

BEFORE THE  
ACUPUNCTURE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

BRENT JOSEPH BERTOLAMI, L.AC.  
6644 Blucher Ave.  
Van Nuys, CA 91406  
Acupuncturist License No. AC12979,

Respondent.

Case No. 1A-2011-27

OAH Case No. 2014070630

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 JUL 01 2015.

It is so ORDERED JUN 01 2015.



FOR THE ACUPUNCTURE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 WENDY WIDLUS  
Deputy Attorney General  
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California Department of Justice  
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*Attorneys for Complainant*  
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9 **BEFORE THE**  
**ACUPUNCTURE BOARD**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **BRENT JOSEPH BERTOLAMI, L.AC.**  
14 **6644 Blucher Ave.**  
**Van Nuys, CA 91406**  
15 **Acupuncturist License No. AC12979,**

16 Respondent.

Case No. 1A-2011-27

OAH Case No. 2014070630

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

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

25 2. Respondent Brent Joseph Bertolami, L.Ac. is represented in this proceeding by  
26 attorney Carey Caruso, whose address is: 425 South Beverly Drive, Beverly Hills, CA 90212.

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

3 **CONTINGENCY**

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

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

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

19 **DISCIPLINARY ORDER**

20 **IT IS HEREBY ORDERED** that Acupuncture License No. AC 12979 issued to  
21 Respondent Brent Joseph Bertolami, L.Ac. is revoked. However, the revocation is stayed and  
22 Respondent is placed on probation for three (3) years on the following terms and conditions.

23 1. PRACTICE MONITOR Within 90 days of the effective date of this decision,  
24 Respondent shall submit to the Board for its prior approval, the name and qualifications of one or  
25 more California licensed acupuncturists whose license is clear (no record of complaints) and  
26 current and who has agreed to serve as a practice monitor for the first two (2) years of  
27 Respondent's probation. Once approved, the monitor shall submit to the Board a plan by which  
28 Respondent's practice shall be monitored. The monitor's education and experience shall be in the

1 same field of practice as that of the Respondent. The monitor shall submit written reports to the  
2 Board on a quarterly basis verifying that monitoring has taken place and providing an evaluation  
3 of Respondent's performance. It shall be Respondent's responsibility to assure that the required  
4 reports are filed in a timely fashion. The Respondent shall provide access to the monitor of  
5 Respondent's fiscal and client records and shall be permitted to make direct contact with patients.  
6 Further, the monitor shall have no prior business, professional, personal or other relationship with  
7 Respondent. Respondent shall execute a release authorizing the monitor to divulge any  
8 information that the Board may request.

9 Respondent shall notify all current and potential patients of any term or condition of  
10 probation which will affect their treatment or the confidentiality of their records (such as this  
11 condition which requires a practice monitor). Such notification shall be signed by each patient  
12 prior to continuing or commencing treatment.

13 If the monitor quits or is otherwise no longer available, Respondent shall not practice until a  
14 new monitor has been approved by the Board. All costs of monitoring shall be borne by the  
15 Respondent. Monitoring shall consist of at least one hour per week of individual face to face  
16 meetings.

17 2. ABSTAIN FROM DRUGS AND ALCOHOL AND SUBMIT TO TESTS AND  
18 SAMPLES Respondent shall abstain completely from the personal use or possession of  
19 controlled substances as defined in the California Uniform Controlled Substances Act (Division  
20 10, commencing with section 11000, Health and Safety Code) and dangerous drugs as defined by  
21 Section 4211 of the Business and Professions Code, or any drugs requiring a prescription. This  
22 prohibition does not apply to medications lawfully prescribed to Respondent for a bona fide  
23 illness or condition by a practitioner licensed to prescribe such medications. Within fifteen (15)  
24 calendar days of receiving any lawful prescription medications, Respondent shall notify his  
25 probation monitor in writing of the following: prescriber's name, address, and telephone number;  
26 medication name and strength, issuing pharmacy name, address, and telephone number.  
27 Respondent shall also provide a current list of prescribed medication with the prescriber's name,  
28 address, and telephone number on each quarterly report submitted. Respondent shall provide the

1 probation monitor with a signed and dated medical release covering the entire probation period.  
2 Respondent shall abstain completely from the use of alcoholic beverages. Respondent shall  
3 undergo random, biological fluid testing as determined by the Board. Respondent shall bear all  
4 costs of such testing. The length of time and frequency will be determined by the Board. Any  
5 confirmed positive finding will be considered a violation of probation.

