

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

In the Matter of the Accusation Against:

**ERIKA NOVAK, L.A.C.
5222 Balboa Avenue Fl-6
San Diego, CA 92117**

Acupuncturist License No. 4544

Respondent.

Case No. 1A202118

OAH No. 2022020485

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 February 19, 2023.

It is so ORDERED January 19, 2023.

Original Signature on File
FOR THE ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 ROB BONTA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 State Bar No. 202766
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4 San Diego, CA 92101
P.O. Box 85266
5 San Diego, CA 92186-5266
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7 *Attorneys for Complainant*

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

14 In the Matter of the Accusation Against:

15 **ERIKA NOVAK, L.AC.**
16 **5222 Balboa Avenue Fl-6**
San Diego, CA 92117

17 **Acupuncturist License No. 4544**

18 Respondent.

Case No. 1A202118

OAH No. 2022020485

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

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

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1 CULPABILITY

2 7. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 1A202118.

4 8. Respondent agrees that her Acupuncturist License is subject to discipline and she
5 agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order
6 below.

7 CONTINGENCY

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

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

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

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1 **DISCIPLINARY ORDER**

2 **A. PUBLIC REPROVAL**

3 IT IS HEREBY ORDERED that Acupuncturist License No. 4544 issued to Respondent
4 ERIKA NOVAK, L.AC. shall be and is hereby Publicly Reproved pursuant to California
5 Business and Professions Code section 495. This public reproval, which is issued in connection
6 with Respondent's care and treatment of patient A and Respondent's chart documentation, as set
7 forth in Accusation No. 1A202118, is as follows:

8 You are hereby publicly reproved in regard to the care and treatment you provided
9 to patient A and your inadequate chart documentation, as more fully set forth in Accusation
10 No. 1A202118, a true and correct copy of which is attached hereto as Exhibit A and
11 incorporated by reference as if fully set forth herein.

12 **B. COURSEWORK.** Respondent shall take and successfully complete Clean Needle
13 Technique (7th Edition) through the Council of Colleges of Acupuncture and Herbal Medicine
14 (CCAHM); and four hours of Record Keeping. All coursework shall be taken at the graduate
15 level at a school approved by the Board. Classroom attendance must be specifically required.
16 Course content shall be pertinent to the violation and all coursework must be completed within
17 one year from the effective date of this decision. The required coursework must be in addition to
18 any continuing education courses that may be required for license renewal. Within 90 days of the
19 effective date of this decision, respondent shall submit a plan for the Board's prior approval for
20 meeting the educational requirements. All costs of the coursework shall be borne by the
21 respondent. Failure to participate in and successfully complete the coursework requirements as
22 outlined above shall constitute unprofessional conduct and be grounds for further disciplinary
23 action.

24 **C. COST RECOVERY.** Respondent shall pay to the Board its costs of investigation
25 and enforcement in the amount of five thousand dollars (\$5,000) which can be paid in
26 installments pursuant to a payment plan as follows: Monthly cost payments to be made in equal
27 payments of \$333.33 for the first 14 consecutive months following the effective date of the
28 Board's disciplinary order. A single final payment in the amount of \$333.38 is due in month 15

1 following the effective date of the Board's disciplinary order. Failure to make full payment shall
2 constitute unprofessional conduct and be grounds for further disciplinary action.

3 ACCEPTANCE

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

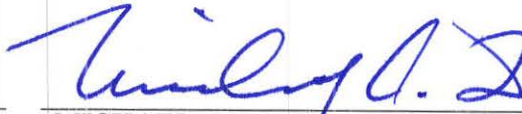
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10 DATED: 08/17/2022



11 ERIKA NOVAK, L.AC.
12 Respondent

13 I have read and fully discussed with Respondent Erika Novak, L.Ac. the terms and
14 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
15 I approve its form and content.

16 DATED: 8/17/2022



17 MICHAEL A. TAIBI
18 Attorney for Respondent

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ENDORSEMENT

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

DATED: August 18, 2022

Respectfully submitted,
ROB BONTA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General
Matthew M. Davis
MATTHEW M. DAVIS
Supervising Deputy Attorney General
Attorneys for Complainant

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Novak, Erika, L.A.C Stipulated Settlement and Disciplinary Order (Final).docx

Exhibit A
Accusation No. 1A202118