To be repeated, there must be two or more negligent acts
2 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.

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

5 (2) When the standard of care requires a change in the diagnosis, act, or omission that
6 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
7 from the applicable standard of care, each departure constitutes a separate and distinct
breach of the standard of care.

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9

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

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

13 ...

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

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

21 COST RECOVERY

22 11. Section 2497.5 of the Code states:

23 (a) The board may request the administrative law judge, under his or her
24 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
25 not to exceed the actual and reasonable costs of the investigation and prosecution of
the case.

26 (b) The costs to be assessed shall be fixed by the administrative law judge and
27 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
28 assessed, not to exceed the actual and reasonable costs of the investigation and
prosecution of the case.

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

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

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

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

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

18 FACTUAL ALLEGATIONS

19 12. On or about February 19, 2016, Patient A¹ a 62 year-old diabetic male at the time of
20 treatment, reported to Respondent that he stepped on a screw prior to his visit. Patient A
21 informed Respondent that he had been walking around on his feet and did not realize a screw was
22 in his left foot until he took his shoes off. Patient A stated that when he saw the screw, he
23 removed the screw in his left foot and pulled the screw out. Patient A reported to Respondent that
24 his foot bled a little, gradually started to drain, and that he has not taken any antibiotics.
25 Respondent noted that there was a puncture wound in the left foot with peripheral keratinization²
26 and slight drainage. Respondent diagnosed a cellulitis³ in the arch of Patient A's left foot.
27 Respondent treated Patient A with a local debridement⁴ of an unknown depth, dressing were
28 applied, and he provided prescriptions for Keflex⁵ 500 mg three times daily, and instructed
Patient A to change his dressings and apply a topical antibiotic.

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

² Keratinization is the process by which vertebrate epithelial cells become filled with
keratin protein filaments, die, and form tough, resistant structures such as skin or nails.

³ Cellulitis is a common bacterial skin infection that causes redness, swelling, and pain in
the infected area of the skin.

⁴ Debridement is when a doctor removes dead tissue from a wound.

⁵ Keflex is an oral medication used to treat a wide variety of bacterial infections. It is

1 13. On or about March 7, 2016, Patient A returned to Respondent for treatment. Patient
2 A reported that he had applied a hot compress and developed blisters. Respondent performed an
3 incision and drainage of bullae⁶ on the dorsal⁷ and the plantar⁸ aspect of the left foot. Respondent
4 then applied dressings and advised the patient to continue to take Kerflex.

5 14. On or about March 14, 2016, Patient A returned to Respondent and reported that he
6 had been soaking his left foot and that it appeared his infection was worsening. Respondent noted
7 that the dressings that Patient A applied were moist and that the 2nd toe of his left foot appeared
8 ischemic⁹, was malodorous, and slightly draining. Respondent redressed Patient A's left foot
9 advised Patient A to ambulate minimally, keep his left foot elevated, and go straight to the
10 Emergency Room for a possible admittance, IV antibiotics, and proper medical care.

11 15. Respondent committed an extreme departure from the standard of care when he failed
12 to obtain a culture on Patient A's infected diabetic foot ulceration on the visits that included
13 evaluation, treatment and antibiotic prescription.

14 16. Respondent committed a simple departure from the standard of care wherein there
15 was inadequate measurements and descriptions of the ulcerations and the bullae in the evaluation
16 and treatment of a diabetic patient with ulcerations, bullae and infection.

17 17. Respondent committed an extreme departure from the standard of care when a
18 vascular consultation for Patient A who was diabetic with ulcerations, bullae formation, cellulitis,
19 and subsequent ischemic changes was not made.

20 FIRST CAUSE FOR DISCIPLINE

21 (Gross Negligence)

22 18. Respondent has subjected his Doctor of Podiatric Medicine License No. 2336 to
23 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of
24 the Code, in that he was grossly negligent in his care of Patient A, as more particularly alleged in

25 known as a cephalosporin antibiotic.

26 ⁶ Bulla/ae is a fluid-filled sac or lesion that appears when fluid is trapped under a thin
27 layer of skin. It is a type of blister.

28 ⁷ Dorsal of the foot is the area facing upwards while standing.

⁸ Plantar of the foot is the sole of the foot.

⁹ Ischemia is inadequate blood supply to an organ or part of the body.

1 paragraphs 12 through 17 above, which are hereby incorporated by reference and realleged as if
2 fully set forth herein.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Repeated Negligent Acts)**

5 19. Respondent has subjected his Doctor of Podiatric Medicine License No. 2336 to
6 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (c), of
7 the Code, in that he committed repeated negligent acts in his care and treatment of Patient A, as
8 more particularly alleged in paragraphs 12 through 17, above, which are hereby incorporated by
9 reference and realleged as if fully set forth herein.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Failure to Maintain Adequate Medical Records)**

12 20. Respondent has further subjected his Doctor of Podiatric Medicine License No. 2336
13 to disciplinary action under sections 2227 and 2234, as defined by section 2266, of the Code, in
14 that Respondent failed to maintain adequate records regarding his care and treatment of Patient A,
15 as more particularly alleged in paragraphs 12 through 17, above, which are hereby incorporated
16 by reference and realleged as if fully set forth herein.

17 **FOURTH CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct)**

19 21. Respondent has further subjected his Doctor of Podiatric Medicine License No. 2336
20 to disciplinary action under sections 2227 and 2234, as defined by section 2234, in that he
21 engaged in conduct which breaches the rules or ethical code of the medical profession, or conduct
22 which is unbecoming a member in good standing of the medical profession, and which
23 demonstrates an unfitness to practice medicine, as more particularly alleged in paragraphs 12
24 through 17, above, which are hereby incorporated by reference and realleged as if fully set forth
25 herein.

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1 PRAYER


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

4 1. Revoking or suspending Doctor of Podiatric Medicine License No. 2336, issued to
5 Frank Conrad Caruana, D.P.M.;

6 2. Ordering Frank Conrad Caruana, D.P.M. to pay the Podiatric Medical Board the
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
8 Professions Code section 2497.5; and,

9 3. Taking such other and further action as deemed necessary and proper.

10
11 DATED: AUG 31 2022


12 BRIAN NASLUND
13 Executive Officer
14 Podiatric Medical Board
15 Department of Consumer Affairs
16 State of California
17 Complainant

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