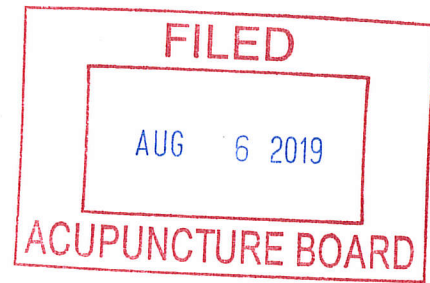


1 XAVIER BECERRA
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 WENDY WIDLUS
Deputy Attorney General
4 State Bar No. 82958
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 269-6457
Facsimile: (916) 731-2117
7 E-mail: Wendy.Widlus@doj.ca.gov
Attorneys for Complainant
8



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

13 In the Matter of the First Amended Accusation
14 Against:

15 **CHIEN-LIANG LIN, L.Ac.**
43824 20th Street West #8758
Lancaster, CA 93539
16 **Acupuncturist License No. AC 7526,**

17 Respondent.
18

Case No. 1A-2014-31

OAH No. 2018110762

FIRST AMENDED ACCUSATION

19 **PARTIES**

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

22 2. On or about September 26, 2000, the Acupuncture Board issued Acupuncturist
23 License Number AC 7526 to Chien-Liang Lin, L.Ac. (Respondent). The Acupuncture License
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 December 31, 2019, unless renewed.

26 **JURISDICTION**

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

3 **STATUTORY PROVISIONS**

4 4. Section 4928.1 of the Code states:

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

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

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

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

13 ...

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

17 ...

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

21 ...

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

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

27 6. 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
qualifications, functions, or duties of an acupuncturist.

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

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

4 7. Section 4956 of the Code states:

5 A plea or verdict of guilty or a conviction following a plea of nolo contendere
6 made to a charge which is substantially related to the qualifications, functions, or
duties of an acupuncturist is deemed to be a conviction within the meaning of this
chapter.

7 The board may order a license suspended or revoked, or may deny a license, or
8 may impose probationary conditions upon a license, when the time for appeal has
9 elapsed, or the judgment of conviction has been affirmed on appeal, or when an order
10 granting probation is made suspending the imposition of sentence irrespective of a
subsequent order under the provisions of Section 1203.4 of the Penal Code allowing
11 the person to withdraw his or her pleas of guilty and to enter a plea of not guilty, or
setting aside the verdict of guilty, or dismissing the accusation, complaint,
information, or indictment.

12 8. Section 4935, subdivision (a)(2), of the Code states, in pertinent part:

13 ...

14 (2) It is a misdemeanor, punishable by a fine of not less than one hundred
15 dollars (\$100) and not more than two thousand five hundred dollars (\$2,500), or by
imprisonment in a county jail not exceeding one year, or by both that fine and
16 imprisonment, for any person to fraudulently buy, sell, or obtain a license to practice
acupuncture, or to violate the provisions of this chapter.

17 ...

18 9. Section 490 of the Code states:

19 (a) In addition to any other action that a board is permitted to take against a
20 licensee, a board may suspend or revoke a license on the ground that the licensee has
been convicted of a crime, if the crime is substantially related to the qualifications,
21 functions, or duties of the business or profession for which the license was issued.

22 (b) Notwithstanding any other provision of law, a board may exercise any
23 authority to discipline a licensee for conviction of a crime that is independent of the
authority granted under subdivision (a) only if the crime is substantially related to the
24 qualifications, functions, or duties of the business or profession for which the
licensee's license was issued.

25 (c) A conviction within the meaning of this section means a plea or verdict of
26 guilty or a conviction following a plea of nolo contendere. Any action that a board is
permitted to take following the establishment of a conviction may be taken when the
27 time for appeal has elapsed, or the judgment of conviction has been affirmed on
appeal, or when an order granting probation is made suspending the imposition of
sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of
the Penal Code.

