

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

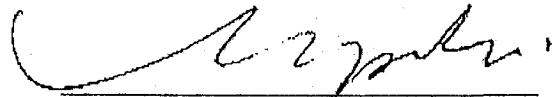
In the Matter of the Accusation Filed)
Against:) Case No. 1A-2010-145
)
PAUL A. SLIDDERS, L.AC.)
209 A Santa Barbara Street)
Santa Barbara, CA 93101)
)
Acupuncture License No. AC 12278)
)
Respondent.)
_____)

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 JAN 16 2014.

It is so ORDERED DEC 16 2013.



Michael Shi, Chair
Acupuncture Board
Department of Consumer Affairs
State of California

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

10 In the Matter of the Accusation Against:

11 **PAUL A. SLIDDERS**

12 **209 A Santa Barbara Street**
13 **Santa Barbara, CA 93101**

14 **Acupuncture License No. AC 12278**

15 Respondent.

Case No. 1A-2010-145

OAH No. 2013071218

16
17 **STIPULATED SETTLEMENT AND**
DISCIPLINARY ORDER

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. Terri Thorfinnson (Complainant) is the Executive Officer of the Acupuncture Board.
22 She brought this action solely in her official capacity and is represented in this matter by Kamala
23 D. Harris, Attorney General of the State of California, by Ashley Harlan, Deputy Attorney
24 General.

25 2. On or about March 17, 2008, the Acupuncture Board issued Acupuncture License No.
26 AC 12278 to Paul A. Slidders (Respondent). The Acupuncture License was in full force and
27 effect at all times relevant to the charges brought in Accusation No. 1A-2010-145 and will expire
28 on January 31, 2014, unless renewed.

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JURISDICTION

3. Accusation No. 1A-2010-145 was filed before the Acupuncture Board (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 5, 2012. Respondent timely filed his Notice of Defense contesting the Accusation.

4. A copy of Accusation No. 1A-2010-145 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, with opportunity to discuss with counsel, and understands the charges and allegations in Accusation No. 1A-2010-145. Respondent has also carefully read, with opportunity to discuss with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; 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.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 1A-2010-145.

9. Respondent agrees that his Acupuncture License is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

1 CIRCUMSTANCES IN MITIGATION

2 10. Respondent, Paul A. Slidders, has never been the subject of any disciplinary action.
3 He is admitting responsibility at an early stage in the proceedings.

4 CONTINGENCY

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

14 12. The parties understand and agree that facsimile copies of this Stipulated Settlement
15 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
16 effect as the originals.

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

20 DISCIPLINARY ORDER

21 IT IS HEREBY ORDERED that Acupuncture License No. AC 12278 issued to Paul A.
22 Slidders (Respondent) is revoked. However, the revocation is stayed and Respondent is placed
23 on probation for five (5) years, or until Respondent has tendered full payment of all money owed
24 in cost recovery, whichever is longer, on the following terms and conditions.

25 1. Psychotherapy

26 Respondent shall undergo psychotherapy treatment until the Board or its designee deems that no
27 further psychotherapy is necessary. Respondent shall undergo psychotherapy treatment with his
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1 current treating psychiatrist Khenu Singh, MD (Dr. Singh). If Dr. Singh terminates the
2 psychiatrist/patient relationship with Respondent, the Board shall appoint a treating psychiatrist
3 or psychologist to continue Respondent's psychotherapy treatment. In making the
4 aforementioned appointment, the Board may consider a referral provided by Dr. Singh. Within
5 10 calendar days of terminating the psychiatrist/patient relationship with Respondent, Dr. Singh
6 may submit to the Board or its designee the name(s) and qualifications of a California-licensed
7 board certified psychiatrist or licensed psychologist who has a doctoral degree in psychology and
8 at least five years of postgraduate experience in the diagnosis and treatment of emotional and
9 mental disorders. Upon approval, Respondent shall undergo and continue psychotherapy
10 treatment, including any modifications to the frequency of psychotherapy, with the named
11 psychotherapist until the Board or its designee deems that no further psychotherapy is necessary.

