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

11 In the Matter of the Accusation Against:

Case No. 1A-2010-154

12 **WEI-CHIEH YOUNG, L.Ac.**
13 **18674 Fieldbrook Street**
Rowland Heights, CA 91748
14 **Acupuncture License No. AC 781,**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Respondent.

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

18 PARTIES

19 1. Terri Thorfinnson ("Complainant") is the Executive Officer of the Acupuncture
20 Board. She brought this action solely in her official capacity and is represented in this matter by
21 Kamala D. Harris, Attorney General of the State of California, by Wendy Widlus, Deputy
22 Attorney General.

23 2. Respondent Wei-Chieh Young, L.Ac. ("Respondent") is represented in this
24 proceeding by attorney Jehan N. Jayakumar, whose address is: Carlson & Jayakumar
25 2424 S.E. Bristol Street, Suite 300, Newport Beach, CA 92660.

26 3. On or about May 10, 1978, the Acupuncture Board issued Acupuncture License No.
27 AC 781 to Respondent. The Acupuncture License was in full force and effect at all times
28

1 relevant to the charges brought in Accusation No. 1A-2010-154 and will expire on September 30,
2 2016, unless renewed.

3 JURISDICTION

4 4. Accusation No. 1A-2010-154 was filed before the Acupuncture Board (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on June 20,
7 2014. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of
8 Accusation No. 1A-2010-154 is attached as exhibit A and incorporated herein 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-2010-154. Respondent has also carefully read,
12 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
13 Disciplinary 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 be represented by counsel at
16 his own expense; the right to confront and cross-examine the witnesses against him; the right to
17 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
18 the attendance of witnesses and the production of documents; the right to reconsideration and
19 court review of an adverse decision; and all other rights accorded by the California
20 Administrative Procedure Act and other applicable laws.

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

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 1A-2010-154.

26 9. Respondent agrees that his Acupuncture License is subject to discipline and he agrees
27 to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

28 ///

1 certification in clean needle technique. Additional course content shall include public health,
2 community health and disease prevention; communicable disease, public health alerts, and
3 epidemiology. The required coursework must be in addition to any continuing education courses
4 that may be required for license renewal.

5 3. Within 90 days of the effective date of this decision, Respondent shall submit a plan
6 for the Board's prior approval for meeting the educational requirements. All costs of the
7 coursework shall be borne by the Respondent.

8 4. OBEY ALL LAWS Respondent shall obey all federal, state and local laws and all
9 regulations governing the practice of acupuncture in California. A full and detailed account of
10 any and all violations of law shall be reported by the Respondent to the Board in writing within
11 seventy-two (72) hours of occurrence.

12 5. QUARTERLY REPORTS Respondent shall submit quarterly declarations under
13 penalty of perjury on forms provided by the Board, stating whether there has been compliance
14 with all the conditions of probation.

15 6. SURVEILLANCE PROGRAM Respondent shall comply with the Board's probation
16 surveillance program and shall, upon reasonable notice, report to the assigned investigative
17 district office. Respondent shall contact the assigned probation surveillance monitor regarding
18 any questions specific to the probation order. Respondent shall not have any unsolicited or
19 unapproved contact with 1) victims or complainants associated with the case; 2) Board members
20 or members of its staff; or 3) persons serving the Board as expert examiners.

21 7. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent shall appear in
22 person for interviews with the Board or its designee upon request at various intervals and with
23 reasonable notice.

24 8. CHANGES OF EMPLOYMENT Respondent shall notify the Board in writing,
25 through the assigned probation surveillance compliance officer of any and all changes of
26 employment, location and address within 30 days of such change.

27 9. TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE In the event
28 Respondent should leave California to reside or to practice outside the State, Respondent must

1 notify the Board in writing of the dates of departure and return. Periods of residency or practice
2 outside California will not apply to the reduction of this probationary period.

3 10. EMPLOYMENT AND SUPERVISION OF TRAINEES Respondent shall not
4 employ or supervise or apply to employ or supervise acupuncture trainees during the course of
5 this probation. Respondent shall terminate any such supervisory relationship in existence on the
6 effective date of this probation.

7 11. COST RECOVERY Respondent shall pay to the Board its costs of investigation and
8 enforcement in the amount of \$11,165.75.

9 12. VIOLATION OF PROBATION If Respondent violates probation in any respect, the
10 Board may, after giving Respondent notice and the opportunity to be heard, revoke probation and
11 carry out the disciplinary order that was stated. If an accusation or petition to revoke probation is
12 filed against Respondent during probation, the Board shall have continuing jurisdiction until the
13 matter is final, and the period of probation shall be extended until the matter is final. No petition
14 for modification or termination of probation shall be considered while there is an accusation or
15 petition to revoke probation pending against Respondent.

16 13. COMPLETION OF PROBATION Upon successful completion of probation,
17 Respondent's license will be fully restored.

18 ACCEPTANCE

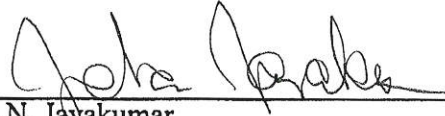
19 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
20 discussed it with my attorney, Jehan N. Jayakumar. I understand the stipulation and the effect it
21 will have on my Acupuncture License. I enter into this Stipulated Settlement and Disciplinary
22 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
23 of the Acupuncture Board.

24
25 DATED: 1-29-2015 Wei-Chieh Young
26 WEI-CHIEH YOUNG, L.A.C.
27 Respondent
28

1 I have read and fully discussed with Respondent, Wei-Chieh Young, L.Ac. the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.

3 I approve its form and content.

4 DATED: January 30, 2015



Jehan N. Jayakumar
Attorney for Respondent

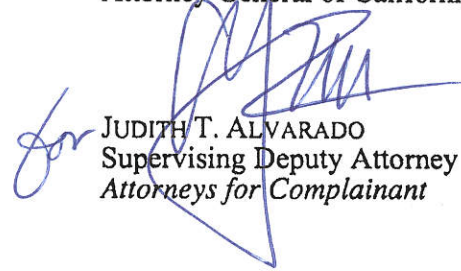
7 ENDORSEMENT

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

10 Dated:

Respectfully submitted,

11 KAMALA D. HARRIS
Attorney General of California


JUDITH T. ALVARADO
Supervising Deputy Attorney General
Attorneys for Complainant

17 LA2013611044
18 61447197.doc

Exhibit A

Accusation No. 1A-2010-154

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Attorneys for Complainant
8

FILED

JUN 20 2014

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:
14 **Wei-Chieh Young, L.AC.**
15 **18674 Fieldbrook Street**
16 **Rowland Heights, CA 91748**
17 **Acupuncturist License number AC 781,**
18 **Respondent.**

Case No. 1A-2010-154

A C C U S A T I O N

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.

JURISDICTION

1
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.”

COST RECOVERY

22
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.

