

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

In the Matter of the Accusation Against )  
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 )  
SOO HYUCK IM, L.AC. )  
6110 ORANGETHORPE AVENUE )  
BUENA PARK, CA 90620 )  
 )  
Acupuncture License No. AC 5777 )  
 )  
Respondent. )  
\_\_\_\_\_ )

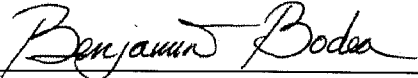
Case No.: 1A-2015-164

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Acupuncture Board, Department of Consumer Affairs, State of California, as its Decision in the above-entitled matter.

This Decision shall become effective on \_\_\_\_\_ March 29, 2017 \_\_\_\_\_.

IT IS SO ORDERED \_\_\_\_\_ February 27, 2017 \_\_\_\_\_.

  
\_\_\_\_\_  
Benjamin Bodea, Executive Officer  
Acupuncture Board  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 NICHOLAS B.C. SCHULTZ  
Deputy Attorney General  
4 State Bar No. 302151  
California Department of Justice  
5 300 South Spring Street, Suite 1702  
Los Angeles, California 90013  
6 Telephone: (213) 897-6564  
Facsimile: (213) 897-9395  
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

13 SOO HYUCK IM, L.AC.  
6110 Orangethorpe Avenue  
Buena Park, California 90620

14 Acupuncturist License No. AC5777,

15 Respondent.

Case No. 1A-2015-164

OAH No. 2016060990

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

16  
17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Benjamin Bodea (Complainant) is the Executive Officer of the Acupuncture Board,  
22 Department of Consumer Affairs (Board). He brought this action solely in his official capacity  
23 and is represented in this matter by Kamala D. Harris, Attorney General of the State of California,  
24 by Nicholas B.C. Schultz, Deputy Attorney General.

25 2. Soo Hyuck Im, L.Ac. (Respondent) is represented in this proceeding by attorney  
26 Robert F. Hahn, Esq., whose address is 2550 Ninth Street, Suite 101, Berkeley, California 94710.

27 3. On or about March 6, 1997, the Board issued Acupuncturist License No. AC5777 to  
28 Respondent. The Acupuncturist license was in full force and effect at all times relevant to the

1 charges brought in Accusation No. 1A-2015-164, and will expire on November 30, 2018, unless  
2 renewed.

3 JURISDICTION

4 4. Accusation No. 1A-2015-164 was filed before the Acupuncture Board, and is  
5 currently pending against Respondent. The Accusation and all other statutorily required  
6 documents were properly served on Respondent on May 23, 2016. Respondent timely filed his  
7 Notice of Defense contesting the Accusation. A copy of Accusation No. 1A-2015-164 is attached  
8 as Exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the  
11 charges and allegations in Accusation No. 1A-2015-164. Respondent also has carefully read,  
12 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License  
13 and Order.

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

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

22 CULPABILITY

23 8. Respondent understands and agrees that the charges and allegations in Accusation  
24 No. 1A-2015-164, if proven at hearing, constitute cause for imposing discipline upon his  
25 Acupuncturist license.

26 9. For the purpose of resolving the Accusation without the expense and uncertainty of  
27 further proceedings, Respondent does not contest that, at an administrative hearing, Complainant

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1 could establish a *prima facie* case with respect to the charges in Accusation No. 1A-2015-164,  
2 and Respondent hereby gives up his right to contest those charges.

3 10. Respondent understands that by signing this stipulation, he enables the Board to issue  
4 an order accepting the surrender of his Acupuncturist License without further process.

5 RESERVATION

6 11. The admissions made by Respondent herein are only for the purposes of this  
7 proceeding, or any other proceedings in which the Acupuncture Board or other professional  
8 licensing agency is involved, and shall not be admissible in any other criminal or civil  
9 proceeding.

10 CONTINGENCY

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

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

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

25 ORDER


26 IT IS HEREBY ORDERED that Acupuncturist License No. AC5777, issued to Respondent  
27 is surrendered and accepted by the Acupuncture Board.

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I have read and fully discussed with Respondent the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 12-7-16   
ROBERT F. HAHN, ESQ.  
*Attorney for Respondent*

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Acupuncture Board of the Department of Consumer Affairs.

