

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

**In the Matter of the First Amended  
Petition to Revoke Probation and  
Accusation Against:**

**Leon Jason Klapman, D.P.M.**

**Doctor of Podiatric Medicine  
License No. E-4433**

**Respondent.**

**Case No. 500-2022-001283**

**DECISION**

**The attached Stipulated Surrender of License and Order is hereby accepted and 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 June 6, 2023.**

**IT IS SO ORDERED May 30, 2023.**

**PODIATRIC MEDICAL BOARD OF CALIFORNIA**

  
\_\_\_\_\_  
**Carolyn McAloon, D.P.M., President**

1 ROB BONTA  
Attorney General of California  
2 EDWARD KIM  
Supervising Deputy Attorney General  
3 CHRISTINA SEIN GOOT  
Deputy Attorney General  
4 State Bar No. 229094  
California Department of Justice  
5 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
6 Telephone: (213) 269-6481  
Facsimile: (916) 731-2117  
7 *Attorneys for Complainant*

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

12 In the Matter of the First Amended Petition to  
Revoke Probation and Accusation Against:

13 **LEON J. KLAPMAN, D.P.M.**  
14 **10832 Key West Avenue**  
**Northridge, CA 91362**

15 **Doctor of Podiatric Medicine**  
16 **License No. E-4433,**

17 **Respondent.**

Case No. 500-2022-001283

OAH No. 2022080848

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

18  
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 Christina Sein Goot, Deputy Attorney  
25 General.

26 2. Leon J. Klapman, D.P.M. (Respondent) is represented in this proceeding by attorney  
27 C. Keith Greer, Greer & Associates, 16855 West Bernardo Drive, Suite 255, San Diego,  
28 California 92127.

3. On July 3, 2002, the Board issued Doctor of Podiatric Medicine License No. E-4433 to Respondent. That license was in full force and effect at all times relevant to the charges brought in First Amended Petition to Revoke Probation and Accusation No. 500-2022-001283 and expired on December 31, 2021. Respondent's license is in delinquent status.

## JURISDICTION

4. A First Amended Petition to Revoke Probation and Accusation in Case No. 500-2022-001283 was filed before the Board and is currently pending against Respondent. The First Amended Petition to Revoke Probation and Accusation and all other statutorily required documents were properly served on Respondent on November 2, 2022. All charges contained in the First Amended Petition to Revoke Probation and Accusation were deemed controverted. A copy of First Amended Petition to Revoke Probation and Accusation No. 500-2022-001283 is attached as Exhibit A and is incorporated by reference.

## **ADVISEMENT AND WAIVERS**

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Petition to Revoke Probation and Accusation No. 500-2022-001283. 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 First Amended Petition to Revoke Probation and 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 First  
3 Amended Petition to Revoke Probation and Accusation No. 500-2022-001283, agrees that cause  
4 exists for discipline, and hereby surrenders his Doctor of Podiatric Medicine License No. E-4433  
5 for the Board's formal acceptance.

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

9 **CONTINGENCY**

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

19 11. This Stipulated Surrender and Disciplinary Order is intended by the parties herein to  
20 be an integrated writing representing the complete, final and exclusive embodiment of the  
21 agreement of the parties in this above-entitled matter.

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

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

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**ORDER**

**IT IS HEREBY ORDERED THAT** Doctor of Podiatric Medicine License No. E-4433, issued to Respondent Leon J. Klapman, D.P.M., is surrendered and accepted by the Board.

1. The surrender of Respondent's Doctor of Podiatric Medicine License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a doctor of podiatric medicine in California as of the effective date of the Board's Decision and Order.

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

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in First Amended Petition to Revoke Probation and Accusation No. 500-2022-001283 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$13,640.00 prior to issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in First Amended Petition to Revoke Probation and Accusation, No. 500-2022-001283 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

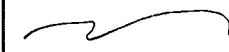
[Signatures on following page]

**ACCEPTANCE**

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, C. Keith Greer. 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: 4/7/2023

DocuSigned by:

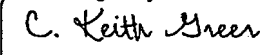
  
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LEON J. KLAPMAN, D.P.M.  
*Respondent*

I have read and fully discussed with Respondent Leon J. Klapman, 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: 4/7/2023

DocuSigned by:

  
0F755D92A5F2415...

C. KEITH GREER  
*Attorney for Respondent*

**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: \_\_\_\_\_

Respectfully submitted,

ROB BONTA  
Attorney General of California  
EDWARD KIM  
Supervising Deputy Attorney General

Edward Kim  
Digitally signed  
by Edward Kim  
Date: 2023.04.07  
16:20:28 -07'00'

CHRISTINA SEIN GOOT  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**First Amended Petition to Revoke Probation and Accusation No. 500-2022-001283**

1 ROB BONTA  
Attorney General of California  
2 EDWARD KIM  
Supervising Deputy Attorney General  
3 CHRISTINA SEIN GOOT  
Deputy Attorney General  
4 State Bar No. 229094  
Department of Justice  
5 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
6 Telephone: (213) 269-6481  
Facsimile: (916) 731-2117  
7 *Attorneys for Complainant*

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

11 In the Matter of the First Amended Petition to  
Revoke Probation and Accusation Against:

Case No. 500-2022-001283 (previously filed  
erroneously as Case No. 1B-2013-232904)

12 **LEON J. KLAPMAN, D.P.M.**  
13 **10832 Key West Avenue**  
14 **Northridge, CA 91362**

**FIRST AMENDED PETITION TO  
REVOKE PROBATION AND  
ACCUSATION**

15 **Doctor of Podiatric Medicine**  
16 **License No. E-4433,**

Respondent.

17  
18  
19 Complainant alleges:

20 **PARTIES**

21 1. Brian Naslund (Complainant) brings this First Amended Petition to Revoke Probation  
22 and Accusation solely in his official capacity as the Executive Officer of the Podiatric Medical  
23 Board of California (Board), Department of Consumer Affairs.

24 2. On or about July 3, 2002, the Board issued Doctor of Podiatric Medicine License  
25 Number E-4433 to Leon J. Klapman, D.P.M. (Respondent). The Doctor of Podiatric Medicine  
26 License was in effect at all times relevant to the charges brought herein and expired on December  
27 31, 2021. Respondent's license is in delinquent status.

28 ///



## DISCIPLINARY HISTORY

3. In a disciplinary action titled *In the Matter of the Accusation Against Leon J. Klapman, D.P.M.*, Case No. 1B-2013-232904, the Board, issued a Decision, effective January 20, 2017, in which Respondent's Doctor of Podiatric Medicine License was revoked. However, the revocation was stayed and Respondent's Doctor of Podiatric Medicine License was placed on probation for a period of five (5) years with certain terms and conditions, including completing additional education courses, having a practice and billing monitor, and paying cost recovery and probation monitoring costs. A copy of that Decision and Order (Decision) is attached as Exhibit A and is incorporated by reference.

