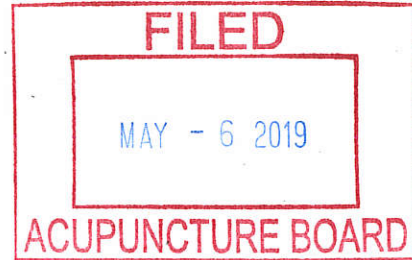


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8  
9 **BEFORE THE**  
**ACUPUNCTURE BOARD**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12  
13 In the Matter of the Petition to Revoke  
Probation Against:

Case No. D1-2017-153

14 **Susan Shriver Rodnunsky, L.Ac.**  
15 **26914 Deertrail Court**  
16 **Calabasas, CA 91301**  
**Acupuncturist License No. AC 6386**

PETITION TO REVOKE PROBATION

17 Respondent.

18  
19 Complainant alleges:

20 PARTIES

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

24 2. On or about December 7, 1998, the Acupuncture Board issued Acupuncturist License  
25 Number AC 6386 to Susan Shriver Rodnunsky, L.Ac. (Respondent). The Acupuncturist License  
26 was in effect at all times relevant to the charges brought herein and will expire on March 31,  
27 2020, unless renewed.

28 ///

1           3.    In a disciplinary action entitled "*In the Matter of Accusation Against Susan Shriver*  
2 *Rodnunsky, L.Ac.*," Case No. 1A-2017-153, the Acupuncture Board, issued a Decision, effective  
3 January 22, 2019, in which Respondent's Acupuncturist License was revoked. However, the  
4 revocation was stayed and Respondent's Acupuncturist License was placed on probation for a  
5 period of three (3) years with certain terms and conditions. A copy of that decision is attached as  
6 Exhibit A and is incorporated by reference.

7   JURISDICTION

8           4.    This Petition to Revoke Probation is brought before the Acupuncture Board (Board),  
9 Department of Consumer Affairs, under the authority of the following laws. All section  
10 references are to the Business and Professions Code unless otherwise indicated.

11           5.    Section 4955 of the Code states:

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

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

15                        "(a) Using or possessing any controlled substance as defined in Division  
16 10 (commencing with Section 11000) of the Health and Safety Code, or dangerous  
17 drug or alcoholic beverage to an extent or in a manner dangerous to himself or  
                              herself, or to any other person, or to the public, and to an extent that the use impairs  
                              his or her ability to engage in the practice of acupuncture with safety to the public.

18                        "(b) Conviction of a crime substantially related to the qualifications,  
19 functions, or duties of an acupuncturist, the record of conviction being conclusive  
                              evidence thereof.

20                        "(c) False or misleading advertising.

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

23                        "(e) Except for good cause, the knowing failure to protect patients by  
24 failing to follow infection control guidelines of the board, thereby risking  
25 transmission of blood-borne infectious diseases from licensee to patient, from patient  
26 to patient, and from patient to licensee. In administering this subdivision, the board  
27 shall consider referencing the standards, regulations, and guidelines of the State  
                              Department of Health Services developed pursuant to Section 1250.11 of the Health  
                              and Safety Code and the standards, regulations, and guidelines pursuant to the  
28 California Occupational Safety and Health Act of 1973 (Part 1 (commencing with  
                              Section 6300) of Division 5 of the Labor Code) for preventing the transmission of  
                              HIV, hepatitis B, and other blood-borne pathogens in health care settings. As  
                              necessary, the board shall consult with the Medical Board of California, the

1 California Board of Podiatric Medicine, the Dental Board of California, the Board of  
2 Registered Nursing, and the Board of Vocational Nursing and Psychiatric  
Technicians, to encourage appropriate consistency in the implementation of this  
subdivision.

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

6 “(f) The use of threats or harassment against any patient or licensee for  
7 providing evidence in a disciplinary action, other legal action, or in an investigation  
contemplating a disciplinary action or other legal action.

8 “(g) Discharging an employee primarily for attempting to comply with  
the terms of this chapter.

9 “(h) Disciplinary action taken by any public agency for any act  
10 substantially related to the qualifications, functions, or duties of an acupuncturist or  
any professional health care licensee.

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

13 “(j) The violation of any law or local ordinance on an acupuncturist's  
14 business premises by an acupuncturist's employee or a person who is working under  
15 the acupuncturist's professional license or business permit, that is substantially related  
to the qualifications, functions, or duties of an acupuncturist. These violations shall  
subject the acupuncturist who employed the individuals, or under whose  
acupuncturist license the employee is working, to disciplinary action.

16 “(k) The abandonment of a patient by the licentiate without written notice  
17 to the patient that treatment is to be discontinued and before the patient has had a  
reasonable opportunity to secure the services of another practitioner.

18 “(l) the failure to notify the board of the use of any false, assumed, or  
19 fictitious name other than the name under which he or she is licensed as an individual  
to practice acupuncture.”

20 6. Section 4959 of the Code states:

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

25 “(b) The costs to be assessed shall be fixed by the administrative law judge and shall not in  
26 any event be increased by the board. When the board does not adopt a proposed decision and  
27 remands the case to an administrative law judge, the administrative law judge shall not increase  
28 the amount of any costs assessed in the proposed decision.



- 1 D. Respondent's blood specimen from February 21, 2019 tested positive for the presence  
2 of alcohol.
- 3 E. Respondent's urine specimen from February 22, 2019 tested positive for the presence  
4 of alcohol.
- 5 F. Respondent's urine specimen from March 15, 2019 tested positive for the presence of  
6 alcohol.
- 7 G. Respondent's urine specimen from March 21, 2019 tested positive for the presence of  
8 alcohol.
- 9 H. Respondent's urine specimen from March 27, 2019 tested positive for the presence of  
10 alcohol.
- 11 I. Respondent was notified by letter on February 7, 2019 that her urine specimen from  
12 January 30, 2019 tested positive for the presence of alcohol. During an interview  
13 with a Medical Review Officer, Respondent admitted to consuming occasional  
14 glasses of wine, regular kombuchas, and herbal tinctures that contain alcohol.
- 15 J. Respondent was also notified by letter on March 27, 2019 that her urine and blood  
16 specimens from January 30, 2019, February 5, 2019, February 8, 2019, February 21,  
17 2019, February 22, 2019, March 15, 2019, and March 21, 2019 tested positive for the  
18 presence of alcohol. Respondent was ordered to provide a written explanation of all  
19 positive tests by April 10, 2019. No written explanation from Respondent was  
20 received by the Board.

21 PRAYER

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

- 24 1. Revoking the probation that was granted by the Acupuncture Board in Case No. 1A-  
25 2017-153 and imposing the disciplinary order that was stayed thereby revoking Acupuncturist  
26 License No. AC 6386 issued to Susan Shriver Rodnunsky, L.Ac.;
- 27 2. Revoking or suspending Acupuncturist License No. AC 6386, issued to Susan Shriver  
28 Rodnunsky, L.Ac.;


1           3.    Ordering Susan Shriver Rodnunsky, L.Ac. to pay the Acupuncture Board the  
2 reasonable costs of investigation and enforcement of this case;

3           4.    If placed on probation, ordering Susan Shriver Rodnunsky, L.Ac. to pay the costs of  
4 probation monitoring; and

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

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DATED:           MAY 06 2019          

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

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**Exhibit A**

**Decision and Order**

**Acupuncture Board Case No. D1-2017-153**