28 (d) The Legislature hereby finds and declares that the application of this section

1 has been made unclear by the holding in *Petropoulos v. Department of Real Estate*
2 (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant
3 number of statutes and regulations in question, resulting in potential harm to the
4 consumers of California from licensees who have been convicted of crimes.
5 Therefore, the Legislature finds and declares that this section establishes an
6 independent basis for a board to impose discipline upon a licensee, and that the
7 amendments to this section made by Chapter 33 of the Statutes of 2008 do not
8 constitute a change to, but rather are declaratory of, existing law.

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10. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

11. Section 499 of the Code states:

A board may revoke, suspend, or otherwise restrict a license on the ground that the licensee, in support of another person's application for license, knowingly made a false statement of a material fact or knowingly omitted to state a material fact to the board regarding the application.

12. Section 581 of the Code states:

No person, company, or association shall purchase or procure by barter or by any unlawful means or method, or have in possession any diploma, certificate, transcript, or any other writing with intent that it shall be used as evidence of the holder's qualifications to practice as a physician and surgeon, osteopathic physician, 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.

13. California Penal Code section 115 states, in pertinent part:

(a) Every person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office within this state, which instrument, if genuine, might be filed, registered, or recorded under any law of this state or of the United States, is guilty of a felony.

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REGULATORY PROVISIONS

14. California Code of Regulations, title 16, section 1399.469.2 states:

In addition to the conduct described in Section 4955 of the Business and Professions Code, "unprofessional conduct" also includes but is not limited to the following: (a) Including or permitting to be included any of the following provisions in an agreement to settle a civil dispute arising from the licensee's practice to which the licensee is or expects to be named as a party, whether the agreement is made before or after the filing of an action: (1) A provision that prohibits another party to the dispute from contacting, cooperating, or filing a complaint with the board.

(2) A provision that requires another party to the dispute to attempt to withdraw a complaint the party has filed with the board.

(b) Failure to provide to the board, as directed, lawfully requested copies of documents within 15 days of receipt of the request or within the time specified in the request, whichever is later, unless the licensee is unable to provide the documents within this time period for good cause, including but not limited to, physical inability to access the records in the time allowed due to illness or travel. This subsection shall not apply to a licensee who does not have access to, and control over, medical records.

(c) Failure to cooperate and participate in any board investigation pending against the licensee. This subsection shall not be construed to deprive a licensee of any privilege guaranteed by the Fifth Amendment to the Constitution of the United 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 of any constitutional or statutory privilege shall not be used against the licensee in a regulatory or disciplinary proceeding against the licensee.

(d) Failure to report to the board within 30 days any of the following: (1) The bringing of an indictment or information charging a felony against the licensee.

(2) The arrest of the licensee.

(3) The conviction of the licensee, including any verdict of guilty, or pleas of guilty or no contest, of any felony or misdemeanor.

(4) Any disciplinary action taken by another licensing entity or authority of this state or of another state or an agency of the federal government or the United States military.

(e) Failure or refusal to comply with a court order, issued in the enforcement of a subpoena, mandating the release of records to the board.

COST RECOVERY

15. Section 4959 of the Code states:

(a) The board may request the administrative law judge, under his or her

1 proposed decision in resolution of a disciplinary proceeding before the board, to
2 direct any licensee found guilty of unprofessional conduct to pay to the board a sum
not to exceed actual and reasonable costs of the investigation and prosecution of the
case.

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

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

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

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

14 **FACTUAL SUMMARY**

15 2017 Conviction

16 16. On or about January 11, 2017, Respondent was charged in Superior Court of
17 California, County of Sacramento, in *People of the State of California v. Chien-Liang Lin*, case
18 number 17FE000641, with six violations of Penal Code section 115, subdivision (a).

19 17. On or about August 28, 2017, in proceedings entitled *People of the State of California*
20 *v. Chien-Liang Lin*, then pending in the Superior Court of California, County of Sacramento, case
21 number 17FE000641, after a plea of nolo contendere, Respondent was convicted of Count 7, a
22 violation of Business and Professions Code section 4935, subdivision (a) (2), as a misdemeanor.
23 The remaining counts were dismissed in the interests of justice.