4. The Petition to Revoke Probation and Accusation filed against Respondent on January 19, 2022, was filed with the incorrect case number. The correct case number for this First Amended Petition to Revoke Probation and Accusation is Case No. 500-2022-001283.

## JURISDICTION

5. This First Amended Petition to Revoke Probation and Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

6. Section 118 of the Code states:

(a) The withdrawal of an application for a license after it has been filed with a board in the department shall not, unless the board has consented in writing to such withdrawal, deprive the board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any such ground.

(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

(c) As used in this section, "board" includes an individual who is authorized by any provision of this code to issue, suspend, or revoke a license, and "license" includes "certificate," "registration," and "permit."

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1           7.     Section 2222 of the Code states:

2           The California Board of Podiatric Medicine shall enforce and administer this  
3     article as to doctors of podiatric medicine. Any acts of unprofessional conduct or  
4     other violations proscribed by this chapter are applicable to licensed doctors of  
5     podiatric medicine and wherever the Medical Quality Hearing Panel established  
6     under Section 11371 of the Government Code is vested with the authority to enforce  
7     and carry out this chapter as to licensed doctors of podiatric medicine.

8           The California Board of Podiatric Medicine may order the denial of an  
9     application or issue a certificate subject to conditions as set forth in Section 2221, or  
10    order the revocation, suspension, or other restriction of, or the modification of that  
11    penalty, and the reinstatement of any certificate of a doctor of podiatric medicine  
12    within its authority as granted by this chapter and in conjunction with the  
13    administrative hearing procedures established pursuant to Sections 11371, 11372,  
14    11373, and 11529 of the Government Code. For these purposes, the California Board  
15    of Podiatric Medicine shall exercise the powers granted and be governed by the  
16    procedures set forth in this chapter.

17          8.     Section 2497 of the Code states:

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

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

27          9.     Section 2234 of the Code states:

28           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.

(d) Incompetence.

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

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

(g) The failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.10. Section 2261 of the Code states: "Knowingly making or signing any certificate or other document directly or indirectly related to the practice of medicine or podiatry which falsely represents the existence or nonexistence of a state of facts, constitutes unprofessional conduct."

#### **PROBATION**

11. At all times after the effective date of the Decision, Condition 15 of the Board's related disciplinary order stated:

15. **VIOLATION OF PROBATION** If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or First Amended Petition to Revoke Probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, the period of probation shall be extended until the matter is final, and no petition for modification of penalty shall be considered while there is an accusation or First Amended Petition to Revoke Probation pending against Respondent.

#### **COST RECOVERY**

12. 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.

### **FIRST CAUSE TO REVOKE PROBATION**

#### **(Failure to Complete Education Courses)**

13. At all times after the effective date of the Decision, Condition No. 1 of the Board's related disciplinary order stated:

1. 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 25 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 50 hours of CME of which 25 hours were in satisfaction of this condition.

14. At all times after the effective date of the Decision, Condition No. 21 of the Board's related disciplinary order stated:

21. 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.

15. Respondent's probation is subject to revocation because he failed to comply with Condition No. 1 and Condition No. 21 of the Board's probationary order referenced above. The

1 facts and circumstances regarding this violation are as follows:

2 A. On or about January 15, 2020, Respondent was granted a waiver of CME  
3 requirements for the two-year renewal period beginning on December 31, 2017, and ending on  
4 December 31, 2019. Accordingly, Respondent was required to report compliance with 200 CME  
5 hours by the end of the next renewal period on December 31, 2021. The 200 CME hours  
6 included 100 CME hours required for license renewal and 100 CME hours required pursuant to  
7 Condition No. 1 of Respondent's probation.

8 B. As of December 31, 2021, Respondent has not submitted proof of compliance with  
9 his requirement to complete 200 CME hours for the renewal period ending on December 31,  
10 2021.

11 C. Respondent's failure to provide proof of attendance of the hourly CME requirements  
12 pursuant to Condition Nos. 1 and 21 as alleged above, represent violations of the Board's  
13 disciplinary order as set forth in the Decision.

14 **SECOND CAUSE TO REVOKE PROBATION**

15 (Failure to Comply with Practice/Billing Monitor Condition)

16 16. At all times after the effective date of the Decision, Condition No. 4 of the Board's  
17 related disciplinary order stated:

18 **4. MONITORING - PRACTICE/BILLING** Within 30 days of the effective  
19 date of this Decision, the entire practice shall be monitored, including, but not limited  
20 to the following: medical records, charting, pre and postoperative evaluations, all  
surgical procedures and billing records.

21 The Board shall immediately, within the exercise of reasonable discretion,  
22 appoint a doctor of podiatric medicine from its panel of medical consultants or panel  
of expert reviewers as the monitor. The monitor shall provide quarterly reports to the  
23 Board or its designee which include an evaluation of Respondent's performance,  
indicating whether Respondent's practices are within the standards of practice of  
24 podiatric medicine or billing, or both, and whether Respondent is practicing podiatric  
medicine safely. The Board or its designee shall determine the frequency and practice  
25 areas to be monitored. Such monitoring shall be required for a minimum of one year  
during the term of probation. At the conclusion of the first year of monitoring, the  
26 monitor shall make recommendations to the Board or its designee regarding the  
frequency of and/or level of continued monitoring thereafter. The Board or its  
27 designee may at its sole discretion also require prior approval by the monitor of any  
medical or surgical procedures engaged in by the Respondent. The Respondent shall  
28 pay all costs of such monitoring and shall otherwise comply with all requirements of  
his or her contract with the monitor, a copy of which is attached as "Exhibit B -  
Agreement to Monitor Practice and/or Billing" (revised April 2004). If the monitor

1 terminates the contract, or is no longer available, the Board or its designee shall  
2 appoint a new monitor immediately. Respondent shall not practice at any time during  
the probation until the Respondent provides a copy of the contract with the current  
monitor to the probation investigator and such contract is approved by the Board.

3 Respondent shall provide access to the practice monitor of Respondent's patient  
4 records and such monitor shall be permitted to make direct contact with any patients  
5 treated or cared for by Respondent and to discuss any matters related to Respondent's  
6 care and treatment of those patients. Respondent shall obtain any necessary patient  
7 releases to enable the monitor to review records and to make direct contact with  
8 patients. Respondent shall execute a release authorizing the monitor to provide to the  
9 Board or its designee any relevant information. If the practice monitor deems it  
10 necessary to directly contact any patient, and thus require the disclosure of such  
11 patient's identity, Respondent shall notify the patient that the patient's identity has  
12 been requested pursuant to the Decision. This notification shall be signed and dated  
by each patient prior to the commencement or continuation of any examination or  
treatment of each patient by Respondent and a copy of such notification shall be  
maintained in each patient's file. The notifications signed by Respondent's patients  
shall be subject to inspection and copying by the Board or its designee at any time  
during the period of probation that Respondent is required to comply with this  
condition. The practice monitor will sign a confidentiality agreement requiring him  
or her to keep all patient information regarding Respondent's patients in complete  
confidence, except as otherwise required by the Board or its designee.