12 The psychotherapist shall uphold an affirmative reporting requirement, furnishing written reports
13 of any missed appointments, non-compliance, suspected and/or indicated drug and/or alcohol
14 abuse and/or mental instability. The psychotherapist shall consider any information provided by
15 the Board or its designee and any other information the psychotherapist deems relevant in
16 furnishing all written evaluation reports to the Board or its designee. Respondent shall cooperate
17 in providing the psychotherapist with any information and documents that the psychotherapist
18 may deem pertinent. If the psychotherapist reports suspected and/or indicated drug and/or
19 alcohol abuse, the Board may immediately order Respondent to submit to body fluid testing in
20 accordance with condition number three (3) of this Disciplinary Order.

21 Respondent shall have the treating psychotherapist submit monthly status reports to the Board or
22 its designee. The Board or its designee may require Respondent to undergo psychiatric
23 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
24 probation, Respondent is found to be mentally unfit to resume the practice of acupuncture without
25 restrictions, the Board shall retain continuing jurisdiction over the Respondent's license and the
26 period of probation shall be extended until the Board determines that Respondent is mentally fit
27 to resume the practice of acupuncture without restrictions.

28 Respondent shall pay the cost of all psychotherapy and psychiatric treatment and evaluations.

2. Alcohol – Abstain From Use

Respondent shall abstain completely from the use of products or beverages containing alcohol. If
Respondent has a confirmed positive biological fluid test for alcohol, Respondent shall receive a

1 notification from the Board or its designee to immediately cease the practice of acupuncture. The
2 Respondent shall not resume the practice of acupuncture until final decision on an accusation
3 and/or petition to revoke probation. An accusation and/or petition to revoke probation shall be
4 filed by the Board within 15 days of the notification to cease practice. If the Respondent requests
5 a hearing on the accusation and/or petition to revoke probation, the Board shall provide the
6 Respondent with a hearing within 30 days of the request, unless the Respondent stipulates to a
7 later hearing. A decision shall be received from the Administrative Law Judge or the Board
8 within 15 days unless good cause can be shown for the delay. The cessation of practice shall not
9 apply to the reduction of the probationary time period.

10 If the Board does not file an accusation or petition to revoke probation within 15 days of the
11 issuance of the notification to cease practice or does not provide Respondent with a hearing
12 within 30 days of such a request, the notification of cease practice shall be dissolved.

13 3. Biological Fluid Testing

14 Respondent shall submit to biological fluid testing if so ordered by the Board in accordance with
15 this section. Respondent shall submit to biological fluid testing, at Respondent's expense, upon
16 request of the Board or its designee if Respondent's probation monitor, practice monitor, and/or
17 the psychotherapist report suspected and/or indicated drug and/or alcohol abuse. "Biological
18 fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair follicle testing, or
19 similar drug screening approved by the Board or its designee for the purpose of monitoring
20 alcohol use, illicit drug use, and/or prescription drug use. At the Board's direction, Respondent
21 shall contract with a laboratory or service approved in advance by the Board or its designee that
22 will conduct observed, biological fluid testing upon the Board's request. The contract shall
23 require results of the tests to be transmitted by the laboratory or service directly to the Board or its
24 designee within four hours of the results becoming available. Respondent shall maintain this
25 laboratory or service contract during the period of probation.

26 A certified copy of any laboratory test result may be received in evidence in any proceedings
27 between the Board and Respondent.

28 If the Respondent fails to cooperate in a random biological fluid testing program within the
specified time frame, Respondent shall receive a notification from the Board or its designee to
immediately cease the practice of acupuncture. The Respondent shall not resume the practice of
acupuncture until final decision on an accusation and/or a petition to revoke probation. An

1 accusation and/or petition to revoke probation shall be filed by the Board within 15 days of the
2 notification to cease practice. If the Respondent requests a hearing on the accusation and/or
3 petition to revoke probation, the Board shall provide the Respondent with a hearing within 30
4 days of the request, unless the Respondent stipulates to a later hearing. A decision shall be
5 received from the Administrative Law Judge or the Board within 15 days unless good cause can
6 be shown for the delay. The cessation of practice shall not apply to the reduction of the
probationary time period.

