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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:

Case No. 1A-2019-82

13 **ZHONG LIANG TANG, L.AC.**

14 1418 Clemence Avenue
15 San Jose, CA 95122

ACCUSATION

16 Acupuncturist License No. 16370.

17 Respondent.

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19
20 **PARTIES**

21 1. Benjamin Bodea (Complainant) brings this Accusation solely in his official capacity
22 as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs.

23 2. On November 5, 2014, the Acupuncture Board issued Acupuncture License Number
24 16370 to Zhong Liang Tang, L.Ac. (Respondent). The Acupuncture License was in full force and
25 effect at all times relevant to the charges brought herein and will expire on August 31, 2022,
26 unless renewed.

JURISDICTION

3. This Accusation is brought before the Acupuncture Board (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 4928 provides that the Board shall administer and enforce the laws pertaining to licensing acupuncturists in California.

5. Section 4955 of the Code states, in pertinent part:

The board may deny, suspend, or revoke, or impose probationary conditions upon, the license of any acupuncturist who is guilty of unprofessional conduct.

Unprofessional conduct shall include, but not be limited to, the following:

...

(d) Aiding or abetting in, or violating or conspiring in, directly or indirectly, the violation of the terms of this chapter or any regulation adopted by the board pursuant to this chapter.

...

(i) Any action or conduct that would have warranted the denial of the acupuncture license.

...

6. Section 4955.1 of the Code states, in part:

The board may deny, suspend, revoke, or impose probationary conditions upon the license of any acupuncturist if he or she is guilty of committing a fraudulent act including, but not be limited to, any of the following:

(a) Securing a license by fraud or deceit.

...

(c) Committing any act involving dishonesty or corruption with respect to the qualifications, functions, or duties of an acupuncturist.

...

7. Section 498 of the Code states:

A board may revoke, suspend, or otherwise restrict a license on the ground that the licensee secured the license by fraud, deceit, or knowing misrepresentation of a material fact or by knowingly omitting to state a material fact.

8. Section 581 of the Code states:

1 No person, company, or association shall purchase or procure by barter or by
2 any unlawful means or method, or have in possession any diploma, certificate,
3 transcript, or any other writing with intent that it shall be used as evidence of the
4 holder's qualifications to practice as a physician and surgeon, osteopathic physician,
5 podiatrist, any other system or mode of treating the sick or afflicted, as provided in
the Medical Practice Act, Chapter 5 (commencing with Section 2000), or to practice
as any other licentiate under this division or in any fraud of the law regulating this
practice or, shall with fraudulent intent, alter in a material regard, any such diploma,
certificate, transcript, or any other writing.

6 9. Section 582 of the Code states, in pertinent part:

7 No person, company, or association shall use or attempt to use any diploma,
8 certificate, transcript, or any other writing which has been purchased, fraudulently issued,
9 illegally obtained, counterfeited, or materially altered, either as a certificate or as to
10 character or color of certificate, to practice as a physician and surgeon, podiatrist,
osteopathic physician, or a chiropractor, or to practice any other system or mode of
treating the sick or afflicted, as provided in the Medical Practice Act, Chapter 5
(commencing with Section 2000) or to practice as any other licentiate under this division.

11 10. Section 583 of the Code states, in pertinent part:

12 No person shall in any document or writing required of an applicant for
13 examination, license, certificate, or registration under this division . . . willfully make a
false statement in a material regard.

14 11. California Code of Regulations, title 16, section 1399.434, provides, in part, that
15 Board-approved education and training curriculums must include cardiopulmonary resuscitation
16 (CPR) and clean needle technique (CNT) training.

17 12. California Code of Regulations, title 16, section 1399.416, provides, in part, that
18 all foreign-trained applicants shall submit documentation of their education to a credentials-
19 evaluation service and that the resulting report shall be submitted to the Board.

20 13. California Code of Regulations, title 16, section 1399.469.2, subdivision (c), of
21 Title 16 of the California Code of Regulations states, in part:

22 In addition to the conduct described in Section 4955 of the Business and Professions
23 Code, "unprofessional conduct" also includes but is not limited to the following:

24 . . .

25 (c) Failure to cooperate and participate in any board investigation pending against
26 the licensee. This subsection shall not be construed to deprive a licensee of any
27 privilege guaranteed by the Fifth Amendment to the Constitution of the United
28 States, or any other constitutional or statutory privileges. This subsection shall not
be construed to require a licensee to cooperate with a request that would require
the licensee to waive any constitutional or statutory privilege or to comply with a
request for information or other matters within an unreasonable period of time in
light of the time constraints of the licensee's practice. Any exercise by a licensee

1 of any constitutional or statutory privilege shall not be used against the licensee in
2 a regulatory or disciplinary proceeding against the licensee.

3 **COST RECOVERY**

4 14. Section 4959 of the Code states:

5 (a) The board may request the administrative law judge, under his or her
6 proposed decision in resolution of a disciplinary proceeding before the board, to
7 direct any licensee found guilty of unprofessional conduct to pay to the board a sum
8 not to exceed actual and reasonable costs of the investigation and prosecution of the
9 case.

10 (b) The costs to be assessed shall be fixed by the administrative law judge and
11 shall not in any event be increased by the board. When the board does not adopt a
12 proposed decision and remands the case to an administrative law judge, the
13 administrative law judge shall not increase the amount of any costs assessed in the
14 proposed decision.