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

15 In lieu of a monitor, Respondent may participate in a billing and coding  
16 professional enhancement program offered by the Physician Assessment and Clinical  
17 Education Program at the University of California, San Diego School of Medicine,  
18 that includes, at minimum, quarterly chart review, semi-annual practice assessment,  
19 and semi-annual review of professional growth and education. Respondent shall  
participate in the professional enhancement program at Respondent's expense, and  
for a minimum of one year during the term of probation. At the conclusion of the  
first year of the program, the program evaluators shall make recommendations to the  
Board or its designee regarding the frequency of and/or level of continued  
participation by Respondent in the program thereafter.

20 17. Respondent's probation is subject to revocation because he failed to comply with  
21 Condition No. 4 of the Board's probationary order referenced above. The facts and  
22 circumstances regarding this violation are as follows:

23 A. Respondent has failed to comply with Condition No. 4 since, on or about September  
24 30, 2020, was the last time that Respondent's Practice and Billing Monitor reviewed his practice  
25 records. Since that date, Respondent has not made himself available to, nor returned the phone  
26 calls of, his Practice and Billing Monitor.

27 B. Respondent's failure to provide access to his Practice and Billing Monitor pursuant to  
28 Condition No. 4 as alleged above, represent violations of the Board's disciplinary order as set

1 forth in the Decision.

2 **THIRD CAUSE TO REVOKE PROBATION**

3 (Failure to Comply with Financial Obligations)

4 18. At all times after the effective date of the Decision, Condition No. 14 of the Board's  
5 related disciplinary order stated:

6 **14. COMPLETION OF PROBATION** Respondent shall comply with all  
7 financial obligations (e.g., cost recovery, restitution, probation costs) not later than  
8 120 calendar days prior to the completion of probation. Upon successful completion  
9 of probation, Respondent's certificate will be fully restored.

10 19. At all times after the effective date of the Decision, Condition No. 16 of the Board's  
11 related disciplinary order stated:

12 **16. COST RECOVERY** Within 90 calendar days from the effective date of the  
13 Decision or other period agreed to by the Board or its designee and at least 60 days  
14 prior to the completion of probation, Respondent shall reimburse the Board the  
15 amount of \$12,435.00 for its investigative and prosecution costs. The filing of  
16 bankruptcy or period of non-practice by Respondent shall not relieve the Respondent  
17 of his/her obligation to reimburse the Board for its costs

18 20. At all times after the effective date of the Decision, Condition No. 18 of the Board's  
19 related disciplinary order stated:

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

26 21. Respondent's probation is subject to revocation because he failed to comply with  
27 Condition No. 14, Condition No. 16, and Condition No. 18, of the Board's disciplinary order  
28 referenced above. The facts and circumstances regarding this violation are as follows:

A. Respondent's term of probation under the Decision in Case No. 1B-2013-232904 was  
scheduled to end on January 20, 2022.

B. Respondent has not made a payment towards cost recovery since on or about  
September 29, 2020.

C. Respondent has not made a payment towards probation monitoring costs since on or

1 about June 22, 2020.

2 D. As of December 14, 2021, Respondent owed to the Board, \$435 in cost recovery, and  
3 \$8,267.25 in probation monitoring costs.

4 E. Respondent's failure to satisfy his financial obligations pursuant to Condition Nos.  
5 14, 16, and 18 as alleged above, represent violations of the Board's disciplinary order as set forth  
6 in the Decision.

7 **FOURTH CAUSE TO REVOKE PROBATION**

8 (Failure to Submit Quarterly Declaration)

9 22. At all times after the effective date of the Decision, Condition No. 9 of the Board's  
10 related disciplinary order stated:

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

16 23. Respondent's probation is subject to revocation because he failed to comply with  
17 Condition No. 9 of the Board's disciplinary order referenced above. The facts and circumstances  
18 regarding this violation are as follows:

19 A. Respondent failed to submit to the Board, his quarterly declaration for the third  
20 quarter of 2021.

21 B. Respondent's failure to provide his quarterly declaration pursuant to Condition No. 9  
22 as alleged above, represents a violation of the Board's disciplinary order as set forth in the  
23 Decision.

24 **FIFTH CAUSE TO REVOKE PROBATION**

25 (General Probation Requirements and Obey All Laws)

26 24. At all times after the effective date of the Decision, Condition No. 8 of the Board's  
27 related disciplinary order stated:

28 **8. 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.

///



25. At all times after the effective date of the Decision, Condition No. 10 of the Board's related disciplinary order stated:

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

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

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

26. Respondent's probation is subject to revocation because he failed to comply with Condition Nos. 8 and 10 of the Board's disciplinary order referenced above. The facts and circumstances regarding this violation are as follows:

A. Respondent has violated the terms of his probation and has engaged in unprofessional conduct.

B. The allegations of the First through Fourth Causes to Revoke Probation, inclusive, are incorporated herein by reference as if fully set forth.

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

**FIRST CAUSE FOR DISCIPLINE**

**(Dishonest and Corrupt Acts)**

27. Respondent is subject to disciplinary action under sections 2261 and 2234, subdivision (e), of the Code in that he committed dishonest and corrupt acts and/or falsely represented facts to the Board. The circumstances are as follows:

A. The allegations of the First through Fifth Causes to Revoke Probation, inclusive, are incorporated by reference as if fully set forth herein.

B. Pursuant to the terms of his probationary order with the Board, Respondent prepared a quarterly declaration for the second quarter of 2021 (2021 Q2 Declaration), which attests that he

1 complied with each term and condition of his probation. Respondent signed his 2021 Q2  
2 Declaration under the penalty of perjury and submitted it to the Board. However, as alleged  
3 above, at the time he signed his 2021 Q2 Declaration, Respondent was not in compliance with  
4 several terms and conditions of his probation.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Unprofessional Conduct)**

7 28. Respondent is subject to disciplinary action under section 2234, in that his action(s)  
8 and/or inaction(s) represent unprofessional conduct, generally. The facts and circumstances  
9 regarding this violation are as follows:

10 29. The allegations of the First Cause for Discipline, inclusive, are incorporated herein by  
11 reference as if fully set forth

12 **PRAYER**

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

15 1. Revoking the probation that was granted by the Podiatric Medical Board of California  
16 in Case No. 1B-2013-232904 and imposing the disciplinary order that was stayed thereby  
17 revoking Doctor of Podiatric Medicine License No. E-4433 issued to Leon J. Klapman, D.P.M.;

18 2. Revoking or suspending Doctor of Podiatric Medicine License No. E-4433, issued to  
19 Leon J. Klapman, D.P.M.;

20 3. Ordering Leon J. Klapman, D.P.M. to pay the Podiatric Medical Board of California  
21 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
22 Professions Code section 2497.5;

23 4. Ordering Leon J. Klapman, D.P.M. to pay the Podiatric Medical Board of California,  
24 if placed on probation, the costs of probation; and