6 3. REIMBURSEMENT FOR PROBATION SURVEILLANCE MONITORING

7 Respondent shall reimburse the Board for the hourly costs it incurs in monitoring the probation to  
8 ensure compliance for the duration of the probation period.

9 4. COMMUNITY SERVICE Respondent shall provide 100 hours of acupuncture  
10 services without charge, nor may Respondent charge for products used during his acupuncture  
11 services. Respondent must provide the 100 hours of acupuncture services only through an  
12 organization which the Board approves.

13 The Board approved organization must have one of its staff members supervise Respondent  
14 while Respondent provides acupuncture services. That staff member must submit written proof  
15 of supervision of Respondent's community service hours to the Board's assigned probation  
16 surveillance monitor on a regular basis as directed by the Board.

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

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

24 7. SURVEILLANCE PROGRAM Respondent shall comply with the Board's probation  
25 surveillance program and shall, upon reasonable notice, report to the assigned investigative  
26 district office. Respondent shall contact the assigned probation surveillance monitor regarding  
27 any questions specific to the probation order. Respondent shall not have any unsolicited or  
28 unapproved contact with 1) victims or complainants associated with the case; 2) Board members

1 or members of its staff; or 3) persons serving the Board as expert examiners.

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

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

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

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

16 12. COST RECOVERY Respondent shall pay to the Board its costs of investigation and  
17 enforcement in the amount of \$8,892.50. This amount shall be paid in full, directly to the Board  
18 within six (6) months prior to the termination date of probation. Cost recovery will not be tolled.  
19 Respondent understands that failure to timely pay costs is a violation of probation, and  
20 submission of evidence demonstrating financial hardship does not preclude the Board from  
21 pursuing further disciplinary action. However, Respondent understands that providing evidence  
22 and supporting documentation of financial hardship may delay further disciplinary action.  
23 Consideration to financial hardship will not be given should Respondent violate this term and  
24 condition, unless an unexpected AND unavoidable hardship is established from the date of this  
25 order to the date payment(s) is due.

26 13. VIOLATION OF PROBATION If Respondent violates probation in any respect, the  
27 Board may, after giving Respondent notice and the opportunity to be heard, revoke probation and  
28 carry out the disciplinary order that was stated. If an accusation or petition to revoke probation is

1 filed against Respondent during probation, the Board shall have continuing jurisdiction until the  
2 matter is final, and the period of probation shall be extended until the matter is final. No petition  
3 for modification or termination of probation shall be considered while there is an accusation or  
4 petition to revoke probation pending against Respondent.

5 14. COMPLETION OF PROBATION Upon successful completion of probation,  
6 Respondent's license will be fully restored.

7 **ACCEPTANCE**

8 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
9 discussed it with my attorney, Carey Caruso. I understand the stipulation and the effect it will  
10 have on my Acupuncture License. I enter into this Stipulated Settlement and Disciplinary Order  
11 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
12 Acupuncture Board.

13  
14 DATED: 10/31/14   
15 BRENT JOSEPH BERTOLAMI, L.AC.  
16 Respondent

17 I have read and fully discussed with Respondent BRENT JOSEPH BERTOLAMI, L.Ac.  
18 the terms and conditions and other matters contained in the above Stipulated Settlement and  
19 Disciplinary Order. I approve its form and content.

20 DATED: 10-31-14   
21 Carey Caruso  
22 Attorney for Respondent

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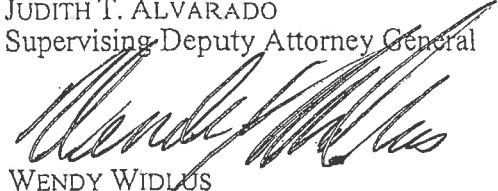
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ENDORSEMENT

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

Dated: 10/31/14

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
JUDITH T. ALVARADO  
Supervising Deputy Attorney General



WENDY WIDLUS  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 1A-2011-27**