24 18. Following Respondent's plea of guilty the Court placed Respondent on two (2) years
25 probation, and ordered him, inter alia, to obey all laws, and perform 180 hours of community
26 service.

27 19. The facts underlying the above conviction are:

28 20. On or about May 30, 2013, the Board received an anonymous complaint alleging that

1 Respondent was providing exam questions to students while teaching California Acupuncture
2 Licensing Exam review courses. As a result of the complaint the Board initiated an investigation.

3 21. As part of the investigation a Board expert attended Respondent's 18-week review
4 course in an undercover capacity and obtained several "practice" and "mock" examinations which
5 Respondent disseminated to the students. The Department of Consumer Affairs subsequently
6 translated and evaluated several of the examinations and determined the examinations did not
7 subvert the California Acupuncture Licensing Exam.

8 22. During the Board investigation the undercover expert heard students state Respondent
9 would complete students' applications for the California Acupuncture Board examination in
10 return for fees ranging from \$1,000 to \$11,800. As part of Respondent's application completion
11 service he provided fraudulent First Aid CPR cards and/or Clean Needle Technique certificates to
12 submit with the students' applications.

13 23. During the investigation six (6) applicants provided specific information that
14 established Respondent submitted eleven (11) separate fraudulent documents to the Board which
15 were received by the Board in April and October of 2014.

16 24. When the Board received the applicant's applications which contained the fraudulent
17 documents, the students were denied admission to the exam.

18 25. In addition, Respondent assisted eight (8) students by requesting that a Clean Needle
19 Technique instructor backdate the students' training certificates.

20 26. During the investigation when questioned Respondent did admit assisting students
21 with completing applications and mailing the applications to the Board but denied producing
22 forged documents.

23 27. Respondent failed to notify the Board of his August 28, 2017, conviction.

24 Circumstances of Licensee 1's¹ Application for Licensure

25 28. On or about October 25, 2016, the Board referred a request for an investigation to
26 evaluate Licensee 1's qualifications and education as a result of a complaint filed by a licensed
27

28 ¹ The licensee and any witnesses are referred to by number to protect privacy rights. The names will be provided to Respondent upon written request for discovery.

1 acupuncturist alleging that Licensee 1 may have used fraudulent documents during their licensing
2 application process.

3 29. The Board received a complaint from a licensed acupuncturist which alleged
4 Licensee 1 did not have a Bachelor's degree from the University of Hebei Chinese Medicine
5 University in China, as advertised on Licensee 1's website.

6 30. During the investigation the investigator ascertained that on April 5, 2014, Licensee 1
7 applied to take the Board's licensure examination. Licensee 1's licensure application, signed
8 under penalty of perjury, stated she attended Heilongjiang University of Chinese Medicine
9 (HUCM) from September 1996 from which she graduated in July 2001. Based on the
10 information provided in her licensure application the Board permitted Licensee 1 to take the
11 licensing examination and issued her acupuncturist license on September 25, 2014.

12 31. During the investigation the investigator ascertained Licensee 1's licensure
13 application included a Clean Needle Technique Course certificate (CNT), a Heartsaver First Aid
14 CPR AED card, and Foundation for International Services, Inc. (FIS) evaluation report.

15 32. During the investigation the investigator examined Board records from three
16 additional applicants who submitted documents in 2014 claiming attendance at HUCM. The
17 applications and records received by the Board from the three applicants were similar to
18 documents known to have been produced by Respondent.

19 33. During the investigation the investigator examined Licensee 1's licensure application
20 dated April 4, 2014, which states Licensee 1 attended HUCM from September 1996 to July 2001.
21 Above Licensee 1's signature is the statement, "I hereby certify under penalty of perjury under the
22 laws of the State of California that all statements made herein are true in every respect, and that
23 misstatements, or omissions of material facts may be cause for denial of this application, or for
24 suspension or revocation of a license."