7 If the Board does not file an accusation or petition to revoke probation within 15 days of the
8 issuance of the notification to cease practice or does not provide Respondent with a hearing
9 within 30 days of such a request, the notification of cease practice shall be dissolved.

10 4. Monitoring – Practice

11 Within 30 calendar days of the effective date of this Decision, Respondent shall submit to the
12 Board or its designee for prior approval as a practice monitor, the name and qualifications of one
13 or more licensed healthcare practitioners whose licenses are valid and in good standing. A
14 monitor shall have no relationship with Respondent that could reasonably be expected to
15 compromise the ability of the monitor to render fair and unbiased reports to the Board, including
16 but not limited to any form of bartering, shall be a licensed healthcare practitioner, and must
agree to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

17 The Board or its designee shall provide the approved monitor with copies of the decision and
18 Accusation, and a proposed monitoring plan. Within 15 calendar days of receipt of the Decision,
19 Accusation, and proposed monitoring plan, the monitor shall submit a signed statement that the
20 monitor has read the Decision, and Accusation, fully understands the role of a monitor, and
21 agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the
22 proposed monitoring plan, the monitor shall submit a revised monitoring plan with a signed
statement for approval by the Board or its designee.

23 Within 60 calendar days of the effective date of this Decision, and continuing throughout
24 probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall
25 make all records available for immediate inspection and copying on the premises by the monitor
26 at all times during business hours and shall retain the records the entire term of probation.

27 If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective date
28 of this Decision, Respondent shall receive a notification from the Board or its designee to cease

1 the practice of acupuncture within 3 calendar days after being so notified. Respondent shall cease
2 the practice of Acupuncture until a monitor is approved to provide monitoring responsibility.

3 The monitor shall submit a quarterly written report to the Board or its designee which includes an
4 evaluation of Respondent's performance, indicating whether Respondent's practice is within the
5 standard of practice of acupuncture, and whether Respondent is practicing safely. It shall be the
6 sole responsibility of Respondent to ensure that the monitor submits the quarterly written reports
7 to the Board or its designee within 10 calendar days after the end of the preceding quarter.

8 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of such
9 resignation or unavailability, submit to the Board or its designee, for prior approval, the name and
10 qualifications of a replacement monitor who will be assuming that responsibility within 15
11 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60
12 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a
13 notification from the Board or its designee to cease the practice of acupuncture until a
14 replacement monitor is approved and assumes monitoring responsibility.

15 5. Solo Practice Prohibition

16 Respondent is prohibited from engaging in the solo practice of acupuncture. Prohibited solo
17 practice includes, but is not limited to, a practice where: 1) Respondent merely shares office space
18 with another licensed healthcare practitioner but is not affiliated for purposes of providing patient
19 care, or 2) Respondent is the sole licensed healthcare practitioner at that location.

20 If Respondent fails to establish a practice with another licensed healthcare practitioner or secure
21 employment in an appropriate practice setting within 60 calendar days of the effective date of this
22 Decision, Respondent shall receive a notification from the Board or its designee to cease the
23 practice of acupuncture within 3 calendar days after being so notified. The Respondent shall not
24 resume practice until an appropriate practice setting is established.

25 If, during the course of probation, the Respondent's practice setting changes and/or the
26 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent
27 shall notify the Board or its designee within 5 calendar days of the practice setting change. If the
28 Respondent fails to establish a practice with another licensed healthcare practitioner or secure
employment in an appropriate practice setting within 60 calendar days of the practice setting
change, Respondent shall receive a notification from the Board or its designee to cease the
practice of acupuncture within 3 calendar days after being so notified. The Respondent shall not

1 resume practice until an appropriate practice setting is established.