15 (c) When the payment directed in the board's order for payment of costs is not
16 made by the licensee, the board may enforce the order for payment in the superior
17 court in the county where the administrative hearing was held. This right of
18 enforcement shall be in addition to any other rights the board may have as to any
19 licensee directed to pay costs.

20 (d) In any judicial action for the recovery of costs, proof of the board's decision
21 shall be conclusive proof of the validity of the order of payment and the terms for
22 payment.

23 (e) All costs recovered under this section shall be considered a reimbursement
24 for costs incurred and shall be deposited in the Acupuncture Fund.

25 **FACTUAL ALLEGATIONS**

26 15. In 2014, Respondent applied for licensure as an acupuncturist.

27 16. In his application submission, Respondent included a CPR (cardiopulmonary
28 resuscitation) card. CPR training is required for licensure as an acupuncturist. The CPR card
states that it was issued on February 28, 2013 and that Respondent took a course with an
organization called Continue CPR. The card states "First Aid CPR AED" and names the
American Heart Association. The card also lists an instructor's name and states that the course
took place at Alhambra Medical University in Santa Fe Springs, California.

17. Clean Needle Technique (CNT) training is another requirement for licensure as an
acupuncturist. In his application submission, Respondent included a certificate for a CNT course.

1 The certificate was from the Council of Colleges of Acupuncture and Oriental Medicine, and it
2 stated that Respondent had successfully passed a CNT course on August 25, 2013.

3 18. On his application, Respondent stated that he attended training at and graduated from
4 the Anhui University of Traditional Chinese Medicine, located in China. He claimed he attended
5 from 1996 through 2001.

6 19. For foreign-trained applicants, the Board must receive documentation of an
7 evaluation by a service that reviews education credentials. Respondent's application included an
8 evaluation report from one of these credentials-evaluation services. The report, dated November
9 21, 2013, stated Respondent had completed a first professional degree in Traditional Chinese
10 Medicine from the equivalent of a regionally accredited university in the United States.

11 20. Respondent signed the application on September 25, 2014 under penalty of perjury.
12 He attested to the statements made in the application, which included Respondent's claim that he
13 graduated from Anhui University of Traditional Chinese Medicine and that the credentials he
14 presented certifying his satisfaction of the cardiopulmonary resuscitation and clean needle
15 technique training requirements were valid.

16 21. Based on the representations in Respondent's application, the Board issued
17 Acupuncture License No. 16370 to Respondent on November 5, 2014.

18 22. However, the Board subsequently began an investigation and determined that
19 Respondent included a number of fraudulent submissions with his application. The CPR card
20 Respondent submitted to the Board was fraudulent. The instructor listed on the card never had
21 Respondent as a student and did not have a class on the date listed on the CPR card. The
22 instructor has no records regarding Respondent.

23 23. Similarly, the CNT certificate Respondent submitted to the Board was fraudulent. No
24 one with respondent's name attended a Council of Colleges of Acupuncture and Oriental
25 Medicine CNT class on August 25, 2013.

26 24. In addition to fraudulent claims regarding CPR- and CNT- training documentation,
27 Respondent's application fraudulently claimed that he graduated from Anhui University of
28 Traditional Chinese Medicine. The credentials-evaluation report (that purportedly verified his

1 education) was a forgery. The credentials-evaluation service has no record of completing an
2 evaluation for Respondent. Moreover, Respondent's claim in his application that he graduated
3 from Anhui University of Traditional Chinese Medicine was false. The educational institution
4 reported it had no information in the China Higher Education Student Information website related
5 to the graduation certificate for Respondent. And the diploma purportedly showing that
6 Respondent graduated is fraudulent.

7 25. In the course of its investigation, the Board sent Respondent a letter, in both English
8 and Chinese, asking Respondent to contact the investigator so that an interview with Respondent
9 could proceed. There was no response.

10 **FIRST CAUSE FOR DISCIPLINE**

11 (Obtaining License by Fraud)

12 26. Paragraphs 16-25 are reincorporated here as if set out in full.

13 27. Respondent is subject to disciplinary action under Code sections 498, 581, 582, 583,
14 4955, 4955 subdivision (d), 4955 subdivision (i), 4955.1, 4955.1 subdivision (a), and 4955.1
15 subdivision (c), in that he procured his acupuncture license by means of knowingly submitting
16 false and fraudulent documents. The circumstances are set forth in paragraphs 16-25, in that he:

- 17 • secured his license by fraudulently submitting false CPR course documentation
18 with his application;
- 19 • secured his license by fraudulently submitting false CNT course documentation
20 with his application;
- 21 • secured his license by fraudulently submitting false credentials-evaluation and
22 education documentation with his application; and
- 23 • secured his license by fraudulently claiming he graduated from Anhui University
24 of Traditional Chinese Medicine.

25 **SECOND CAUSE FOR DISCIPLINE**

26 (Unprofessional Conduct - Obtaining License by Fraud)

27 28. Paragraphs 16-27 are reincorporated here as if set out in full.

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2. Ordering Zhong Liang Tang, L.Ac. to pay the Acupuncture Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code sections 4959; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: 09/29/2021

Original Signature On File
BENJAMIN BODEA
Executive Officer
Acupuncture Board
Department of Consumer Affairs
State of California
Complainant

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