Dated: December 7, 2016

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
JUDITH T. ALVARADO  
Supervising Deputy Attorney General

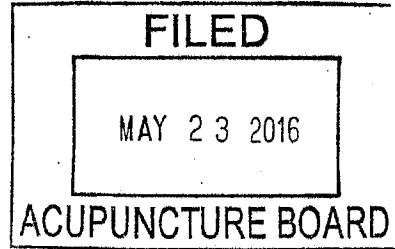
  
NICHOLAS B.C. SCHULTZ  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 1A-2015-164**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 NICHOLAS B.C. SCHULTZ  
Deputy Attorney General  
4 State Bar No. 302151  
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5 300 South Spring Street, Suite 1702  
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8 **BEFORE THE**  
9 **ACUPUNCTURE BOARD**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 1A-2015-164

13 SOO HYUCK IM, L.AC.  
Im's Acupuncture Clinic  
6110 Orangethorpe Avenue  
Buena Park, CA 90620

**ACCUSATION**

14 Acupuncturist License No. AC5777,

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

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

21 2. On or about March 6, 1997, the Acupuncture Board issued Acupuncturist License  
22 Number AC5777 to Soo Hyuck Im, L.Ac. (Respondent). The Acupuncturist License was in full  
23 force and effect at all times relevant to the charges brought herein and will expire on November  
24 30, 2016, unless renewed.

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1 JURISDICTION

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

4 4. Section 4955 of the Code states:

5 “The board may deny, suspend, or revoke, or impose probationary conditions upon, the  
6 license of any acupuncturist if he or she is guilty of unprofessional conduct.

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

8 “ . . .

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

12 “(e) Except for good cause, the knowing failure to protect patients by failing to  
13 follow infection control guidelines of the board, thereby risking transmission of  
14 blood-borne infectious diseases from licensee to patient, from patient to patient, and from  
15 patient to licensee. In administering this subdivision, the board shall consider referencing  
16 the standards, regulations, and guidelines of the State Department of Health Services  
17 developed pursuant to Section 1250.11 of the Health and Safety Code and the standards,  
18 regulations, and guidelines pursuant to the California Occupational Safety and Health Act  
19 of 1973 (Part 1 (commencing with Section 6300) of Division 5 of the Labor Code) for  
20 preventing the transmission of HIV, hepatitis B, and other blood-borne pathogens in health  
21 care settings. As necessary, the board shall consult with the Medical Board of California,  
22 the California Board of Podiatric Medicine, the Dental Board of California, the Board of  
23 Registered Nursing, and the Board of Vocational Nursing and Psychiatric Technicians, to  
24 encourage appropriate consistency in the implementation of this subdivision.

25 “The board shall seek to ensure that licensees are informed of the responsibility of  
26 licensees and others to follow infection control guidelines, and of the most recent  
27 scientifically recognized safeguards for minimizing the risk of transmission of blood-borne  
28 infectious diseases.

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“...”

5. Section 4955.2 of the Code states:

“The board may deny, suspend, revoke, or impose probationary conditions upon the license of any acupuncturist if he or she is guilty of committing any one of the following:

- “(a) Gross negligence.
- “(b) Repeated negligent acts.
- “(c) Incompetence.”

6. Section 4927, subdivision (d) of the Code states:

“‘Acupuncture’ means the stimulation of a certain point or points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, treatment of certain diseases or dysfunctions of the body and includes the techniques of electroacupuncture, cupping, and moxibustion.”

7. Section 4937 of the Code states:

“An acupuncturist's license authorizes the holder thereof:

- “(a) To engage in the practice of acupuncture.
- “(b) To perform or prescribe the use of Asian massage, acupressure, breathing techniques, exercise; heat, cold, magnets, nutrition, diet, herbs, plant, animal, and mineral products, and dietary supplements to promote, maintain, and restore health. Nothing in this section prohibits any person who does not possess an acupuncturist's license or another license as a healing arts practitioner from performing, or prescribing the use of any modality listed in this subdivision.

“...”

8. California Code of Regulations, title 16, section 1399.450, states:

“Every acupuncture office shall be maintained in a clean and sanitary condition at all times, and shall have a readily accessible bathroom facility in accordance with Title 24, Part 2, Building Standards Code Sections 494A.1 and 1994 Uniform Building Code Section 2902.3.”

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1 9. California Code of Regulations, title 16, section 1399.451, states:

2 “In treating a patient, an acupuncturist shall adhere to the following procedures:

3 “(a) The acupuncturist's hands shall be brush-scrubbed with soap and warm water  
4 immediately before examining patients or handling acupuncture needles and other  
5 instruments, and between patients.

6 “(b) All instruments shall be sterilized before and between uses in a manner which  
7 will destroy all microorganisms. All needle trays which contain sterile needles shall also be  
8 sterile. Each time instruments are sterilized, the acupuncturist shall use a tape or strip  
9 indicator which shows that sterilization is complete.

10 “(c) Acupuncture points, where needles are to be inserted, shall be cleaned with an  
11 appropriate antiseptic before insertion of the needle.

12 “(d) In the event an acupuncture needle inserted in a patient breaks subcutaneously,  
13 the treating acupuncturist shall immediately consult a physician. An acupuncturist shall not  
14 sever or penetrate the tissues in order to excise such a needle.

