

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

In the Matter of the Accusation Against:

YOUNG KI KIM, L.A.C.
3575 Campbell Street
Riverside, CA 92509

Acupuncture License No. 14813

Respondent.

Case No. 1A-2018-47

OAH No. 2021030450

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 November 06, 2021.

It is so ORDERED October 06, 2021.



FOR THE ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
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10 **BEFORE THE**
ACUPUNCTURE BOARD
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
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13 In the Matter of the Accusation Against:

14 **YOUNG KI KIM, L.AC.**
3575 Campbell Street
15 **Riverside, CA 92509,**
16 **Acupuncture License No. 14813**

17 Respondent.

Case No. 1A-2018-47

OAH No. 2021030450

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to be the
20 above-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 Rob Bonta, Attorney General of the State of California, by Robert W. Lincoln, Deputy Attorney
25 General.

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1 **CULPABILITY**

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 1A-2018-47.

4 10. Respondent agrees the Disciplinary Order below, requiring the disclosure of
5 probation pursuant to Business and Professions Code section 4962, serves to protect the public
6 interest.

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

9 **CONTINGENCY**

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

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

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

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1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Acupuncture License No. 14813 issued to Respondent
3 Young Ki Kim, L.Ac., is revoked. However, the revocation is stayed and Respondent is placed
4 on probation for thirty (30) months from the effective date of the decision on the following terms
5 and conditions:

6 1. **COURSEWORK** Respondent shall take and successfully complete at his own
7 expense, the Clean Needle Technique, 7th Edition course offered by the Council of Colleges of
8 Acupuncture and Oriental Medicine no later than the end of the first year of probation.
9 Additionally, Respondent shall take and successfully complete at his own expense, six (6) hours
10 of Record Keeping Course no later than the end of the first year of probation. The coursework
11 shall be in addition to that required for license renewal. The Board or its designee shall notify
12 Respondent of the course content and number of hours required. Within thirty (30) days of the
13 Board’s written notification of assigned coursework, Respondent shall submit a written plan to
14 comply with this requirement to the Board or its designee. The Board or its designee shall
15 approve such a plan prior to enrollment in any course study. Upon successful completion of the
16 coursework, Respondent shall submit original completion certificates to the Board within thirty
17 (30) days of course completion.

18 2. **OBEY ALL LAWS** Respondent shall obey all federal, state and local laws, remain in
19 full compliance with any court ordered criminal probation terms, payments, and/or other orders,
20 and all regulations governing the practice of acupuncture in California. A full and detailed
21 account of any and all violations of law shall be reported by the Respondent to the Board or its
22 designee in writing within seventy-two (72) hours of occurrence. This condition applies to any
23 jurisdiction with authority over the Respondent, whether inside or outside California.

24 3. **QUARTERLY REPORTS** Respondent shall submit quarterly declarations under
25 penalty of perjury on forms provided by the Board or its designee, stat whether there has been
26 compliance with all the conditions of probation.

27 4. **MONITORING PROGRAM** Respondent shall comply with the Board’s probation
28 monitoring program and shall, upon reasonable notice, report to the assigned probation monitor.

1 Respondent shall contact the assigned probation monitor regarding any questions specific to the
2 probation order. Unless the Respondent obtains prior approval from his or her assigned Board
3 probation monitor to allow for contact, Respondent shall not have any contact with (1) victims,
4 witnesses, and/or complainants associated with the case; (2) Board members and/or members of
5 its staff; (3) persons serving the Board as subject matter experts; and/or (4) persons who
6 previously rendered expert opinions on behalf of the Board in Respondent's disciplinary
7 proceedings.

8 5. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent shall appear in
9 person for interviews with the Board or its designee upon request at various intervals and with or
10 without prior notice throughout the term of probation.

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

14 7. TOLLING OF PROBATION If Respondent leaves California to reside or practice
15 outside this state, or for any reason, unless by Board order, should Respondent stop practicing
16 acupuncture in California, Respondent must notify the Board in writing of the dates of departure
17 and return or the dates of non-practice within 10 days of departure or return. Non-practice is
18 defined as any period of time exceeding 30 days in which Respondent is not engaging in the
19 practice of acupuncture or any time the license is inactive or in cancelled status. Periods of
20 temporary residency or practice outside the state or of non-practice within the state shall not apply
21 to reduction of the probationary period. It shall be a violation of probation for respondent's
22 probation to remain tolled pursuant to the provisions of this condition for a period exceeding a
23 total, consecutive period of two years.

24 For purposes of this condition, a Board ordered suspension or non-practice in compliance
25 with any other condition of probation shall not be tolled. Any order for payment of cost recovery
26 shall remain in effect whether or not probation is tolled.