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

DATED: NOV 02 2022

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

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**Exhibit A**

**Decision and Order**

**Podiatric Medical Board of California Case No. 1B-2013-232904**

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

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

**Leon Jason Klapman, D.P.M. )**

**Case No. 1B-2013-232904**

**Doctor of Podiatric Medicine )  
License No. E 4433 )**

**Respondent )**

**DECISION**

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

**This Decision shall become effective at 5:00 p.m. on January 20, 2017.**

**IT IS SO ORDERED December 22, 2016.**

**BOARD OF PODIATRIC MEDICINE**

By: \_\_\_\_\_

  
**John Y. Cha, DPM, President**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 CHRISTINA L. SEIN  
Deputy Attorney General  
4 State Bar No. 229094  
California Department of Justice  
5 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
6 Telephone: (213) 897-9444  
Facsimile: (213) 897-9395  
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 1B-2013-232904

13 **LEON J. KLAPMAN, D.P.M.**  
10832 Key West Avenue  
Northridge, CA 91362

OAH No. 2015080759

14 **Doctor of Podiatric Medicine**  
15 **License No. E 4433,**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16 Respondent.

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Jason S. Campbell, J.D., the Executive Officer of the Board of Podiatric Medicine  
22 (Board), Department of Consumer Affairs, at the time of the filing of the Accusation, brought this  
23 action solely in his official capacity. Kathleen Cooper, J.D. (Complainant) is the Interim  
24 Executive Officer of the Board and is represented in this matter by Kamala D. Harris, Attorney  
25 General of the State of California, by Christina L. Sein, Deputy Attorney General.

26 2. Respondent Leon J. Klapman, D.P.M. (Respondent) is represented in this proceeding  
27 by attorney C. Keith Greer, Esq., whose address is: 17150 Via Del Campo, Suite 100,  
28 San Diego, CA 92127.

3. On or about July 3, 2002, the Board of Podiatric Medicine issued Doctor of Podiatric Medicine License No. E 4433 to Respondent. The Doctor of Podiatric Medicine License was in full force and effect at all times relevant to the charges brought in Accusation No. 1B-2013-232904, and will expire on December 31, 2017, unless renewed.

## JURISDICTION

4. Accusation No. 1B-2013-232904 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 June 23, 2015. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 1B-2013-232904 is attached as Exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 1B-2013-232904. 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 does not contest that, at an administrative hearing, Complainant could establish a *prima facie* case with respect to certain charges and allegations contained in Accusation No. 1B-2013-232904 and that he has thereby subjected his license to disciplinary

1 action.

2 10. Respondent agrees that if he ever petitions for early termination or modification of  
3 probation, or if the Board ever petitions for revocation of probation, all of the charges and  
4 allegations contained in Accusation No. 1B-2013-232904 shall be deemed true, correct and fully  
5 admitted by Respondent for purposes of that proceeding or any other licensing proceeding  
6 involving Respondent in the State of California.

7 **CONTINGENCY**

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

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

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

23 **DISCIPLINARY ORDER**

24 IT IS HEREBY ORDERED that Doctor of Podiatric Medicine License No. E 4433 issued  
25 to Respondent Leon J. Klapman, D.P.M. is revoked. However, the revocation is stayed and  
26 Respondent is placed on probation for five (5) years on the following terms and conditions.

27 1. **EDUCATION COURSE** Within 60 days of the effective date of this Decision, and  
28 on an annual basis thereafter, Respondent shall submit to the Board or its designee for its prior



1 approval educational program(s) or course(s) which shall not be less than 25 hours per year, for  
2 each year of probation. The educational program(s) or course(s) shall be aimed at correcting any  
3 areas of deficient practice or knowledge and shall be Category I certified or Board approved and  
4 limited to classroom, conference, or seminar settings. The educational program(s) or course(s)  
5 shall be at the Respondent's expense and shall be in addition to the Continuing Medical  
6 Education (CME) requirements, which must be scientific in nature, for renewal of licensure.  
7 Following the completion of each course, the Board or its designee may administer an  
8 examination to test Respondent's knowledge of the course. Respondent shall provide proof of  
9 attendance for 50 hours of CME of which 25 hours were in satisfaction of this condition.

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

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

19 Respondent shall submit a certification of successful completion to the Board or its  
20 designee not later than 15 calendar days after successfully completing the course, or not later than  
21 15 calendar days after the effective date of the Decision, whichever is later. Completion of the  
22 medical record keeping course shall count towards fulfilling the Education Course requirement in  
23 Paragraph 1, above.

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

28 An ethics course taken after the acts that gave rise to the charges in the Accusation, but

1 prior to the effective date of the Decision may, in the sole discretion of the Board or its designee,  
2 be accepted towards the fulfillment of this condition if the course would have been approved by  
3 the Board or its designee had the course been taken after the effective date of this Decision.

4 Respondent shall submit a certification of successful completion to the Board or its  
5 designee not later than 15 calendar days after the effective date of the Decision. Completion of  
6 the ethics course shall count towards fulfilling the Education Course requirement in Paragraph 1,  
7 above.

8 4. MONITORING - PRACTICE/BILLING Within 30 days of the effective date of this  
9 Decision, the entire practice shall be monitored, including, but not limited to the following:  
10 medical records, charting, pre and postoperative evaluations, all surgical procedures and billing  
11 records.

12 The Board shall immediately, within the exercise of reasonable discretion, appoint a doctor  
13 of podiatric medicine from its panel of medical consultants or panel of expert reviewers as the  
14 monitor.

15 The monitor shall provide quarterly reports to the Board or its designee which include an  
16 evaluation of Respondent's performance, indicating whether Respondent's practices are within  
17 the standards of practice of podiatric medicine or billing, or both, and whether Respondent is  
18 practicing podiatric medicine safely.

19 The Board or its designee shall determine the frequency and practice areas to be monitored.  
20 Such monitoring shall be required for a minimum of one year during the term of probation. At  
21 the conclusion of the first year of monitoring, the monitor shall make recommendations to the  
22 Board or its designee regarding the frequency of and/or level of continued monitoring thereafter.  
23 The Board or its designee may at its sole discretion also require prior approval by the monitor of  
24 any medical or surgical procedures engaged in by the Respondent. The Respondent shall pay all  
25 costs of such monitoring and shall otherwise comply with all requirements of his or her contract  
26 with the monitor, a copy of which is attached as "Exhibit B - Agreement to Monitor Practice  
27 and/or Billing" (revised April 2004). If the monitor terminates the contract, or is no longer  
28 available, the Board or its designee shall appoint a new monitor immediately. Respondent shall

1 not practice at any time during the probation until the Respondent provides a copy of the contract  
2 with the current monitor to the probation investigator and such contract is approved by the Board.

