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FILED

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ACUPUNCTURE BOARD

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

13 In the Matter of the Accusation Against:

Case No. 1A-2010-154

14 **Wei-Chieh Young, L.AC.**
15 **18674 Fieldbrook Street**
Rowland Heights, CA 91748

A C C U S A T I O N

16 **Acupuncturist License number AC 781,**

17 Respondent.
18

19
20
21 Complainant alleges:

22 **PARTIES**

23 1. Terri Thorfinnson (Complainant) brings this Accusation solely in her official capacity
24 as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs.

25 2. On or about May 10, 1978, the Acupuncture Board issued Acupuncturist License
26 Number AC 781 to Wei-Chieh Young (Respondent). That Acupuncturist License was in full
27 force and effect at all times relevant to the charges brought herein and will expire on September
28 30, 2014, unless renewed.

1 **JURISDICTION**

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

5 4. Section 4955.2 of the Code states, in pertinent part:

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

8 “(a) Gross negligence.

9 “(b) Repeated negligent acts.

10 “. . .”

11 5. California Code of Regulations, title 16, section 1399.451, states, in pertinent part:

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

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

17 “. . .”

18 6. California Code of Regulations, title 16, section 1399.454, states:

19 “An acupuncturist shall use needles labeled for single use only that meet the requirements
20 of federal regulations 21 CFR Part 880.5580 (61 FR 64617, December 6, 1996). It shall
21 constitute unprofessional conduct for an acupuncturist to use a needle more than once.”

22 **COST RECOVERY**

23 7. 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 found
26 guilty of unprofessional conduct to pay to the board a sum not to exceed actual and reasonable
27 costs of the investigation and prosecution of the case.

28 “(b) The costs to be assessed shall be fixed by the administrative law judge and shall not in

1 any event be increased by the board. When the board does not adopt a proposed decision and
2 remands the case to an administrative law judge, the administrative law judge shall not increase
3 the amount of any costs assessed in the proposed decision.

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

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

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

12 **FIRST CAUSE FOR DISCIPLINE**

13 (Gross Negligence)

14 8 Respondent is subject to disciplinary action under 4955.2, subsection (a), and
15 California Code of Regulations, title 16, sections 1399.451, subdivision (b), and 1399.454, in that
16 he was grossly negligent in his care and treatment of Ms. C. U. S. The circumstances are as
17 follows:

18 9. The Board received a complaint that Respondent used a dirty needle during a
19 bloodletting demonstration at a course conducted at Emperors' College of Traditional Oriental
20 Medicine on August 8, 2010. During the Board investigation eight witnesses and Respondent
21 were interviewed about the demonstration. Three witnesses observed Respondent use a single
22 use disposable, unsterilized needle on Ms. C. U. S.¹, the student whose blood was let for the
23 demonstration. Respondent removed the single use needle from its package, sanded or filed it
24 with sandpaper, passed it to each person in the room, swiped alcohol on it, and then used it on
25 Ms. C. U. S. to demonstrate proper bloodletting technique.

26 _____
27 ¹ The name of the student is abbreviated to protect her privacy rights. The name will be provided to
28 Respondent upon written request for discovery.