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1 8. RESTRICTION ON EMPLOYING AND SUPERVISION OF TRAINEES

2 Respondent shall not employ or supervise or apply to employ or supervise acupuncture trainees
3 during the course of this probation. Respondent shall terminate any such supervisorial
4 relationship in existence on the effective date of this probation. Respondent shall not teach any
5 Board approved training program or continuing education courses during the course of this
6 probation.

7 9. COST RECOVERY Respondent shall pay to the Board its costs of investigation and
8 enforcement in the amount of \$17,000. Respondent shall be permitted to pay these costs in a
9 payment plan approved by the Board or its designee, with payments to be completed no later than
10 three months prior to the end of the probation term. Cost recovery will not be tolled.

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

19 10. VIOLATION OF PROBATION If Respondent violates probation in any respect, the
20 Board may, after giving Respondent notice and the opportunity to be heard, revoke probation and
21 carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is
22 filed against Respondent during probation, the Board shall have continuing jurisdiction until the
23 matter is final, and the period of probation shall be extended until the matter is final. No petition
24 for modification or termination of probation shall be considered while there is an accusation or
25 petition to revoke probation pending against Respondent. If Respondent has not complied with
26 any term or condition of probation, the Board shall have continuing jurisdiction over Respondent,
27 and probation shall automatically be extended until all terms and conditions have been satisfied or
28 the Board has taken other action as deemed appropriate to treat the failure to comply as a

1 violation of probation, to terminate probation, and to impose the penalty which was stayed.

2 11. PROBATION MONITORING COSTS Respondent shall pay the costs associated
3 with probation monitoring each and every year of probation, as designated by the Board or its
4 designee, which may be adjusted on an annual basis. Such costs shall be payable to the Board on
5 a schedule as directed by the Board or its designee. Failure to pay such costs by the deadline(s)
6 as directed shall be considered a violation of probation.

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

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

21 13. SEVERABILITY CLAUSE Each condition of probation is a separate and distinct
22 condition. If any condition of this Decision and Order, or any application thereof, is declared
23 unenforceable in whole, in part, or to any extent, the remainder of this Decision and Order, and all
24 other applications thereof, shall not be affected. Each condition of this Decision and Order shall
25 separately be valid and enforceable to the fullest extent permitted by law.

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

4 15. DISCLOSURE OF PROBATION STATUS Within ten (10) days of the effective
5 date of this Decision, Respondent shall submit a proposed written disclosure to provide to all
6 patients or a patient's guardian or health care surrogate to the Board for prior approval. The
7 written disclosure shall include the following:

- 8 (1) Respondent's probation status;
- 9 (2) Length of probation;
- 10 (3) Probation end date;
- 11 (4) All practice restrictions imposed by the probation order;
- 12 (5) The Board's telephone number;
- 13 (6) Explanation of how patient can find further information on Respondent's probation by
14 running a license verification on the Board's website.

15 Once the Board approves Respondent's written disclosure, Respondent shall obtain from
16 the patient, or the patient's guardian or health care surrogate, a separate, signed copy of the
17 written disclosure. Within five (5) days prior to a patient's first visit following the effective date
18 of the Board's Decision, Respondent shall provide the written disclosure to all patients or a
19 patient's guardian or health care surrogate except when any of the following applies:

- 20 (1) The patient is unconscious or otherwise unable to comprehend the disclosure and sign
21 the copy of the disclosure pursuant to subdivision (b) and a guardian or health care
22 surrogate is unavailable to comprehend the disclosure and sign the copy.
- 23 (2) The visit occurs in an emergency room or an urgent care facility or the visit is
24 unscheduled, including consultations in-patient facilities.
- 25 (3) The licensee who will be treating the patient during the visit is not known to the patient
26 until immediately prior to the start of the visit.
- 27 (4) The licensee does not have a direct treatment relationship with patient.

28 Respondent shall make all records available for immediate inspection and copying on the

1 premises by the Board or its designee at all times during business hours and shall retain the
2 records for the entire term of probation.

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

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

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

12 17. COMPLETION OF PROBATION Upon successful completion of probation,
13 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 fully discussed it with my attorney, Vincent A. Maeder, Esq. 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: _____
YOUNG KI KIM, L.AC.
Respondent

I have read and fully discussed with Respondent Young Ki Kim, L.Ac., the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____
VINCENT A. MAEDER, ESQ.
Attorney for Respondent

ENDORSEMENT

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

DATED: _____
Respectfully submitted,
ROB BONTA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General

ROBERT W. LINCOLN
Deputy Attorney General
Attorneys for Complainant

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DATED: August 21, 2021 
YOUNG KI KIM, L.A.C.
Respondent

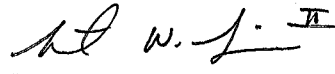
I have read and fully discussed with Respondent Young Ki Kim, L.Ac., the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: August 11, 2021 
VINCENT A. MAEDER, ESQ.
Attorney for Respondent

ENDORSEMENT

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

DATED: 8/24/21

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

ROBERT W. LINCOLN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 1A-2018-47