3 Respondent shall provide access to the practice monitor of Respondent's patient records  
4 and such monitor shall be permitted to make direct contact with any patients treated or cared for  
5 by Respondent and to discuss any matters related to Respondent's care and treatment of those  
6 patients. Respondent shall obtain any necessary patient releases to enable the monitor to review  
7 records and to make direct contact with patients. Respondent shall execute a release authorizing  
8 the monitor to provide to the Board or its designee any relevant information. If the practice  
9 monitor deems it necessary to directly contact any patient, and thus require the disclosure of such  
10 patient's identity, Respondent shall notify the patient that the patient's identity has been requested  
11 pursuant to the Decision. This notification shall be signed and dated by each patient prior to the  
12 commencement or continuation of any examination or treatment of each patient by Respondent  
13 and a copy of such notification shall be maintained in each patient's file. The notifications signed  
14 by Respondent's patients shall be subject to inspection and copying by the Board or its designee  
15 at any time during the period of probation that Respondent is required to comply with this  
16 condition. The practice monitor will sign a confidentiality agreement requiring him or her to  
17 keep all patient information regarding Respondent's patients in complete confidence, except as  
18 otherwise required by the Board or its designee.

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

22 In lieu of a monitor, Respondent may participate in a billing and coding professional  
23 enhancement program offered by the Physician Assessment and Clinical Education Program at  
24 the University of California, San Diego School of Medicine, that includes, at minimum, quarterly  
25 chart review, semi-annual practice assessment, and semi-annual review of professional growth  
26 and education. Respondent shall participate in the professional enhancement program at  
27 Respondent's expense, and for a minimum of one year during the term of probation. At the  
28 conclusion of the first year of the program, the program evaluators shall make recommendations

1 to the Board or its designee regarding the frequency of and/or level of continued participation by  
2 Respondent in the program thereafter.

3 5. RESTITUTION Within 90 days of the effective date of this Decision, Respondent  
4 shall provide proof to the Board or its designee of restitution in the following amounts:

5 \$608.42 paid to Medicare and \$90.00 paid to Health Company ADM, in connection with  
6 the charges billed for services rendered to patient L.G.;

7 \$150.97 paid to Medicare and \$38.51 paid to AARP, in connection with the charges billed  
8 for services rendered to patient F.C.; and

9 \$140.35 paid to Medicare and \$35.80 paid to AARP, in connection with the charges billed  
10 for services rendered to patient M.C.

11 Failure to pay restitution shall be considered a violation of probation.

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

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

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

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

27 9. QUARTERLY DECLARATIONS Respondent shall submit quarterly declarations  
28 under penalty of perjury on forms provided by the Board, stating whether there has been

1 compliance with all the conditions of probation. Respondent shall submit quarterly declarations  
2 not later than 10 calendar days after the end of the preceding quarter.

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

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

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

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

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

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

1 comply with the probationary terms and conditions, with the exception of this condition, and the  
2 following terms and conditions of probation: Obey All Law; Probation Unit Compliance; and  
3 Cost Recovery.

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

10 13. FAILURE TO PRACTICE PODIATRIC MEDICINE - CALIFORNIA RESIDENT

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

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

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

26 14. COMPLETION OF PROBATION Respondent shall comply with all financial  
27 obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar days prior  
28 to the completion of probation. Upon successful completion of probation, Respondent's

1 certificate will be fully restored.

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

9 16. COST RECOVERY Within 90 calendar days from the effective date of the Decision  
10 or other period agreed to by the Board or its designee and at least 60 days prior to the completion  
11 of probation, Respondent shall reimburse the Board the amount of \$12,435.00 for its investigative  
12 and prosecution costs. The filing of bankruptcy or period of non-practice by Respondent shall not  
13 relieve the Respondent of his/her obligation to reimburse the Board for its costs.

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

25 18. PROBATION MONITORING COSTS Respondent shall pay the costs associated  
26 with probation monitoring each and every year of probation as designated by the Board, which  
27 may be adjusted on an annual basis. Such costs shall be payable to the Board of Podiatric  
28 Medicine and delivered to the Board or its designee within 60 days after the start of the new fiscal

1 year. Failure to pay costs within 30 calendar days of this date is a violation of probation.

2 19. NOTICE TO EMPLOYEES Respondent shall, upon or before the effective date of  
3 this Decision, post or circulate a notice which actually recites the offenses for which Respondent  
4 has been disciplined and the terms and conditions of probation to all employees involved in  
5 his/her practice. Within fifteen (15) days of the effective date of this Decision, Respondent shall  
6 cause his/her employees to report to the Board in writing, acknowledging the employees have  
7 read the Accusation and Decision in the case and understand Respondent's terms and conditions  
8 of probation.


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

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

16 ACCEPTANCE

17 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
18 discussed it with my attorney, C. Keith Greer, Esq. I understand the stipulation and the effect it  
19 will have on my Doctor of Podiatric Medicine. I enter into this Stipulated Settlement and  
20 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
21 Decision and Order of the Board of Podiatric Medicine.

22 DATED: September 1, 2016  
23 \_\_\_\_\_

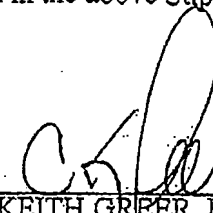
24   
LEON J. KLAPMAN, D.P.M.  
Respondent

25  
26  
27 [Signatures continued on following page]  
28



1 I have read and fully discussed with Respondent LEON J. KLAPMAN, D.P.M. the terms  
2 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
3 Order. I approve its form and content.

4  
5 DATED: Sept 2, 2016

  
C. KEITH GREER, ESQ.  
*Attorney for Respondent*

8 ENDORSEMENT

9 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
10 submitted for consideration by the Board of Podiatric Medicine.

11 Dated:

Respectfully submitted,

12  
13 KAMALA D. HARRIS  
Attorney General of California  
14 JUDITH T. ALVARADO  
Supervising Deputy Attorney General

15  
16 CHRISTINA L. SEIN  
Deputy Attorney General  
17 *Attorneys for Complainant*  
18  
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28

1 I have read and fully discussed with Respondent LEON J. KLAPMAN, D.P.M. the terms  
2 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
3 Order. I approve its form and content.

4  
5 DATED: \_\_\_\_\_

C. KEITH GREER, ESQ.  
*Attorney for Respondent*

7  
8 ENDORSEMENT

9 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
10 submitted for consideration by the Board of Podiatric Medicine.

11 Dated: 9/6/16

Respectfully submitted,

12  
13 KAMALA D. HARRIS  
Attorney General of California  
14 JUDITH T. ALVARADO  
Supervising Deputy Attorney General

15 

16 CHRISTINA L. SEIN  
17 Deputy Attorney General  
18 *Attorneys for Complainant*

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## **Exhibit B**

### **Agreement to Monitor Practice and/or Billing**



## AGREEMENT TO MONITOR PRACTICE AND/OR BILLING

### Introduction

The role of the practice and/or billing monitor (Monitor) is to ensure, to the extent possible, that the Probationer will conduct his/her practice with safety to the public and in a competent manner. The Monitor is responsible for reporting to the Board of Podiatric Medicine (Board) any identified problems or deficiencies in the quality of the Probationer's patient care, billing practices, medical record keeping, and/or professional conduct. The Monitor also fulfills the role of an educator and advisor to the Probationer, with the goal of assisting the Probationer to improve clinical skills and gain insight into practices that led to disciplinary action, so that learning and rehabilitation will occur. In order to provide this type of objective oversight, the Monitor must not have any prior or current business, personal, or other relationship with the Probationer that could reasonably be expected to compromise the ability of the Monitor to render fair and unbiased reports to the Board.

