

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

In the Matter of the Accusation Against: Case No. 1A-2016-291

WU YING, L.Ac. OAH No. 2022080840

3648 East Del Mar Blvd.
Pasadena, CA 91107

Acupuncturist License No. AC 16095,

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 May 24, 2023.

IT IS SO ORDERED April 24, 2023

Original Signature on file

FOR THE ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 ROB BONTA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 WENDY WIDLUS
Deputy Attorney General
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Attorneys for Complainant
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10 **BEFORE THE**
ACUPUNCTURE BOARD
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
12

13 In the Matter of the Accusation Against:

14 WU YING, L.Ac.

15 3648 East Del Mar Blvd.
16 Pasadena, California 91107

17 Acupuncturist License No. AC 16095,

18 Respondent.
19

Case No. 1A-2016-291

OAH No. 2022080840

20
21 **STIPULATED SETTLEMENT AND**
DISCIPLINARY ORDER

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

23 **PARTIES**

24 1. Benjamin Bodea (Complainant) is the Executive Officer of the Acupuncture Board of
25 California (Board). He brought this action solely in his official capacity and is represented in this
26 matter by Rob Bonta, Attorney General of the State of California, by Wendy Widlus, Deputy
27 Attorney General.

28 2. Respondent Wu Ying, L.Ac. (Respondent) is represented in this proceeding by

1 attorney Stephen J. Thomas of Thomas Business Law Group, P.C., 17800 Castleton Street, Suite
2 600; City of Industry, California 91748-5726.

3 3. On April 30, 2014, the Board issued Acupuncturist License No. AC 16095 to
4 Respondent Wu Ying, L.Ac. That license was in full force and effect at all times relevant to the
5 charges brought in Accusation No. 1A-2016-291, and will expire on June 30, 2023, unless
6 renewed.

7 JURISDICTION

8 Accusation No. 1A-2016-291 was filed before the Board, and is currently pending against
9 Respondent. The Accusation and all other statutorily required documents were properly served
10 on Respondent on August 11, 2022. Respondent timely filed a Notice of Defense contesting the
11 Accusation.

12 4. A copy of Accusation No. 1A-2016-291 is attached as Exhibit A and is incorporated
13 herein by reference.

14 ADVISEMENT AND WAIVERS

15 5. Respondent has carefully read, fully discussed with counsel, and understands the
16 charges and allegations in Accusation No. 1A-2016-291. Respondent has also carefully read,
17 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
18 Disciplinary Order.

19 6. Respondent is fully aware of his legal rights in this matter, including the right to a
20 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
21 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
22 to the issuance of subpoenas to compel the attendance of witnesses and the production of
23 documents; the right to reconsideration and court review of an adverse decision; and all other
24 rights accorded by the California Administrative Procedure Act and other applicable laws.

25 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
26 every right set forth above.

27 CULPABILITY

28 8. Respondent understands that the charges and allegations in Accusation No. 1A-2016-

1 291, if proven at a hearing, constitute cause for imposing discipline upon his Acupuncturist
2 License.

3 9. For the purpose of resolving the Accusation without the expense and uncertainty of
4 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
5 basis for the charges in the Accusation and that those charges constitute cause for discipline.
6 Respondent hereby gives up his right to contest that cause for discipline exists based on those
7 charges.

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

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

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

15 **CONTINGENCY**

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

26 14. The parties understand and agree that Portable Document Format (PDF) and facsimile
27 copies of this Stipulated Settlement and Disciplinary Order shall have the same force and effect as
28 the originals.

1 15. In consideration of the foregoing admissions and stipulations, the parties agree that
2 the Board may, without further notice or formal proceeding, issue and enter the following
3 Disciplinary Order:

4 **DISCIPLINARY ORDER**

5 **IT IS HEREBY ORDERED THAT** Acupuncturist License No. AC 16095 issued to
6 Respondent Wu Ying, L.Ac. is revoked. However, the revocation is stayed and Respondent is
7 placed on probation for three (3) years on the following terms and conditions:

8 1. **ACTUAL SUSPENSION** As part of probation, Respondent is suspended from the
9 practice of acupuncture for 60 days beginning with the effective date of this decision.

10 2. **PROVISION OF CERTIFIED TRANSCRIPTS** Respondent must provide certified
11 transcripts of all courses completed at Alhambra Medical University, Alhambra, California,
12 through December 31, 2012, in a sealed envelope to the Acupuncture Board of California by
13 close of business February 15, 2023, for the Board's review.

14 Determination as to whether Respondent's certified course transcripts demonstrate
15 successful completion of all courses required to satisfy the Board's licensure requirements during
16 his attendance at Alhambra Medical University, Alhambra, California, through December 31,
17 2012, is solely within the Board's discretion.

18 The Board's determination that Respondent failed to successfully complete all courses
19 required to satisfy the Board's licensure requirements during his attendance at Alhambra Medical
20 University, Alhambra, California, through December 31, 2012, will result in immediate
21 revocation of Respondent's Acupuncturist License.