2
3 6. Obey All Laws

4 Respondent shall obey all federal, state and local laws and all regulations governing the practice
5 of acupuncture in California. A full and detailed account of any and all violations of law shall be
6 reported by the Respondent to the Board in writing within seventy-two (72) hours of occurrence.

7 7. Quarterly Reports

8 Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the
9 Board, stating whether there has been compliance with all the conditions of probation.

10 8. Surveillance Program

11 Respondent shall comply with the Board's probation surveillance program and shall, upon
12 reasonable notice, report to the assigned investigative district office. Respondent shall contact the
13 assigned probation surveillance monitor regarding any questions specific to the probation order.
14 Respondent shall not have any unsolicited or unapproved contact with 1) victims or complainants
15 associated with the case; 2) Board members or members of its staff; or 3) persons serving the
16 Board as expert examiners.

17 9. Interview with the Board or Its Designee

18 Respondent shall appear in person for interviews with the Board or its designee upon request at
19 various intervals and with reasonable notice.

20 10. Changes of Employment

21 Respondent shall notify the Board in writing, through the assigned probation surveillance
22 compliance officer of any and all changes of employment, location and address within 30 days of
23 such change.

24 11. Tolling for Out-of-State Practice or Residence

25 In the event Respondent should leave California to reside or to practice outside the State,
26 Respondent must notify the Board in writing of the dates of departure and return. Periods of
27 residency or practice outside California will not apply to the reduction of this probationary period.

28 12. Employment and Supervision of Trainees

Respondent shall not employ or supervise or apply to employ or supervise acupuncture trainees
during the course of this probation. Respondent shall terminate any such supervisorial

1 relationship in existence on the effective date of this probation.

2 13. Cost Recovery

3 Respondent shall pay to the Board its costs of investigation and enforcement in the amount of
4 \$10,000.00. The cost recovery amount may be paid in installments over the period of probation,
5 five (5) years, and may be paid ahead of time without penalty. Payment must be tendered in full
6 at the conclusion of the probationary period. Failure to tender full payment of the amount owed
7 will extend the probationary period in accordance with this Decision and Order.

8 14. Violation of Probation

9 If Respondent violates probation in any respect, the Board may, after giving Respondent notice
10 and the opportunity to be heard, revoke probation and carry out the disciplinary order that was
11 stayed. If an accusation or petition to revoke probation is filed against Respondent during
12 probation, the Board shall have continuing jurisdiction until the matter is final, and the period of
13 probation shall be extended until the matter is final. No petition for modification or termination
14 of probation shall be considered while there is an accusation or petition to revoke probation
15 pending against Respondent.

16 15. Completion of Probation


17 Upon successful completion of probation, Respondent's license will be fully restored.
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have had opportunity to discuss it with an attorney. I understand the stipulation and the effect it will have on my Acupuncture License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Acupuncture Board.

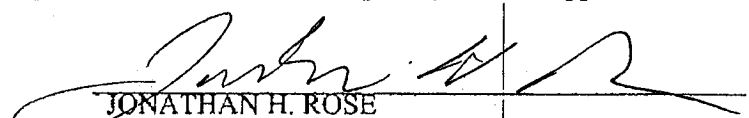
Dated: 10.24.13



PAUL A. SLIDDERS
Respondent

I have read and fully discussed with Respondent Paul A. Slidders the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form

and content ^{JHR}
Dated: 10/24/2013



JONATHAN H. ROSE
Attorney for Respondent

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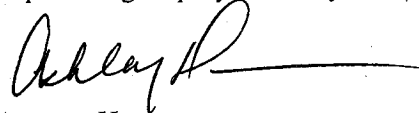
ENDORSEMENT

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

Dated: *October 25, 2013*

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General



ASHLEY HARLAN
Deputy Attorney General
Attorneys for Complainant

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