

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

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

Mark Reed, D.P.M.

**Doctor of Podiatric Medicine
License No. E-3696**

Respondent.

Case No: 500-2020-001012

DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on July 6, 2023.

IT IS SO ORDERED: June 6, 2023.

PODIATRIC MEDICAL BOARD OF CALIFORNIA


Carolyn McAloon, DPM, President

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

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

13 In the Matter of the Accusation Against:

14 **MARK REED, D.P.M.**
15 **1275 N. Rose Drive, Suite 136**
Placentia, CA 92870

16 **Doctor of Podiatric Medicine License**
17 **No. E 3696**

18 Respondent.

Case No. 500-2020-001012

OAH No. 2022080129

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

22 **PARTIES**

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

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2. Respondent Mark Reed, D.P.M. (Respondent) is represented in this proceeding by attorney Patrick E. Stockalper, Esq., whose address is: 841 Apollo Street, Suite 100, El Segundo, CA 90245.

3. On or about July 1, 1990, the Board issued Doctor of Podiatric Medicine License No. E 3696 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. 500-2020-001012, and will expire on March 31, 2024, unless renewed.

JURISDICTION

4. Accusation No. 500-2020-001012 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 July 8, 2022. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 500-2020-001012 is attached hereto as Exhibit A and is incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 500-2020-001012. Respondent has also carefully read, fully discussed with his 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. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 **CULPABILITY**

2 9. Respondent admits that, at an administrative hearing, Complainant could establish a
3 *prima facie* case with respect to the charges and allegations contained in Accusation No. 500-
4 2020-001012, and agrees that he has thereby subjected his Doctor of Podiatric Medicine License
5 No. E 3696 to disciplinary action.

6 10. Respondent further agrees that if an accusation is ever filed against him before the
7 Podiatric Medical Board, all of the charges and allegations contained in Accusation No. 500-
8 2020-001012 shall be deemed true, correct, and fully admitted by Respondent for purposes of any
9 such proceeding or any other licensing proceeding involving Respondent in the State of
10 California or elsewhere.

11 11. Respondent agrees that his Doctor of Podiatric Medicine License is subject to
12 discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the
13 Disciplinary Order below.

14 **CONTINGENCY**

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

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

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14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or opportunity to be heard by Respondent, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Respondent Mark Reed, D.P.M.'s Doctor of Podiatric Medicine License No. E 3696 shall be and is hereby Publicly Reprimanded pursuant to California Business and Professions Code sections 2222 and 2227, subdivision (a)(4). This Public Reprimand, which is issued in connection with Accusation No. 500-2020-001012, is as follows:

On or about March 26, 2020, you prescribed hydroxychloroquine, a medication that was outside the scope of podiatric medicine, to a person who was not your patient, without an appropriate prior examination and medical indication, and without creating a medical record for the person to whom you prescribed this medication, as more fully described in Accusation No. 500-2020-001012.

1. **PRESCRIBING PRACTICES COURSE** Within 60 days of the effective date of this Decision and Order, Respondent shall enroll in a course in prescribing practices, at Respondent's expense, approved in advance by the Board or its designee. Respondent shall successfully complete the course within 6 months of the effective date of this Decision and Order.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 6 months after the effective date of this Decision and Order, whichever is later.

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

Any failure to fully comply with this term and condition of the Decision and Order shall constitute unprofessional conduct and will subject Respondent's Doctor of Podiatric Medicine License to further disciplinary action.

2. **MEDICAL RECORD KEEPING COURSE** Within 60 calendar days of the effective date of this Decision and Order, Respondent shall enroll in a course in medical record keeping, at

Respondent's expense, approved in advance by the Board or its designee. Respondent shall successfully complete the course within 6 months of the effective date of this Decision and Order.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 6 months after the effective date of this Decision and Order, whichever is later.

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

Any failure to fully comply with this term and condition of the Decision and Order shall constitute unprofessional conduct and will subject Respondent's Doctor of Podiatric Medicine License to further disciplinary action.

3. ETHICS COURSE Within 60 days of the effective date of this Decision and Order, Respondent shall enroll in a course in ethics, at Respondent's expense, approved in advance by the Board or its designee. Respondent shall successfully complete the course within 6 months of the effective date of this Decision and Order.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 6 months after the effective date of this Decision and Order, whichever is later.

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

Any failure to fully comply with this term and condition of the Decision and Order shall constitute unprofessional conduct and will subject Respondent's Doctor of Podiatric Medicine License to further disciplinary action.

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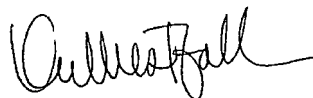
ENDORSEMENT

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

DATED: 3/22/23

Respectfully submitted,

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



KAROLYN M. WESTFALL
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 500-2020-001012

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 KAROLYN M. WESTFALL
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7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 500-2020-001012

14 **MARK REED, D.P.M.**
1275 N. Rose Drive, Suite 136
15 Placentia, CA 92870

ACCUSATION

16 **Doctor of Podiatric Medicine License**
17 **No. E 3696**

18 **Respondent.**

19 **Complainant Alleges:**

20 **PARTIES**

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

23 2. On or about July 1, 1990, the Podiatric Medical Board (Board) issued Doctor of
24 Podiatric Medicine License No. E 3696 to Mark Reed, D.P.M. (Respondent). The Doctor of
25 Podiatric Medicine License was in full force and effect at all times relevant to the charges brought
26 herein and will expire on March 31, 2024, unless renewed.

