

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

In the Matter of the Accusation Against:

**CORREY PO-HONG LAI, AC**  
2001 Oregon Drive  
Sacramento, CA 95822

**Acupuncturist License No. AC 7632**

One.

Case No. 1A-2017-194

OAH No. 2018120299

**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 August 29, 2019.

It is so ORDERED July 30, 2019.



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FOR THE ACUPUNCTURE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS

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

15 In the Matter of the Accusation Against:

16 **CORREY PO-HONG LAI, AC**  
17 **2001 Oregon Drive**  
**Sacramento, CA 95822**

18 **Acupuncturist License No. AC 7632**

19 Respondent.  
20

Case No. 1A-2017-194

OAH No. 2018120299

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

23 **PARTIES**

24 1. Benjamin Bodea (Complainant) is the Executive Officer of the Acupuncture Board  
25 (Board). He brought this action solely in his official capacity and is represented in this matter by  
26 Xavier Becerra, Attorney General of the State of California, by Ryan J. Yates, Deputy Attorney  
27 General.

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1       2. Respondent Correy Po-Hong Lai, AC (Respondent) is represented in this proceeding  
2 by attorney Robert C. Cheasty, whose address is 1604 Solano Avenue, Berkeley, CA 94707.

3       3. On or about February 13, 2001, the Board issued Acupuncturist License No. AC 7632  
4 to Respondent. The Acupuncturist License was in full force and effect at all times relevant to the  
5 charges brought in Accusation No. 1A-2017-194, and will expire on May 31, 2020, unless  
6 renewed.

7    **JURISDICTION**

8       4. Accusation No. 1A-2017-194 was filed before the Board, and is currently pending  
9 against Respondent. The Accusation and all other statutorily required documents were properly  
10 served on Respondent on November 2, 2018. Respondent timely filed her Notice of Defense  
11 contesting the Accusation.

12       5. A copy of Accusation No. 1A-2017-194 is attached as Exhibit A and incorporated  
13 herein by reference.

14   **ADVISEMENT AND WAIVERS**

15       6. Respondent has carefully read, fully discussed with counsel, and understands the  
16 charges and allegations in Accusation No. 1A-2017-194. Respondent has also carefully read,  
17 fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
18 Disciplinary Order.

19       7. Respondent is fully aware of her legal rights in this matter, including the right to a  
20 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
21 the witnesses against her; the right to present evidence and to testify on her own behalf; the right  
22 to the issuance of subpoenas to compel the attendance of witnesses and the production of  
23 documents; the right to reconsideration and court review of an adverse decision; and all other  
24 rights accorded by the California Administrative Procedure Act and other applicable laws.

25       8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
26 every right set forth above.

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1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in Accusation  
3 No. 1A-2017-194, if proven at a hearing, constitute cause for imposing discipline upon her  
4 Acupuncturist License.

5 10. For the purpose of resolving the Accusation without the expense and uncertainty of  
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
7 basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest  
8 those charges.

9 11. Respondent agrees that her Acupuncturist License is subject to discipline and agrees  
10 to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

11 CONTINGENCY

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

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

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

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**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Acupuncturist License No. AC 7632 issued to Respondent Correy Po-Hong Lai, AC is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1. **PRACTICE MONITOR** Within 90 days of the effective date of this decision, Respondent shall submit to the Board for its prior approval, the name and qualifications of one or more California licensed acupuncturists whose license is clear (no record of complaints) and current and who has agreed to serve as a practice monitor. Once approved, the monitor shall submit to the Board a plan by which Respondent's practice shall be monitored. The monitor shall submit written reports to the Board on a quarterly basis verifying that monitoring has taken place and providing an evaluation of Respondent's performance. It shall be Respondent's responsibility to assure that the required reports are filed in a timely fashion. The Respondent shall provide access to the monitor of Respondent's fiscal and client records and shall be permitted to make direct contact with patients. Further, the monitor shall have no prior business, professional, personal or other relationship with Respondent. Respondent shall execute a release authorizing the monitor to divulge any information that the Board may request.

Respondent shall notify all current and potential patients of any term or condition of probation which will affect their treatment or the confidentiality of their records (such as this condition which requires a practice monitor). Such notification shall be signed by each patient prior to continuing or commencing treatment.

If the monitor quits or is otherwise no longer available, Respondent shall not practice until a new monitor has been approved by the Board. All costs of monitoring shall be borne by the Respondent. Monitoring shall consist of at least one hour per month of individual face to face meetings, in which the monitor will review treatment records and occasionally observe treatments, at his or her discretion.

Respondent's requirement to comply with this term will be terminated upon a showing by Respondent of eight consecutive quarterly reports, in which the practice monitor concludes that Respondent's practice of acupuncture lacks deficiencies.