25 34. The handwriting on Licensee 1's licensure application dated April 4, 2014, is similar
26 to handwriting on forms completed by Respondent as alleged in paragraphs 20 though 27 above.

27 35. The envelope addressed to the Board which contained Licensee 1's licensure
28 application dated April 4, 2014, is postmarked April 15, 2014, and sent from Northridge,

1 California. Licensee 1 lives in Northern California and Respondent lives in Northridge,
2 California.

3 36. Licensee 1's licensure application dated April 4, 2014, contains an evaluation report
4 from the Foundation for International Services, Inc. (FIS) August 21, 2013. The evaluation states
5 "US Education Equivalent: This is a first professional (clinical) degree in Traditional Chinese
6 Medicine in China for which there is no actual equivalent program in the United States. The
7 program was completed at a recognized university which would be considered equivalent to a
8 regionally accredited institution in the United States. The most comparable clinical (non-master)
9 degree offered by a regionally accredited university in the U.S. is a doctor of acupuncture and
10 oriental medicine."

11 37. The investigator contacted FIS regarding the evaluation report contained in Licensee
12 1's licensure application dated April 4, 2014, and confirmed FIS did not complete this report.

13 38. The investigator requested the Board to contact the Council of Colleges of
14 Acupuncture and Oriental Medicine, to confirm attendance at the Clean Needling Technique
15 (CNT) course listed in Licensee 1's licensure application dated April 4, 2014. The Council of
16 Colleges of Acupuncture and Oriental Medicine confirmed Licensee 1 did take the course but not
17 on the date stated in Licensee 1's licensure application dated April 4, 2014. Licensee 1 took the
18 CNT course date on March 29, 2015.

19 39. Licensee 1's licensure application dated April 4, 2014, contains a photocopy of an
20 American Heart Association, Heartsaver First Aid CPR AED card. The photocopy shows that
21 Licensee 1's was issued July 16, 2013, and expired July 16, 2015. The card was signed by Heidi
22 Fu, L.Ac. at the training center "COMT/MTCI" in Los Gatos, California.

23 40. The investigator determined that MTCI/COMT has not been a training center since
24 May 2012. Pursuant to MTCI/COMT's policy instructors were requested not to use the CPR
25 cards after May 2012.

26 41. During the Board's previous investigations of the other licensees and applicants as
27 alleged in paragraphs 20 through 27 copies of their files were obtained. The investigator reviewed
28 the copies of the files relating to the other licensees and applicants and determined that the

1 handwriting in those files was similar to the handwriting submitted to the Board by Licensee 1.

2 42. In 2012 Licensee 1 had applied to the United States of America for asylum. On
3 November 7, 2017, the investigator filed a formal request with the United States Department of
4 Homeland Security for a certified copy of Licensee 1's Alien File (A-File).

5 43. Upon receipt of the certified materials from the Citizenship and Immigration Services
6 the investigator noted the form contained Licensee 1's signature on various documents. One of
7 the documents contained information from December 2012 which stated Licensee 1's highest
8 level of education completed was college at Hengshiu Health School.

9 44. Licensee 1's A-File revealed that on December 6, 2012 she was interviewed in person
10 with the assistance of a Mandarin Chinese interpreter. During that interview Licensee 1 reported
11 she attended Hengshiu Health School which was a vocational school, from September 1994 to
12 July 1998. Licensee 1 confirmed she had no additional higher education.

13 45. The investigator obtained assistance in communicating with HUCM to verify the
14 authenticity of the documents submitted to the Board by Licensee 1. The investigator was
15 advised that a search of the HUCM archives established that neither a diploma or certificate for
16 Licensee 1 existed in the university's records.

17 46. On or about May 20, 2019, the investigator, who was accompanied by an
18 acupuncturist who spoke Chinese, interviewed Licensee 1. At the beginning of the interview the
19 investigator identified herself as an investigator with the Department of Consumer Affairs,
20 Division of Investigation, and explained she was there on behalf of the Board to ask Licensee 1
21 questions about the process she went through when she obtained her acupuncture license. The
22 investigator explained that the acupuncturist who spoke Chinese was there to act as a translator to
23 make sure that Licensee 1 understood everything that was going on.

