

**BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1A-2018-91

NATALYA B. MINER, L.AC.
900 N. San Antonio Road, Suite 103
Los Altos, CA 94022

Acupuncture License No. AC 11313

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Acupuncture Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 10, 2019.

It is so ORDERED June 10, 2019.



FOR THE ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

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

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Case No. 1A-2018-91

14 **NATALYA B. MINER, L.AC.**
900 N. San Antonio Road, Suite 103
15 Los Altos, CA 94022

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 **Acupuncture License No. AC 11313**

17 Respondent.

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. Benjamin Bodea (Complainant) is the Executive Officer of the Acupuncture Board
23 (Board). He brought this action solely in his official capacity and is represented in this matter by
24 Xavier Becerra, Attorney General of the State of California, by Emily L. Brinkman, Deputy
25 Attorney General.

26 2. Respondent Natalya B. Miner, L.Ac. (Respondent) is represented in this proceeding
27 by attorney Jehan N. Jayakumar, whose address is: 2424 S.E. Bristol, Suite 300, Newport Beach,
28 CA 92660.

1 No. 1A-2018-91 and that she has thereby subjected her Acupuncture License No. AC 11313 to
2 disciplinary action.

3 10. Respondent agrees that if she ever petitions for early termination or modification of
4 probation, or if an accusation and/or petition to revoke probation is filed against her before the
5 Board, all of the charges and allegations contained in Accusation No. 1A-2018-91 shall be
6 deemed true, correct and fully admitted by Respondent for purposes of any such proceeding or
7 any other licensing proceeding involving Respondent in the State of California.

8 CONTINGENCY

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

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

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

24 **DISCIPLINARY ORDER**

25 IT IS HEREBY ORDERED that Acupuncture License No. AC 11313 issued to Respondent
26 Natalya B. Miner, L.Ac. is revoked. However, the revocation is stayed and Respondent is placed
27 on probation for two (2) years on the following terms and conditions.

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1 1. REIMBURSEMENT FOR PROBATION SURVEILLANCE MONITORING

2 Respondent shall reimburse the AC for the hourly costs it incurs in monitoring the probation to
3 ensure compliance for the duration of the probation period.

4 2. COURSEWORK Respondent, at his/her own expense, shall enroll and successfully
5 complete not less than 10 hours of coursework in the combined areas of Record Keeping/Practice
6 Management and complete the Clean Needle Technique, 7th Edition, course offered by the
7 Council of Colleges of Acupuncture and Oriental Medicine no later than the end of the first year
8 of probation. Classroom attendance must be specifically required.

9 The coursework shall be in addition to that required for license renewal. The Board or its
10 designee shall notify Respondent of the course content and number of hours required. Within
11 thirty (30) days of the Board’s written notification of assigned coursework, Respondent shall
12 submit a written plan to comply with this requirement to the Board or its designee. The Board or
13 its designee shall approve such a plan prior to enrollment in any course of study.

14 Upon successful completion of the coursework, Respondent shall submit original
15 completion certificates to the Board within thirty (30) days of course completion.

16 3. OBEY ALL LAWS Respondent shall obey all federal, state and local laws and all
17 regulations governing the practice of acupuncture in California. A full and detailed account of
18 any and all violations of law shall be reported by the respondent to the AC in writing within
19 seventy-two (72) hours of occurrence.

20 4. QUARTERLY REPORTS Respondent shall submit quarterly declarations under
21 penalty of perjury on forms provided by the AC, stating whether there has been compliance with
22 all the conditions of probation.

23 5. SURVEILLANCE PROGRAM Respondent shall comply with the AC's probation
24 surveillance program and shall, upon reasonable notice, report to the assigned investigative
25 district office. Respondent shall contact the assigned probation surveillance monitor regarding
26 any questions specific to the probation order. Respondent shall not have any unsolicited or
27 unapproved contact with 1) victims or complainants associated with the case; 2) AC members or
28 members of its staff; or 3) persons serving the AC as expert examiners.

1 6. INTERVIEW WITH THE AC OR ITS DESIGNEE Respondent shall appear in
2 person for interviews with the AC or its designee upon request at various intervals and with
3 reasonable notice.

4 7. CHANGES OF EMPLOYMENT Respondent shall notify the AC in writing,
5 through the assigned probation surveillance compliance officer of any and all changes of
6 employment, location and address within 30 days of such change.

7 8. TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE In the event
8 respondent should leave California to reside or to practice outside the State, respondent must
9 notify the AC in writing of the dates of departure and return. Periods of residency or practice
10 outside California will not apply to the reduction of this probationary period.

11 9. EMPLOYMENT AND SUPERVISION OF TRAINEES Respondent shall not
12 employ or supervise or apply to employ or supervise acupuncture trainees during the course of
13 this probation. Respondent shall terminate any such supervisory relationship in existence on the
14 effective date of this probation.