1           2.    EXAMINATION(S) Respondent shall take and pass the licensure exam(s) currently  
2 required of new applicants for the license possessed by Respondent. If Respondent has not passed  
3 the examination within eighteen (18) months from the effective date of this Decision, Respondent  
4 shall be considered to be in violation of probation.

5           Respondent shall pay the established examination fee.

6           If Respondent fails to successfully pass the examination within the designated time period,  
7 Respondent shall receive a notification from the Board or its designee to cease the practice of  
8 acupuncture within three (3) calendar days after being so notified. If Respondent did not  
9 successfully complete the examination within 18 months of the effective date of this Stipulation,  
10 Respondent shall not resume the practice of acupuncture until a final decision has been rendered  
11 on the accusation and/or a petition to revoke probation. If the aforementioned 18-month  
12 timeframe elapses while Respondent is awaiting determination as to whether she has passed the  
13 examination, the period shall be extended, pending her results.

14           This term shall not be viewed as a restriction to practice acupuncture during the  
15           aforementioned 18-month timeframe.

16           3.    COURSEWORK Respondent, at her own expense, shall enroll and successfully  
17 complete the following coursework substantially related to the violation(s) no later than the end  
18 of the first year of probation:

- 19           • Complete the most current edition of the CCAOM Clean Needle Technique course (8  
20           hours);
- 21           • Safety and contraindications (8 hours); and
- 22           • Record keeping (8 hours).

23           The coursework shall be in addition to that required for license renewal. The Board or its  
24 designee shall notify Respondent of the course content and number of hours required. Within  
25 thirty (30) days of the Board's written notification of assigned coursework, Respondent shall  
26 submit a written plan to comply with this requirement to the Board or its designee. The Board or  
27 its designee shall approve such a plan prior to enrollment in any course of study.

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1           Upon successful completion of the coursework, Respondent shall submit original  
2 completion certificates to the Board within thirty (30) days of course completion.

3           4.   OBEY ALL LAWS Respondent shall obey all federal, state and local laws, remain  
4 in full compliance with any court ordered criminal probation terms, payments, and/or other  
5 orders, and all regulations governing the practice of acupuncture in California. A full and detailed  
6 account of any and all violations of law shall be reported by the Respondent to the Board or its  
7 designee in writing within seventy-two (72) hours of occurrence. This condition applies to any  
8 jurisdiction with authority over the Respondent, whether inside or outside California.

9           5.   QUARTERLY REPORTS Respondent shall submit quarterly declarations reports  
10 under penalty of perjury on forms provided by the Board or its designee, stating whether there has  
11 been compliance with all the conditions of probation. If the final probation report is not submitted  
12 as directed, probation shall be extended automatically until such time as the final report is  
13 submitted and accepted by the Board or its designee.

14           6.   INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent shall appear in  
15 person for interviews with the Board or its designee upon request at various intervals and with  
16 prior notice throughout the term of probation.

17           7.   CHANGES OF EMPLOYMENT Respondent shall notify the AC Board in writing,  
18 through the assigned probation monitor of any and all changes of employment, location and  
19 employment address within thirty (30) days of such change.

20           8.   TOLLING OF PROBATION If Respondent leaves California to reside or practice  
21 outside this state, or for any reason, unless by Board order, should Respondent stop practicing  
22 acupuncture in California, Respondent must notify the Board in writing of the dates of departure  
23 and return or the dates of non-practice within 10 days of departure or return. Non-practice is  
24 defined as any period of time exceeding 30 days in which Respondent is not engaging in the  
25 practice of acupuncture or any time the license is inactive or in cancelled status. Periods of  
26 temporary residency or practice outside the state or of non-practice within the state shall not apply

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1 to reduction of the probationary period. It shall be a violation of probation for respondent's  
2 probation to remain tolled pursuant to the provisions of this condition for a period exceeding a  
3 total, consecutive period of two years.

4 For purposes of this condition, a Board ordered suspension or non-practice in compliance  
5 with any other condition of probation shall not be tolled. Any order for payment of cost recovery  
6 shall remain in effect whether or not probation is tolled.

7 All provisions of probation shall recommence on the effective date of resumption of  
8 practice in California, and the term of probation shall be extended for the period of time  
9 respondent was out of state or in state and not practicing.

10 9. COST RECOVERY Respondent shall pay to the Board its costs of investigation and  
11 enforcement in the amount of \$7,000. Respondent shall be permitted to pay these costs in a  
12 payment plan approved by the Board or its designee, with payments to be completed no later than  
13 three months prior to the end of the probation term. Cost recovery will not be tolled.

14 At Respondent's request, if Respondent has not complied with this condition during the  
15 probationary term, and Respondent has presented sufficient documentation of his good faith  
16 efforts to comply with this condition, and if no other conditions have been violated, the Board or  
17 its designee, in its discretion, may grant an extension of Respondent's probation period up to two  
18 (2) years without further hearing in order to comply with this condition. During the two (2) years  
19 extension, all original conditions of probation will apply. The filing of bankruptcy by Respondent  
20 shall not relieve Respondent of her responsibility to reimburse the Board for its investigation and  
21 prosecution costs.