**AGREEMENT**

I, \_\_\_\_\_, D.P.M., "Monitor", hereby agree to monitor the medical and/or billing practice of \_\_\_\_\_, D.P.M., "Probationer."

- I have received and have read a copy of the Accusation and Decision regarding the Probationer.
- I clearly understand the role of a Monitor and what is expected of me.
- I have no prior or current business, personal or other relationship with the Probationer that could reasonably be expected to compromise my ability to render fair and unbiased reports to the Board.
- I understand that the Probationer is responsible for all costs associated with the monitoring of his/her practice, and that the Board does not set these costs. I am not being compensated for my services by any form of bartering arrangement with the Probationer.
- I have reviewed the Monitoring Plan and (check one):
  - Agree to monitor the Probationer as specified in the Plan.
  - I am submitting a revised Monitoring Plan for approval by the assigned Investigator. I understand that the Investigator may reject my proposed revisions, in which case I may either decline to monitor the Probationer's practice, or submit a new proposed Monitoring Plan that is acceptable to the assigned Investigator.
- I agree to regularly submit written reports to the assigned Investigator regarding my review of the Probationer's practice. The due dates and required content of these reports is detailed in the Monitoring Plan.
- If I am no longer able or willing to continue to monitor the Probationer's practice, I agree to immediately notify the assigned Investigator.

Executed on \_\_\_\_\_, 200\_\_\_\_, at \_\_\_\_\_, California.

(City)

(County)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

\_\_\_\_\_  
Monitor (Print Name)

\_\_\_\_\_  
Signature

I have no prior or current business, personal or other relationship with (insert Monitor's name) that could reasonably be expected to compromise the (insert Monitor's name) ability to render fair and unbiased reports to the Board. I have agreed to compensate the monitor at the rate of \$\_\_\_\_\_ per hour for all work performed in executing the duties of monitor.

Executed on \_\_\_\_\_, 200\_\_\_\_,

at \_\_\_\_\_, California.

(City)

(County)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

\_\_\_\_\_  
Probationer (Print Name)

\_\_\_\_\_  
Signature

**Exhibit A**

**Accusation No. 1B-2013-232904**

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO June 23 20 15  
BY H. Voong ANALYST

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8  
9 BEFORE THE  
BOARD OF PODIATRIC MEDICINE  
10 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 1B-2013-232904

12 LEON J. KLAPMAN, D.P.M.  
13 10832 Keywest Avenue  
Northridge, CA 91326

ACCUSATION

14 Doctor of Podiatric Medicine License No.  
15 4433,

16 Respondent.

17  
18  
19 Complainant alleges:

20 PARTIES

21 1. Jason S. Campbell, J.D. (Complainant) brings this Accusation solely in his official  
22 capacity as the Executive Officer of the Board of Podiatric Medicine (Board), Department of  
23 Consumer Affairs.

24 2. On or about July 3, 2002, the Board of Podiatric Medicine issued Doctor of Podiatric  
25 Medicine License Number 4433 to Leon J. Klapman, D.P.M. (Respondent). Said license was in  
26 full force and effect at all times relevant to the charges brought herein and will expire on  
27 December 31, 2015, 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 certificate subject to conditions as set forth in Section 2221, or order the revocation, suspension, or 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 11374 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) 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



1 and shall assist and advise the board."

2 6. Section 810, subdivision (a), of the Code states:

3 "(a) It shall constitute unprofessional conduct and grounds for disciplinary action, including  
4 suspension or revocation of a license or certificate, for a health care professional to do any of the  
5 following in connection with his or her professional activities:

6 (1) Knowingly present or cause to be presented any false or fraudulent claim  
7 for the payment of a loss under a contract of insurance.

8 (2) Knowingly prepare, make, or subscribe any writing, with intent to present  
9 or use the same, or to allow it to be presented or used in support of any false or  
10 fraudulent claim."

11 7. Section 2234 of the Code states in pertinent part:

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

15 "....

16 "(b) Gross negligence.

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

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

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

27 "....

28 ///

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

44 17  
.....

8. 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

9. Section 2497.5 of the Code states in pertinent part:

“(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.

“ ”  
“ ”

Patient L.G.

10. Patient L.G., now deceased, was a male resident at Belmont Village, a residential care facility in Los Angeles, California. L.G. lived in the Alzheimer's unit and suffered from dementia, aphasia, and was on hospice care. Between the dates of December 8, 2011 and November 1, 2012, L.G. was treated by Respondent on at least seven separate occasions:

1 December 8, 2011, February 9, 2012, April 12, 2012, June 14, 2012, August 12, 2012, August 23,  
2 2012 and November 1, 2012.

3 11. Respondent's later-generated typed treatment note dated December 8, 2011, which is  
4 not the original handwritten note, indicates that Belmont Village staff noted that L.G. had a  
5 painful skin lesion on the bottom of his right heel. Respondent treated L.G. with sharp  
6 debridement of the skin lesion and antiseptic dressing. Respondent's note did not mention that  
7 L.G. had been treated by another podiatrist, M.W., D.P.M., exactly one week earlier. Respondent  
8 billed Medicare for, among other things, removal of a skin lesion.

9 12. During each of the next six visits Respondent made to L.G., a cursory exam and nail  
10 debridement was performed for painful, thick, hypertrophic nails. On one of these occasions,  
11 Respondent billed Medicare for the removal of hypertrophic skin lesions.

12 13. During this period of time, L.G. had already been under the care of his established  
13 podiatrist, Dr. M.W. Dr. M.W. had established a relationship with L.G. at Belmont Village  
14 dating back to August 10, 2010 and had signed treatment consent forms for each date of service.  
15 Dr. M.W.'s progress notes indicate a regular pattern of treatment from August 10, 2010 to May 3,  
16 2012. Dr. M.W.'s progress note dated December 1, 2011, just one week prior to Respondent's  
17 visit to L.G., does not mention a large painful skin lesion nor does it report the presence of a  
18 hyperkeratotic lesion.

19 14. Neither L.G. nor his wife signed an informed consent form to allow Respondent to  
20 treat L.G. Respondent claimed that Belmont Village was responsible for obtaining his consent to  
21 treat residents. The Executive Director and Director of Nursing at Belmont Village, however,  
22 advised that they do not typically obtain consent for podiatric treatments for their residents;  
23 rather, consents for treatment are handled between the patient, or the responsible family member,  
24 and the treating podiatrist directly. Belmont Village certified that there were no records relating  
25 to consent for Respondent to treat L.G.