24 47. Licensee 1 stated she only had one practice location and posted her license in that
25 business location. During the initial portion of the interview Licensee 1 stated she arrived in the
26 United States of America in March 2013, but later corrected the date to March 2012.

27 48. Licensee 1 stated that prior to coming to the United States of America she was
28 licensed as an acupuncturist in China, worked in Beijing as an acupuncturist, and that she was an

1 acupressure specialist.

2 49. Licensee 1 stated she attended Heilong Jiang Traditional Chinese Medicine (HUCM),
3 in Heilongjiang city, Harbin state, China, from 1998 to 2001. Licensee 1 told the investigator that
4 the school is in the Northern area of China.

5 50. Licensee 1 stated she attended Los Positas College, in Livermore, California to study
6 English and attended the University of East-West Medicine (UEWM), in Sunnyvale, California to
7 study massage therapy. Licensee 1 stated she has not attended any other schools in the United
8 States of America other than those two schools.

9 51. Licensee 1 stated she worked at a medical spa in San Ramon, California, for
10 approximately one year doing acupressure. After that job Licensee 1 stated she worked part-time
11 performing acupressure for a licensed acupuncturist at his two acupuncture clinics in Dublin and
12 Foster City, California for about one year. Licensee 1 stated she received her acupuncture license
13 and left those two part-time positions.

14 52. Licensee 1 stated she waited two years to get her acupuncture license because she did
15 not have a green card and her daughter did not live in the United States of America. Licensee 1
16 said she decided to get her acupuncture license when her daughter came to the United States of
17 America in October 2014.

18 53. Licensee 1 stated a teacher named "Mr. Lin" or "Professor Lin" helped her obtain her
19 acupuncture license. Licensee 1 stated when she was working at the clinic she heard about this
20 teacher from a clinician who worked at the clinic.

21 54. Licensee 1 stated Mr. Lin taught a review class at a hotel meeting room in San Jose
22 where she attended the class once a week for three months. The class cost two hundred and
23 ninety-nine dollars (\$299.00).

24 55. Licensee 1 stated Mr. Lin used a computer on a website to help her process her
25 acupuncture license application. Licensee 1 stated she paid the state approximately \$500.00 to
26 \$700.00 by check for her state examination fee.

27 56. Licensee 1 stated Mr. Lin charged her \$100.00 to \$200.00 to help her with the process
28 and she paid him in cash and by check.

1 57. Licensee 1 repeatedly told the investigator that she wrote out her education history
2 and gave the information to Mr. Lin. Licensee 1 stated she told Mr. Lin she attended HUCM
3 from 1998 to 2001, gave him copies of her transcripts and did not give him any other information.
4 Licensee 1 told the investigator that she has a copy of her diploma and transcript.

5 58. Licensee 1 stated she did not remember talking to Mr. Lin about needing a foreign-
6 education evaluation as part of the application process.

7 59. The investigator asked Licensee 1 if she believed she was eligible for her acupuncture
8 license based on the education she obtained in China or based on her acupuncture experience in
9 China and Licensee 1 stated she was eligible based on her education.

10 60. The investigator showed Licensee 1 a copy of the website printout for her website
11 address provided to the investigator by the Board and Licensee 1 confirmed that she had used this
12 website address.

13 61. The investigator pointed out that the website indicated she graduated from the
14 University of Hebei Chinese Medicine University (UHCMU). Licensee 1 replied that she had
15 studied at UHCMU for one year before she went to HUCM.

16 62. The investigator asked what degree Licensee 1 obtained from UHCMU. Licensee 1
17 replied by saying a friend helped her write this website and convinced her to include her home-
18 town history.

19 63. The investigator asked Licensee 1 if she graduated from UHCMU and she said she
20 did not. The investigator asked Licensee 1 why she did not list HUCM on her website and
21 Licensee 1 said her friend convinced her to do this.