22 10. VIOLATION OF PROBATION If Respondent violates probation in any respect, the  
23 Board may, after giving Respondent notice and the opportunity to be heard, revoke probation and  
24 carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is  
25 filed against Respondent during probation, the Board shall have continuing jurisdiction until the  
26 matter is final, and the period of probation shall be extended until the matter is final. No petition  
27 for modification or termination of probation shall be considered while there is an accusation or  
28 petition to revoke probation pending against Respondent. If Respondent has not complied with



1 any term or condition of probation, the Board shall have continuing jurisdiction over Respondent,  
2 and probation shall automatically be extended until all terms and conditions have been satisfied or  
3 the Board has taken other action as deemed appropriate to treat the failure to comply as a  
4 violation of probation, to terminate probation, and to impose the penalty which was stayed.

5 11. LICENSE SURRENDER Following the effective date of this Decision, if Respondent  
6 ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and  
7 conditions of probation, Respondent may request the voluntary surrender of his or her license or  
8 registration. The Board or its designee reserves the right to evaluate Respondent's request and to  
9 exercise its discretion whether or not to grant the request, or to take any other action deemed  
10 appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender,  
11 Respondent shall, within fifteen (15) days, deliver Respondent's pocket and/or wall certificate to  
12 the Board or its designee and Respondent shall no longer practice acupuncture. Upon formal  
13 acceptance of the tendered license, Respondent will no longer be subject to the terms and  
14 conditions of probation.

15 Voluntary surrender of Respondent's license shall be considered disciplinary action and  
16 shall become a part of Respondent's license history with the Board. If Respondent reapplies for  
17 an acupuncture license, the application shall be treated as a petition for reinstatement of a revoked  
18 or surrendered license.

19 12. SEVERABILITY CLAUSE Each condition of probation is a separate and distinct  
20 condition. If any condition of this Decision and Order, or any application thereof, is declared  
21 unenforceable in whole, in part, or to any extent, the remainder of this Decision and Order, and all  
22 other applications thereof, shall not be affected. Each condition of this Decision and Order shall  
23 separately be valid and enforceable to the fullest extent permitted by law.

24 13. NOTIFICATION OF NAME, ADDRESS, TELEPHONE NUMBER OR E-MAIL  
25 ADDRESS CHANGES Respondent shall notify the assigned probation monitor, in writing within  
26 ten (10) days, of any and all name, address, telephone and/or e-mail address changes.

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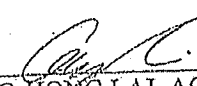
1           14. MAINTENANCE OF CLEAR AND ACTIVE LICENSE Respondent shall, at all  
 2 times, maintain a clear and active current license with the Board, including any period of  
 3 suspension or tolled probation. If an initial license must be issued (Statement of Issues) or a  
 4 license is reinstated, probation shall not commence until a license is issued by the Board.  
 5 Respondent must complete the licensure process within two (2) years from the effective date of  
 6 the Board's Decision.

7           Should Respondent's license expire, by operation of law or otherwise, upon renewal or  
 8 reinstatement, Respondent's license shall be subject to any and all conditions of this probation not  
 9 previously satisfied.

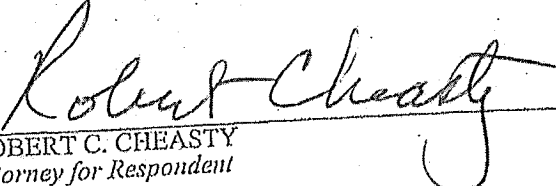
10           15. COMPLETION OF PROBATION Upon successful completion of probation,  
 11 Respondent's license will be fully restored.

12   ACCEPTANCE

13           I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
 14 discussed it with my attorney, Robert C. Cheasty. I understand the stipulation and the effect it  
 15 will have on my Acupuncturist License. I enter into this Stipulated Settlement and Disciplinary  
 16 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order  
 17 of the Acupuncture Board.

18  
 19   DATED: 5-3-19   
 20   CORREY PO-HONG LAI, AC  
   Respondent

21           I have read and fully discussed with Respondent Correy Po-Hong Lai, AC the terms and  
 22 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
 23 I approve its form and content.

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 25   DATED: MAY 3, 2019   
 26   ROBERT C. CHEASTY  
   Attorney for Respondent

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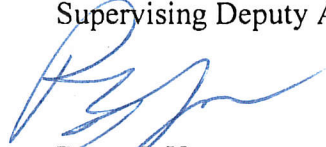
**ENDORSEMENT**

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

Dated: 5/4/19

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
STEVEN D. MUNI  
Supervising Deputy Attorney General



RYAN J. YATES  
Deputy Attorney General  
*Attorneys for Complainant*

**Exhibit A**

**Accusation No. 1A-2017-194**