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9 **BEFORE THE**
10 **ACUPUNCTURE BOARD**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 1A-2019-102

14 LI LI LIN, L.Ac.

A C C U S A T I O N

15 336 Brookside Avenue
Redlands, CA 92373

16 Acupuncturist License No. AC 16492,

17 Respondent.
18

19 **PARTIES**

20
21 1. Benjamin Bodea (Complainant) brings this Accusation solely in his official capacity
22 as the Executive Officer of the Acupuncture Board of California (Board).

23 2. On April 17, 2015, the Board issued Acupuncturist License Number AC 16492 to Li
24 Li Lin, L.Ac. (Respondent). That license was in full force and effect at all times relevant to the
25 charges brought herein and will expire on November 30, 2022, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code (Code) unless otherwise

1 indicated.

2 **STATUTORY PROVISIONS**

3 4. Section 4928.1 of the Code states:

4 Protection of the public shall be the highest priority for the Acupuncture
5 Board in exercising its licensing, regulatory, and disciplinary functions. Whenever
6 the protection of the public is inconsistent with other interests sought to be promoted,
7 the protection of the public shall be paramount.

8 5. Section 4928 of the Code states:

9 (a) The Acupuncture Board, which consists of seven members, shall enforce
10 and administer this chapter.

11 (b) This section shall remain in effect only until January 1, 2023, and as of that
12 date is repealed.

13 (c) Notwithstanding any other law, the repeal of this section renders the board
14 subject to review by the appropriate policy committees of the Legislature.

15 6. Section 4955 of the Code states, in applicable part:

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

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

19 ...

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

23 ...

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

26 ...

27 7. Section 4955.1 of the Code states:

28 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.

(b) Committing a fraudulent or dishonest act as an acupuncturist.

(c) Committing any act involving dishonesty or corruption with respect to the

1 qualifications, functions, or duties of an acupuncturist.

2 (d) Altering or modifying the medical record of any person, with fraudulent
3 intent, or creating any false medical record.

4 (e) Failing to maintain adequate and accurate records relating to the provision
5 of services to their patients.

6 **GENERAL STATUTES OR REGULATIONS**

7 8. Section 498 of the Code states:

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

11 **COST RECOVERY**

12 9. Section 4959 of the Code states:

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

18 (b) The costs to be assessed shall be fixed by the administrative law judge and
19 shall not in any event be increased by the board. When the board does not adopt a
20 proposed decision and remands the case to an administrative law judge, the
21 administrative law judge shall not increase the amount of any costs assessed in the
22 proposed decision.

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

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

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

FIRST CAUSE FOR DISCIPLINE

(Obtaining License by Fraud)

10. Respondent is subject to disciplinary action under Code sections 498 and 4955.1,

1 subdivision (a), in that she procured her acupuncture license by means of knowingly submitting
2 false and fraudulent documents. The circumstances are as follows:

3 11. On April 17, 2014, the Board received an application for examination from
4 Respondent, the necessary precursor to granting an acupuncture license to an applicant who
5 graduated from a foreign educational institution. The application, signed by Respondent on April
6 11, 2014, attested under penalty of perjury to the facts asserted in the application. Those facts
7 included Respondent's claim that she attended and graduated from Fujian TCM College and that
8 she completed the CPR class required by the Board for licensure.

9 12. On May 1, 2014, the Board notified Respondent that her application was incomplete
10 and that she must provide the Board with both her official transcripts with English translation
11 directly from Fujian TCM College and an official diploma with English translation directly from
12 Fujian TCM College.

13 13. Respondent supplied the requested additional information to the Board. That
14 information included an Evaluation Report from the Foundation of International Services, Inc.
15 (FIS) and the Board allowed Respondent to take the August 19, 2014, California Acupuncture
16 Licensing Examination [Examination].

17 14. On or about September 17, 2014, the Board notified Respondent she had not passed
18 the August 19, 2014, Examination.

19 15. On or about March 3, 2015, Respondent took the Examination again and achieved a
20 passing score. Based on the representations in Respondent's application, the Board issued
21 Acupuncture License No. AC 16492 to Respondent on April 17, 2015.

22 16. Information that suggested Respondent secured her license by fraud arose in an
23 unrelated investigation. Thereafter the Board requested an investigation of this information by
24 the Division of Investigation of the Department of Consumer Affairs. The Board also undertook
25 a comprehensive review of the validity of the documents Respondent provided in support of her
26 application.

27 17. The Board's review included correspondence with the entity which purportedly
28 taught the CPR class required by the Board for licensure. The Board's review revealed that

1 Respondent fraudulently stated she took the CPR class and in fact had never attended the class.

2 18. The investigation conducted by the Division of Investigation, assisted by the U.S.
3 State Department, established that Respondent had not graduated from, nor even attended, Fujian
4 TCM College.

5 19. The investigation conducted by the Division of Investigation established that the
6 Evaluation Report from FIS was fraudulent. The identification number referenced on the FIS
7 form belonged to a different person.

8 20. The investigation established that the employment history Respondent provided to the
9 Board was fraudulent.

10 21. The Division of Investigation investigator repeatedly attempted to schedule a Subject
11 Interview with the Respondent. The investigator agreed to Respondent's request to provide an
12 interpreter for the Subject Interview. Nevertheless, Respondent failed to respond to the
13 investigator's last request, sent to Respondent by certified mail, to supply the investigator with a
14 date for the Subject Interview.

15 22. Respondent has subjected her license to disciplinary action under Code sections 498
16 and 4955.1, subdivision (a), in that she secured her license by fraudulently submitting false
17 documents with her application.

18 **SECOND CAUSE FOR DISCIPLINE**

19 (Dishonest and Corrupt Acts)

20 23. The allegations of paragraphs 10 through 22, above are incorporated by reference as
21 if set out in full. Respondent has subjected her license to disciplinary action for unprofessional
22 conduct, in that her knowing presentation of fraudulent documents to obtain her acupuncture
23 license was a violation of the statutes administered and enforced by the Acupuncture Board
24 (Chapter 12, Division 2 of the Code), in violation of Code section 4955, subdivisions (d) and (i).

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27 //

28

1 **PRAYER**

2 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Acupuncture Board issue a decision:

4 1. Revoking or suspending Acupuncturist License Number AC 16492, issued to Li Li
5 Lin, L.Ac.;

6 2. Ordering Li Li Lin, L.Ac. to pay the Acupuncture Board the reasonable costs of the
7 investigation and enforcement of this case, pursuant to Business and Professions Code section
8 4959;

9 3. If placed on probation, ordering Respondent to pay the Acupuncture Board the costs
10 of probation monitoring; and,

11 4. Taking such other and further action as deemed necessary and proper.

12
13
14 DATED: 03/08/2022 _____

Original Signature on File

BENJAMIN BODEA
Executive Officer
Acupuncture Board
Department of Consumer Affairs
State of California

18 *Complainant*

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