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

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

9 ...

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

12 ...

13 7. Section 2238 of the Code states: A violation of any federal statute or federal
14 regulation or any of the statutes or regulations of this state regulating dangerous drugs or
15 controlled substances constitutes unprofessional conduct.

16 8. Section 2242 of the Code states, in pertinent part:

17 (a) Prescribing, dispensing, or furnishing dangerous drugs as defined in Section 4022
18 without an appropriate prior examination and a medical indication, constitutes
19 unprofessional conduct...

20 ...

21 9. Section 4022 of the Code states, in pertinent part:

22 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-
23 use in humans or animals, and includes the following:

24 (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing
25 without prescription," "RX only," or words of similar import.

26 ...

27 (c) Any other drug or device that by federal or state law can be lawfully dispensed on
28 prescription or furnished pursuant to Section 4006.

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

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1 **COST RECOVERY**

2 11. Section 2497.5 of the Code states, in pertinent part:

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

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

13 ...

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Gross Negligence)**

16 12. Respondent has subjected his Doctor of Podiatric Medicine License No. E 3696 to
17 disciplinary action under sections 2497, 2222, and 2234, subdivision (b), of the Code, in that he
18 was grossly negligent in his care and treatment of Patient A,¹ as more particularly alleged
19 hereinafter:

20 13. In or around March 2020, Respondent called and spoke with CVS pharmacy
21 manager, A.F., and asked how he can obtain hydroxychloroquine (HCL).² When asked for a
22 patient name, Respondent did not provide one.

23 14. On or about March 26, 2020, Respondent called in a prescription to CVS pharmacy
24 for 120-180 units of HCL for Patient A. When A.F. questioned Respondent about the quantity of
25 medication requested, Respondent indicated that Patient A was traveling out of the country and
26 needed the high quantity. CVS refused to fill the prescription.

27 15. On or about October 21, 2020, Patient A informed investigators for the Board that she
28 has never been Respondent's patient.

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

31 ² Hydroxychloroquine (brand name Plaquenil) is an immunosuppressive drug and anti-
32 parasite medication, and a dangerous drug pursuant to Business and Professions Code section
33 4022. It is used to treat and prevent malaria, or for the treatment of autoimmune diseases.

1 16. On or about January 4, 2021, Respondent declared under penalty of perjury that he
2 had no records for Patient A.

3 17. On or about December 3, 2021, Respondent submitted to a subject interview with
4 investigators for the Board. During this interview, Respondent claimed he called in the HCL
5 prescription for Patient A to help her prevent COVID. Respondent admitted that Patient A was
6 not his patient when he called in the HCL prescription.

7 18. Respondent committed gross negligence in his care and treatment of Patient A by
8 prescribing a medication outside the scope of podiatric medicine.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Repeated Negligent Acts)**

11 19. Respondent has further subjected his Doctor of Podiatric Medicine License No.
12 E 3696 to disciplinary action under sections 2497, 2222, and 2234, subdivision (c), of the Code in
13 that he committed repeated negligent acts in his care and treatment of Patient A, as more
14 particularly alleged hereinafter:

15 A. Paragraphs 12 through 18, above, are hereby incorporated by reference and
16 realleged as if fully set forth herein;

17 B. Failing to create a medical record for a patient for whom he prescribed medication.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Dishonesty or Corruption)**

20 20. Respondent has further subjected his Doctor of Podiatric Medicine License No.
21 E 3696 to disciplinary action under section 2497, 2222, and 2234, subdivision (e), of the Code, in
22 that he has committed an act or acts of dishonesty or corruption, as more particularly alleged in
23 paragraphs 12 through 18, above, which are hereby incorporated by reference and realleged as if
24 fully set forth herein.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Violation of State Laws Regulating Dangerous Drugs)**

3 21. Respondent has further subjected his Doctor of Podiatric Medicine License No.
4 E 3696 to disciplinary action under sections 2497, 2222, and 2238, of the Code, in that he has
5 violated a state law or laws regulating dangerous drugs, as more particularly alleged in paragraphs
6 12 through 18 above, which are hereby incorporated by reference and realleged as if fully set
7 forth herein.

8 **FIFTH CAUSE FOR DISCIPLINE**

9 **(Prescribe Drugs Without Examination and Indication)**

10 22. Respondent has further subjected his Doctor of Podiatric Medicine License No.
11 E 3696 to disciplinary action under sections 2497, 2222, and 2242, of the Code, in that he
12 prescribed, dangerous drugs without an appropriate prior examination and medical indication, as
13 more particularly alleged in paragraphs 12 through 18 above, which are hereby incorporated by
14 reference and re-alleged as if fully set forth herein.

15 **SIXTH CAUSE FOR DISCIPLINE**

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

17 23. Respondent has further subjected his Doctor of Podiatric Medicine License No.
18 E 3696 to disciplinary action under sections 2497, 2222, and 2266, of the Code, in that
19 Respondent failed to maintain adequate and accurate records regarding his care and treatment of
20 Patient A, as more particularly alleged in paragraphs 12 through 18, above, which are hereby
21 incorporated by reference and realleged as if fully set forth herein.

22 **PRAAYER**

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

25 1. Revoking or suspending Doctor of Podiatric Medicine License No. 3696, issued to
26 Respondent, Mark Reed, D.P.M.;


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1 2. Ordering Respondent, Mark Reed, D.P.M. to pay the Podiatric Medical Board the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 2497.5; and,

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

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6 DATED: JUL 08 2022


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

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