15 “(e) Any complication, including but not limited to, hematoma, peritonitis or  
16 pneumothorax arising out of acupuncture treatment shall be referred immediately to a  
17 physician or dentist or podiatrist, if appropriate, if immediate medical treatment is required.

18 “(f) Acupuncture shall not be performed using hypodermic needles.

19 “(g) All instruments to be discarded shall be disposed of safely.

20 “(h) Needles shall be disposed of by placing them in a sealed, unbreakable container  
21 marked ‘Hazardous Waste’ and disposed of in accordance with state and local law.”

22 **COST RECOVERY**

23 10. Section 4959 of the Code states:

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

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1 13. Respondent's clinic is composed of four treatment rooms, one waiting room, one  
2 kitchen/lunch room, one office and one bathroom. Respondent told the investigators that he runs  
3 the acupuncture clinic alone and conducts all acupuncture procedures at the clinic.

4 14. At the time of the unannounced site visit, Respondent reported the following:

5 A. Respondent practices acupuncture and herbal medicine at his clinic, which  
6 includes alternative treatment referred to as "cupping therapy."<sup>1</sup>

7 B. Respondent confirmed that some patients will bleed during acupuncture or  
8 cupping therapy. Specifically, Respondent stated that he will lance (blood-let) the skin of a  
9 patient when he conducts cupping therapy. Respondent explained that he will clean the patient's  
10 skin with alcohol before lancing the skin with a disposable needle designed for this treatment.  
11 Respondent applies the cups and then removes all air from the cups using a special instrument,

12 C. Respondent stated that he reuses the cupping equipment between patients.  
13 When asked for further detail regarding the cupping equipment, Respondent stated that he cleans  
14 the plastic cups with hot water "over 100 degrees."

15 D. Respondent also prepares "herbal medicine" that he provides to his customers  
16 using an herbal extraction unit that is maintained at the clinic.

17 E. Respondent insisted that he uses sterilized acupuncture equipment after  
18 conducting a brief physical examination of each patient. Respondent elaborated that he uses  
19 alcohol with hot water to clean all of his acupuncture equipment.

20 F. Respondent claims to use only disposable needles and syringes. Respondent  
21 clarified that he disposes of these items in the red sharps containers located throughout the clinic.

22 G. Respondent disposes of medical waste in a standard trash receptacle.

23 H. Respondent stated that he does not have a contracted company to remove the  
24 needles, syringes and other medical waste from his clinic. Instead, Respondent takes these items  
25 home to his wife, who works as a nurse, and then she takes these items to her work for disposal.

26  
27 <sup>1</sup> "Cupping Therapy" is a form of alternative medicine in which a local suction is created on the  
28 skin, often using cups. The purpose of this method is to mobilize blood flow to promote healing.  
Respondent is authorized to conduct this procedure pursuant to Section 4927, subdivision (d) of the Code.









1 C. Failing to properly mark sterilized equipment or utilize the aseptic storage  
2 technique between uses on patients;

3 D. Disposing of needles and syringes in an unsafe manner; and,

4 E. Failing to follow infection control guidelines designed to reduce the risk of  
5 transmitting blood-borne diseases.

6 F. Failing to maintain the acupuncture clinic in a clean and sanitary condition;

7 32. Respondent's acts and/or omissions as set forth in paragraphs 30 through 31 above,  
8 whether proven individually, jointly, or in any combination thereof, constitute unprofessional  
9 conduct pursuant to Section 4955, subdivisions (d) and (e), Section 4927, and Section 4937 of the  
10 Code, as well as California Code of Regulations, title 16, Section 1399.450, and California Code  
11 of Regulations, title 16, Section 1399.451, subdivision (b), (g), and (h).

12 **PRAYER**

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

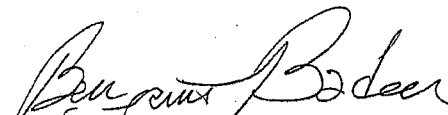
15 1. Revoking or suspending Acupuncturist License Number AC5777, issued to Soo  
16 Hyuck Im.

17 2. Ordering Soo Hyuck Im to pay the Acupuncture Board the reasonable costs of the  
18 investigation and enforcement of this case, pursuant to Business and Professions Code Section  
19 4959;

20 3. Ordering Soo Hyuck Im, if placed on probation, to pay the Acupuncture Board the  
21 costs of probation monitoring; and,

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

23  
24 DATED:           MAY 23 2016          

  
25 BENJAMIN BODEA  
26 Acting Executive Officer  
27 Acupuncture Board  
28 Department of Consumer Affairs  
State of California  
Complainant

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