26 15. During an interview with the Board investigator, Respondent stated that he did not  
27 review L.G.'s medical chart and did not check to see if there was a consent for treatment form or  
28 if the patient had previously been seen by an established podiatrist. He admitted that he only

1 reviews patient charts for billing information and basic information, such as allergies.

2 Patients F.C. and M.C.

3 16. On or about July 30, 2013, Respondent treated patients F.C. and M.C., a married  
4 couple, in their independent living apartment at The Village at Northridge, which offers  
5 independent and assisted living apartments. During Respondent's visit with F.C. and M.C.,  
6 Respondent clipped their toenails on both feet and did not remove any calluses or hyperkeratotic  
7 skin lesions. Respondent cut F.C. and M.C. in the process of clipping toenails. Respondent  
8 treated F.C. and M.C. for the first and last time on July 30, 2013.

9 17. Respondent did not bill Medicare for or chart in his medical records the nail  
10 debridement, which was the primary reason for his visit with F.C. and M.C. Instead, Respondent  
11 charted in his medical records that he removed hyperkeratotic skin lesions on both patients.  
12 Respondent's billing records include charges for removing hyperkeratotic skin lesions on both  
13 patients and a charge for therapeutic strapping of F.C., none of which occurred during the visit.

14 18. Respondent's medical records do not contain signed consent to treatment forms for  
15 either F.C. or M.C. Respondent claimed that The Village at Northridge obtained signed treatment  
16 consent forms on his behalf from the independent living residents. The Executive Director and  
17 Director of Assisted Living of The Village at Northridge advised that residents in independent  
18 living obtain healthcare on their own. Therefore, the staff would not take Respondent's consent  
19 forms to obtain consent from residents; rather, Respondent would be responsible for patient  
20 consent on his own.

21 FIRST CAUSE FOR DISCIPLINE

22 (Gross Negligence)

23 19. Respondent's license is subject to disciplinary action under section 2234, subdivision  
24 (b), of the Code in that he was grossly negligent in his care and treatment of patients L.G., F.C.,  
25 and M.C. The circumstances are as follows:

26 20. The standard of care requires that, prior to initiating patient care, a podiatrist must  
27 obtain informed consent to treat a patient, either from the patient or the person responsible for the  
28 care of the patient. In cases where the patient has dementia or cognitive issues, a spouse, family

1 member, or conservator may have the authority to consent to treatment on the patient's behalf.  
2 The person authorized to sign the consent should understand what treatment will be performed  
3 and the possible risks and benefits to the proposed treatment. It is the responsibility of the  
4 treating podiatrist to discuss these issues and ensure the responsible party understands. The  
5 podiatrist is also responsible for making sure that the signed consent is present in the medical  
6 records of the patient.

7 21. The standard of care requires that, in mentally compromised patients, the podiatrist is  
8 ultimately responsible to make sure he has valid consent to treat the patient, even if in non-  
9 emergent situations it delays treatment briefly.

10 22. The standard of care provides that medical records shall be accurate, complete and  
11 professional. The medical records should contribute to the quality of care as well as the  
12 continuity of care. It shall document that the patient was accurately informed of their condition,  
13 as well as the risks, benefits, and alternatives to treatment.

14 23. The standard of care requires that podiatrists maintain accurate and adequate medical  
15 records, regardless of whether the patient is treated in the office, hospital, nursing home or the  
16 patient's home, which includes the following:

- 17 A. Inclusion of a signed informed consent to treatment in the records.  
18 B. Prohibition against creating false or fraudulent medical records for the purposes  
19 of billing or avoiding medical fault.

20 24. Respondent's treatment of patients L.G., F.C., and M.C., as set forth above in  
21 paragraphs 10 through 18, includes the following acts and/or omissions which constitute extreme  
22 departures from the standard of care:

- 23 A. Respondent failed to obtain signed informed consent for treatment of L.G.  
24 prior to the seven occasions on which he treated L.G.  
25 B. Respondent failed to obtain signed informed consent for treatment of F.C. and  
26 M.C.

27 ///

28 ///

1 C. Respondent's medical records, including the documentation of procedures that  
2 were not performed, do not reflect the treatment that was provided to F.C. and  
3 M.C.

4 25. Respondent's acts and/or omissions as set forth in paragraphs 20 through 24, above,  
5 whether proven individually, jointly, or in any combination thereof, constitute gross negligence  
6 pursuant to section 2234, subdivision (b), of the Code. Therefore, cause for discipline exists.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Insurance Fraud)**

9 26. Respondent is subject to disciplinary action under section 810, subdivision (a)(2), in  
10 that Respondent improperly billed and upcoded for the treatment provided to L.G., F.C., and  
11 M.C. The circumstances are as follows:

12 27. The standard of care requires that medical billing accurately reflect the level of care  
13 and service provided to the patient by the podiatrist. Current Procedural Terminology (CPT)  
14 codes, of which there are many, have specific definitions. Upcoding is coding for a higher level  
15 of service than is actually performed and is a form of improper medical billing. Upcoding  
16 overinflates the cost of treatment and may be harmful to the patient as it overstates the patient's  
17 condition.

18 28. Evaluation and Management codes (E & M codes) are used when evaluation or re-  
19 evaluation of a patient is necessary. E & M codes are used when the doctor spends time  
20 reviewing the patients past medical history, evaluates his current condition and prepares a  
21 treatment plan. The more complex the patient's history, condition, and treatment decision  
22 making, the higher the code and compensation.

23 29. Technical/surgical codes are used when the podiatrist actually does something to the  
24 patient (e.g., giving an injection, debriding nails, shaving hyperkeratotic skin lesions). The more  
25 advanced the procedure, the higher the reimbursement in general.

26 30. Pursuant to the American Medical Association, for use of the CPT code 99326, three  
27 key elements must be present: (1) a new visit; (2) a detailed history; and (3) medical decision  
28 making of moderate complexity. This includes coordination with other providers/agencies to

1 address the needs of the patient, and the patient's problems are of moderate to high severity.  
2 Physician usually spend about 45 minutes with the patient and/or family.

3 31. CPT code 11305 is used for the removal of epidermal and dermal lesions without a  
4 full thickness dermal excision, which includes the use of local anesthesia, chemical or  
5 electrocauterization of the wound. The code, typically used by dermatologists, is for definitive  
6 treatments, not palliative care.

7 32. E & M code 99336 requires the following elements to be present: (1) established  
8 patient treated in a rest home; (2) two of three of the following, (a) detailed interval history; (b)  
9 detailed physical examination; and (c) medical decision making of moderate complexity. The  
10 presenting problems are moderate to high severity. The physician usually spends 40 minutes with  
11 the patient and/or caregiver.

12 33. Respondent's treatment of patients L.G., F.C., and M.C., as set forth above in  
13 paragraphs 10 through 18, includes the following acts and/or omissions which constitute extreme  
14 departures from the standard of care:

15 A. Respondent billed CPT code 99326 for his initial visit to L.G. on December 8,  
16 2011, and to F.C. and M.C. on July 30, 2013, which was improper and  
17 unjustified.