22 64. The investigator showed Licensee 1 a copy of her April 5, 2014, Board Application
23 for Examination. Licensee 1 said that none of the handwriting on the application was hers but
24 said she did sign the application but did not write the date next to her signature.

25 65. The investigator pointed to the dates on the application which stated Licensee 1
26 attended Heilongjiang University of Chinese Medicine from September 1996 to July 2001.
27 Licensee 1 admitted the attendance dates were incorrect and said Mr. Lin helped fill out the
28 application although Licensee 1 was not present when Mr. Lin filled out her application.

1 66. Licensee 1 stated she did not fill out the application for herself because she was
2 concerned she might fill it out incorrectly and gave Mr. Lin the application to fill out.

3 67. Licensee 1 stated she could not remember if the application was filled out when she
4 signed it. Licensee 1 stated she was not sure if she had seen this completed application or not.
5 Licensee 1 said she knew Mr. Lin filled out the application because Mr. Lin told her that he had
6 done so.

7 68. Licensee 1 stated she had seen Mr. Lin's handwriting and the handwriting on her
8 application is similar to Mr. Lin's handwriting.

9 69. The investigator showed Licensee 1 a copy of the envelope which contained her
10 license application sent to the Board, postmarked April 15, 2014. Licensee 1 stated the
11 handwriting on the envelope was not hers.

12 70. The investigator showed Licensee 1 a copy of the Foreign Equivalency Curriculum
13 Requirement Form contained in her licensee application which was submitted to the Board.
14 Licensee 1 stated she did not remember the Board sending this form to her or requesting that she
15 fill it out. Licensee 1 stated none of the handwriting on the form was hers. Licensee 1 stated that
16 although she did sign the form she did not write her name next to her signature. Licensee 1 stated
17 she could not remember if the form was filled out when she signed it.

18 71. The investigator showed Licensee 1 a copy of her examination confirmation
19 contained in her licensee application which was submitted to the Board and she confirmed that
20 she completed and signed this form.

21 72. The investigator questioned Licensee 1 extensively regarding the information
22 contained in her licensure application to the Board.

23 73. The investigator explained to Licensee 1 that during her investigation she had
24 obtained copies of documents Licensee 1 completed when she applied for status when she came
25 to the United States of America and explained that the United States of America Department of
26 State had contact HUCM and confirmed that Licensee 1 had never attended HUCM.

27 74. Licensee 1 then admitted she had never attended HUCM.

28 75. Licensee 1 stated Mr. Lin told her it was better if she submitted the false HUCM

1 information to the Board instead of her actual educational experience which consisted of two
2 years of specialty school and two years of hospital internship in China.

3 76. Licensee 1 stated Mr. Lin told her that if she wanted to apply for acupuncture
4 licensure then she should follow what he told her to say. Licensee 1 explained that when she was
5 working at the clinic she had a friend who got a license from the Board. Licensee 1 asked her
6 friend if it was easy to get the license and her friend told her to follow what Mr. Lin told her to
7 do.

8 77. The investigator asked Licensee 1 if she thought it was strange that Mr. Lin asked her
9 to list a school that she had not attended and Licensee 1 said yes. When questioned about why
10 she did this if she thought it was strange Licensee 1 said she realized it was strange when Lin
11 gave her a graduation certificate from HUCM although she could not remember if he gave her the
12 graduation certificate from HUCM before or after she took the examination.

13 78. Licensee 1 stated she knew the certificate was not real because she did not go to
14 HUCM.

15 79. The investigator again showed Licensee 1 a copy of her April 5, 2014, Board
16 Application for Examination and asked Licensee 1 if she would have signed the form knowing
17 that the information for her school, listed on Page 2 was wrong and Licensee 1 said of course not.