22 The Board's determination that Respondent successfully completed all courses required to
23 satisfy the Board's licensure requirements during his attendance at Alhambra Medical University,
24 Alhambra, California, through December 31, 2012, will result in Respondent being placed on
25 probation for three (3) years on the following terms and conditions:

26 3. **PATIENT DISCLOSURE APPROVAL** Within ten (10) days of the effective date of
27 this Decision, Respondent shall submit a proposed written disclosure to provide to all patients or
28 a patient's guardian or health care surrogate to the Board for prior approval. The written

1 disclosure shall include the following:

2 (1) Respondent's probation status;

3 (2) Length of probation;

4 (3) Probation end date;

5 (4) All practice restrictions imposed by the probation order;

6 (5) The Board's telephone number;

7 (6) Explanation of how the patient can find further information on Respondent's probation
8 by running a license verification on the Board's web site.

9 4. PATIENT DISCLOSURE Before a patient's first visit following the effective date
10 of this order and at all times while the Respondent is on probation, the Respondent must provide
11 all patients, or the patient's guardian or health care surrogate, with a separate disclosure that
12 includes the Respondent's probation status, the length of the probation, the probation end date,
13 all practice restrictions placed on the Respondent by the Board, the Board's telephone number,
14 and an explanation of how the patient can find further information on the Respondent's probation
15 on the Respondent's profile page on the board's website. Respondent shall obtain from the
16 patient, or the patient's guardian or health care surrogate, a separate, signed copy of that
17 disclosure. Respondent shall make all patient disclosure records available for immediate
18 inspection and copying on the premises by the Board or its designee at all times during business
19 hours and shall retain the patient disclosure records for the entire term of probation.

20 Respondent shall not be required to provide a disclosure if any of the following applies: (1)
21 The patient is unconscious or otherwise unable to comprehend the disclosure and sign the copy of
22 the disclosure and a guardian or health care surrogate is unavailable to comprehend the disclosure
23 and sign the copy; (2) the visit occurs in an emergency room or an urgent care facility or the visit
24 is unscheduled, including consultations in inpatient facilities; (3) Respondent is not known to the
25 patient until immediately prior to the start of the visit; (4) Respondent does not have a direct
26 treatment relationship with the patient.

27 5. REIMBURSEMENT FOR PROBATION SURVEILLANCE MONITORING

28 Respondent shall reimburse the Board for the hourly costs it incurs in monitoring the probation to

1 ensure compliance for the duration of the probation period.

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

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

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

15 9. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent shall appear in
16 person for interviews with the Board or its designee upon request at various intervals and with
17 reasonable notice.

18 10. CHANGES OF EMPLOYMENT Respondent shall notify the Board in writing,
19 through the assigned probation surveillance compliance officer of any and all changes of
20 employment, location and address within 30 days of such change.

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

25 12. EMPLOYMENT AND SUPERVISION OF TRAINEES Respondent shall not
26 employ or supervise or apply to employ or supervise acupuncture trainees during the course of
27 this probation. Respondent shall terminate any such supervisorial relationship in existence on the
28 effective date of this probation.

1 13. COST RECOVERY Respondent shall pay to the Board its costs of investigation and
2 enforcement in the amount of \$2,486.75.

3 14. VIOLATION OF PROBATION If Respondent violates probation in any respect, the
4 Board may, after giving Respondent notice and the opportunity to be heard, revoke probation and
5 carry out the disciplinary order that was stated. If an accusation or petition to revoke probation is
6 filed against Respondent during probation, the Board shall have continuing jurisdiction until the
7 matter is final, and the period of probation shall be extended until the matter is final. No petition
8 for modification or termination of probation shall be considered while there is an accusation or
9 petition to revoke probation pending against Respondent.

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

12 16. FUTURE ADMISSIONS CLAUSE If Respondent should petition for early
13 termination or modification of probation, or if an Accusation and/or Petition to Revoke Probation
14 is filed against the Respondent before the Board, or Respondent should ever apply or reapply for
15 a new license or certification, and/or file a petition for reinstatement of a license, before the Board
16 or any other health care licensing action agency in the State of California, all of the charges and
17 allegations contained in the Accusation No. 1A-2016-291 shall be deemed to be true, correct, and
18 fully admitted by Respondent for the purpose of any Statement of Issues or any disciplinary
19 proceeding seeking to deny, restrict, or revoke licensure or any petition proceeding seeking to
20 reinstate licensure or modify probation.

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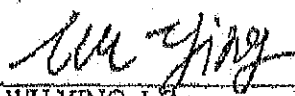
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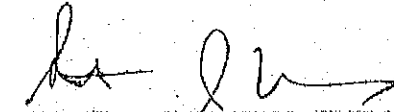
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1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Stephen J. Thomas. I understand the stipulation and the effect it
4 will have on my Acupuncturist License. I enter into this Stipulated Settlement and Disciplinary
5 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
6 of the Acupuncture Board.

7
8 DATED: 1/24/2023 
9 WU YING, L.Ac.
Respondent

10 I have read and fully discussed with Respondent Wu Ying, L.Ac. the terms and conditions
11 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
12 its form and content.

13 DATED: 1/25/2023 
14 STEPHEN J. THOMAS
Attorney for Respondent

15
16 ENDORSEMENT

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

19
20 DATED: January 30, 2023.

Respectfully submitted,

21 ROBERT BONTA
22 Attorney General of California
23 ROBERT MCKIM BELL
24 Supervising Deputy Attorney General

Wendy Widlus

25 WENDY WIDLUS
26 Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 1A-2016-291