15 10. COST RECOVERY Respondent shall pay to the Board its costs of investigation and
16 enforcement in the amount of \$2937.50. Respondent shall be permitted to pay these costs in a
17 payment plan approved by the Board or its designee, with payments to be completed no later than
18 three months prior to the end of the probation term. Cost recovery will not be tolled.

19 At Respondent's request, if Respondent has not complied with this condition during the
20 probationary term, and Respondent has presented sufficient documentation of his good faith
21 efforts to comply with this condition, and if no other conditions have been violated, the Board or
22 its designee, in its discretion, may grant an extension of Respondent's probation period up to two
23 (2) years without further hearing in order to comply with this condition. During the two (2) years
24 extension, all original conditions of probation will apply. The filing of bankruptcy by Respondent
25 shall not relieve Respondent of his/her responsibility to reimburse the Board for its investigation
26 and prosecution costs.

27 11. VIOLATION OF PROBATION If Respondent violates probation in any respect, the
28 Board may, after giving Respondent notice and the opportunity to be heard, revoke probation and

1 carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is
2 filed against Respondent during probation, the Board shall have continuing jurisdiction until the
3 matter is final, and the period of probation shall be extended until the matter is final. No petition
4 for modification or termination of probation shall be considered while there is an accusation or
5 petition to revoke probation pending against Respondent. If Respondent has not complied with
6 any term or condition of probation, the Board shall have continuing jurisdiction over Respondent,
7 and probation shall automatically be extended until all terms and conditions have been satisfied or
8 the Board has taken other action as deemed appropriate to treat the failure to comply as a
9 violation of probation, to terminate probation, and to impose the penalty which was stayed.

10 12. COMPLETION OF PROBATION Upon successful completion of probation,
11 respondent's license will be fully restored.

12 13. LICENSE SURRENDER Following the effective date of this Decision, if
13 Respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy
14 the terms and conditions of probation, Respondent may request the voluntary surrender of his or
15 her license or registration. The Board or its designee reserves the right to evaluate Respondent's
16 request and to exercise its discretion whether or not to grant the request, or to take any other
17 action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of
18 the surrender, Respondent shall, within fifteen (15) days, deliver Respondent's pocket and/or wall
19 certificate to the Board or its designee and Respondent shall no longer practice acupuncture.
20 Upon formal acceptance of the tendered license, Respondent will no longer be subject to the
21 terms and conditions of probation.

22 Voluntary surrender of Respondent's license shall be considered disciplinary action and
23 shall become a part of Respondent's license history with the Board. If Respondent reapplies for
24 an acupuncture license, the application shall be treated as a petition for reinstatement of a revoked
25 or surrendered license.

26 14. SEVERABILITY CLAUSE Each condition of probation is a separate and distinct
27 condition. If any condition of this Decision and Order, or any application thereof, is declared
28 unenforceable in whole, in part, or to any extent, the remainder of this Decision and Order, and all

1 other applications thereof, shall not be affected. Each condition of this Decision and Order shall
2 separately be valid and enforceable to the fullest extent permitted by law.

3 15. NOTIFICATION OF NAME, ADDRESS, TELEPHONE NUMBER OR E-MAIL
4 ADDRESS CHANGES Respondent shall notify the assigned probation monitor, in writing
5 within ten (10) days, of any and all name, address, telephone and/or e-mail address changes.

6 16. MAINTENANCE OF CLEAR AND ACTIVE LICENSE Respondent shall, at all
7 times, maintain a clear and active current license with the Board, including any period of
8 suspension or tolled probation.

9 If an initial license must be issued (Statement of Issues) or a license is reinstated, probation
10 shall not commence until a license is issued by the Board. Respondent must complete the
11 licensure process within two (2) years from the effective date of the Board's Decision.

12 Should Respondent's license expire, by operation of law or otherwise, upon renewal or
13 reinstatement, Respondent's license shall be subject to any and all conditions of this probation not
14 previously satisfied.

15 ACCEPTANCE

16 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
17 discussed it with my attorney, Jehan N. Jayakumar. I understand the stipulation and the effect it
18 will have on my Acupuncture License. I enter into this Stipulated Settlement and Disciplinary
19 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
20 of the Acupuncture Board.

21
22 DATED: 05/03/2015 Natalya Miner
23 NATALYA B. MINER, L.AC.
Respondent

24 I have read and fully discussed with Respondent Natalya B. Miner, L.Ac. the terms and
25 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
26 I approve its form and content.

27
28 DATED: _____

May 6, 2019


JEHAN N. JAYAKUMAR
Attorney for Respondent

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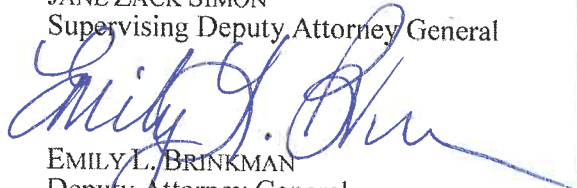
ENDORSEMENT

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

Dated: *May 6, 2019*

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General


EMILY L. BRINKMAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 1A-2018-91