18 80. The investigator asked why when she originally showed the application to Licensee 1
19 she said she attended HUCM and gave the investigator her school attendance dates. Licensee 1
20 explained that Mr. Lin told her she needed to follow this information. The investigator asked
21 Licensee 1 if she knew she was lying when she asked Licensee 1 if she had attended HUCM and
22 she said she had. Licensee 1 confirmed that she knew she was lying but Lin told her she had to
23 follow what had been created.

24 81. The investigator asked if that meant Licensee 1 knew that Mr. Lin had lied to the
25 Board and Licensee 1 said she did not know this when she took her examination and received her
26 license. Licensee 1 admitted she knew Mr. Lin had lied after she received her license when Mr.
27 Lin gave her the graduation certificate from the school and she realized it was not true.

28 82. The investigator's investigation showed that Licensee 1 was registered as an in-

1 network provider with Blue Shield of California (Blue Shield) and between May 30, 2015, and
2 August 9, 2016, Licensee 1 billed Blue Shield \$75,570.00, and was paid \$20,442.46, for
3 treatments she provided to patients. Licensee 1 confirmed that she signed documents to register
4 as an in-network provider with Blue Shield.

5 **FIRST CAUSE FOR DISCIPLINE**
6 (Conviction of a Crime in 2017)

7 83. Respondent is subject to disciplinary action for unprofessional conduct under section
8 4955, subdivision (b), section 4956, and section 490 of the Code, and section 1399.469.2 of the
9 California Code of Regulations, title 16, in that he was convicted in 2017 of violating Business
10 and Professions Code section 4935, subdivision (a) (2), commonly known as fraudulently buying,
11 selling, or obtaining a license to practice acupuncture, or to violate the provisions of this chapter,
12 a crime which is substantially related to the qualifications, functions, and duties of an
13 acupuncturist. The circumstances are as follows:

14 84. Complainant refers to, and by reference incorporates herein paragraphs 16 through
15 82, inclusive, above.

16 **SECOND CAUSE FOR DISCIPLINE**

17 (Unprofessional Conduct - Committing an Act of Dishonesty or Corruption)

18 85. Respondent is subject to disciplinary action under section 4955.1, subdivision (b), of
19 the Code, in that he has committed acts involving dishonesty or corruption with respect to the
20 duties of an acupuncturist. The circumstances are as follows:

21 86. Complainant refers to, and by reference incorporates herein paragraphs 17 through
22 83, inclusive, above.

23 **THIRD CAUSE FOR DISCIPLINE**

24 (Conspiring to Secure a License by Fraud or Deceit)

25 87. Respondent is subject to disciplinary action under sections 4955, subdivisions (d) and
26 (i), and 4955.1, subdivisions (a), and (c), of the Code, in that he has conspired in, directly or
27 indirectly, the violation of section 4955.1 of the Code, to wit, assisting in securing a license by
28 fraud or deceit. The circumstances are as follows:

1 88. Complainant refers to, and by reference incorporates herein paragraphs 17 through
2 83, inclusive, above.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 (Failing to Report)

5 89. Respondent is subject to disciplinary action under California Code Regulations
6 section 1399.469.2, subdivision (d), (1), (2), and (3) in that he committed unprofessional conduct
7 by failing to report his conviction. The circumstances are as follows:

8 90. Complainant refers to, and by reference incorporates herein paragraphs 15 through
9 28, inclusive, above.

10 **PRAYER**

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

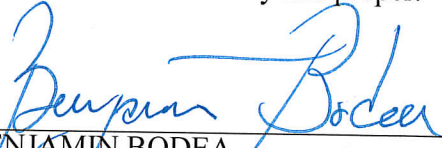
13 1. Revoking or suspending Acupuncturist License Number AC 7526, issued to Chien-
14 Liang Lin, L.Ac.;

15 2. Ordering Chien-Liang Lin, L.Ac. to pay the Acupuncture Board the reasonable costs
16 of the investigation and enforcement of this case, pursuant to Business and Professions Code
17 section 4959;

18 2. If placed on probation, ordering him to pay to the Acupuncture Board the costs of
19 probation monitoring; and,

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

21
22 DATED: AUG 0 6 2019


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

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