18 B. Respondent billed E & M code 99336 for each of the six visits to L.G. on  
19 February 9, 2012, April 12, 2012, June 14, 2012, August 12, 2012, August 23,  
20 2012 and November 1, 2012, which was improper and unjustified.

21 C. Respondent billed CPT code 11305 for his visit to L.G. on November 1, 2012  
22 and his visit to F.C. and M.C. on July 30, 2013, which was improper and  
23 unjustified.

24 D. Respondent billed for services that were not performed.

25 34. Respondent's acts and/or omissions as set forth in paragraphs 27 through 33, above,  
26 whether proven individually, jointly, or in any combination thereof, constitute insurance fraud  
27 pursuant to section 810, subdivision (a)(2), of the Code. Therefore, cause for discipline exists.

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1 of billing or avoiding medical fault.

2 D. Medical chart errors must be corrected by a single line through the errors and  
3 the physician's initials in the margin next to the line out.

4 40. Respondent's treatment of patients L.G., F.C., and M.C., as set forth above in  
5 paragraphs 10 through 18, includes the following acts and/or omissions which constitute a  
6 departure from the standard of care:

7 A. Respondent failed to obtain signed informed consent for treatment of L.G.  
8 prior to the seven occasions on which he treated L.G.

9 B. Respondent failed to obtain signed informed consent for treatment of F.C. and  
10 M.C.

11 C. Respondent's medical records, including the documentation of procedures that  
12 were not performed, do not reflect the treatment that was provided to F.C. and  
13 M.C.

14 D. Respondent failed to document a history of L.G.'s medical history, including  
15 his dementia and aphasia. There are discrepancies between the original  
16 handwritten note and the typed note for the initial visit on December 8, 2011.  
17 Respondent's medical records fail to note that L.G. was already under the care  
18 of an established podiatrist who had just seen him seven days earlier.  
19 Respondent failed to correct mistakes in L.G.'s medical records in the  
20 standard method of a simple line through the error and initialing.

21 E. Respondent failed to document a medical history for F.C. and M.C.

22 41. Respondent's acts and/or omissions as set forth in paragraphs 36 through 40, above,  
23 whether proven individually, jointly, or in any combination thereof, constitute repeated negligent  
24 acts pursuant to section 2234, subdivision (c), of the Code. Therefore, cause for discipline exists.

25 **FOURTH CAUSE FOR DISCIPLINE**

26 **(Dishonesty or Corruption)**

27 42. Respondent is subject to disciplinary action under section 2234, subdivision (e), of  
28 the Code in that he exhibited dishonesty or corruption substantially related to the qualifications,

1 functions, or duties of a podiatrist in his care and treatment of patients L.G., F.C., and M.C. The  
2 circumstances are as follows:

3 43. Complainant refers to and, by this reference, incorporates paragraphs 10 through 18,  
4 above, as though set forth fully herein.

5 44. The allegations of the Second Cause for Discipline are incorporated herein by  
6 reference as if fully set forth.

7 45. Respondent's acts and/or omissions as set forth in paragraphs 43 through 44, above,  
8 whether proven individually, jointly, or in any combination thereof, constitute dishonesty or  
9 corruption substantially related to the qualifications, functions, or duties of a podiatrist, pursuant  
10 to section 2234, subdivision (e), of the Code. Therefore, cause for discipline exists.

11 **FIFTH CAUSE FOR DISCIPLINE**

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

13 46. Respondent is subject to disciplinary action under section 2266 of the Code in that  
14 Respondent failed to maintain adequate and accurate records of his care and treatment of patients  
15 L.G., F.C., and M.C. The circumstances are as follows:

16 47. The standard of care provides that medical records shall be accurate, complete and  
17 professional. The medical records should contribute to the quality of care as well as the  
18 continuity of care. It shall document that the patient was accurately informed of their condition,  
19 as well as the risks, benefits, and alternatives to treatment.

20 48. The standard of care requires that podiatrists maintain accurate and adequate medical  
21 records, regardless of whether the patient is treated in the office, hospital, nursing home or the  
22 patient's home, which includes the following:

- 23 A. Inclusion of a signed informed consent to treatment in the records.
- 24 B. Documentation of patient history, including any conditions that would affect the
- 25 patient's ability to reason or make their own decisions, *i.e.*, dementia.
- 26 C. Prohibition against creating false or fraudulent medical records for the purposes
- 27 of billing or avoiding medical fault.
- 28 D. Medical chart errors must be corrected by a single line through the errors and

1 the physician's initials in the margin next to the line out.

2 49. Respondent's treatment of patients L.G., F.C., and M.C., as set forth above in  
3 paragraphs 10 through 18, includes the following acts and/or omissions which constitute the  
4 failure to maintain adequate and accurate records:

5 A. Respondent failed to obtain signed informed consent for treatment of L.G.,  
6 F.C., and M.C.

7 B. Respondent's medical records, including the documentation of procedures that  
8 were not performed, do not reflect the treatment that was provided to F.C. and M.C.

9 C. Respondent failed to document a history of L.G.'s medical history, including  
10 his dementia and aphasia. There are discrepancies between the original  
11 handwritten note and the typed note for the initial visit on December 8, 2011.

12 Respondent's medical records fail to note that L.G. was already under the care  
13 of an established podiatrist who had just seen him seven days earlier.

14 Respondent failed to correct mistakes in L.G.'s medical records in the standard  
15 method of a simple line through the error and initialing.

16 D. Respondent failed to document a medical history for F.C. and M.C.

17 50. Respondent's acts and/or omissions as set forth in paragraphs 47 through 49, above,  
18 whether proven individually, jointly, or in any combination thereof, constitute failure to maintain  
19 adequate and accurate records, pursuant to section 2266 of the Code. Therefore, cause for  
20 discipline exists.

21 PRAYER

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

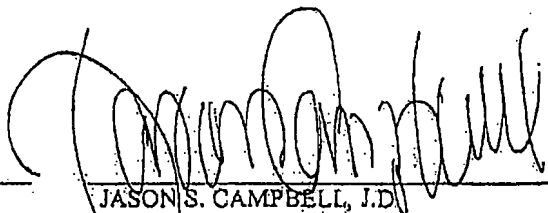
24 1. Revoking or suspending Doctor of Podiatric Medicine License Number 4433 issued  
25 to Leon J. Klapman, D.P.M.;

26 2. Ordering Leon J. Klapman, D.P.M. to pay the Board of Podiatric Medicine the  
27 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
28 Professions Code section 2497.5;

1           3.    Ordering Leon J. Klapman, D.P.M., if placed on probation, to pay the costs of  
2 probation monitoring; and

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

5  
6  
7 DATED: June 23, 2015



JASON S. CAMPBELL, J.D.  
Executive Officer  
Board of Podiatric Medicine  
Department of Consumer Affairs  
State of California  
*Complainant*

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