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7
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-2019-58

12 **HAICHAO HUANG**
13 402 8th Avenue, Ste 203
San Francisco CA 94118

ACCUSATION

14
15 Acupuncture License No. AC 8705

16 Respondent.

17
18 **PARTIES**

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

21 2. On October 2, 2002, the Acupuncture Board issued Acupuncture License Number
22 AC 8705 to Haichao Huang (Respondent). The Acupuncture License expired on March 31, 2020,
23 and has not been renewed.

24 **JURISDICTION**

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

1 4. Section 4928 provides that the Board shall administer and enforce the laws pertaining
2 to licensing acupuncturists in California.

3 5. Section 4928.1 makes protection of the public the Board’s highest priority.

4 6. Section 4955 of the Code provides that the Board may deny, suspend, or revoke, or
5 impose probationary conditions upon the license of any acupuncturist who is guilty of
6 unprofessional conduct. Unprofessional conduct includes, but is not limited to:

7 ...

8 “(b) Conviction of a crime substantially related to the qualifications, functions, or duties of
9 an acupuncturist, the record of conviction being conclusive evidence thereof.”

10 ...

11 “(d) Aiding or abetting in, or violating or conspiring in, directly or indirectly, the
12 violation of the terms of this chapter or any regulation adopted by the board pursuant to this
13 chapter.

14 ...

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

17 ...

18 7. Section 4955.1 of the Code states:

19 The board may deny, suspend, revoke, or impose probationary conditions upon the
20 license of any acupuncturist if he or she is guilty of committing a fraudulent act including,
21 but not be limited to, any of the following:

22 “...

23 (b) Committing a fraudulent or dishonest act as an acupuncturist.

24 (c) Committing any act involving dishonesty or corruption with respect to the
25 qualifications, functions, or duties of an acupuncturist.

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

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

1 8. Section 4959 of the Code allows the Board to request that the proposed
2 decision of an administrative law judge in resolution of any disciplinary proceeding before
3 the Board include a direction that the licensee found guilty of unprofessional conduct pay
4 the Board the actual and reasonable costs of investigation and prosecution of the case.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Unprofessional Conduct: Conviction of a Crime; Dishonest Acts)**

7
8 9. On March 7, 2019, an Indictment was filed against Respondent in the United States
9 District Court for the Northern District of California. The Indictment charged Respondent with
10 numerous crimes arising out of his billing for treatment of patients insured through their
11 employment with the United States federal government, or through membership in a labor union.
12 From at least February 2013 through June 2018, Respondent submitted numerous false or
13 misleading claims for acupuncture services. Claims artificially inflated the type of services
14 patients received and the time spent with patients, and billed for services not rendered. In one
15 instance, Respondent billed for reimbursement for more than 24 hours of acupuncture services in
16 one single day, when he was not physically present in the United States.

17 10. Respondent entered into a Plea Agreement under which he agreed to plead guilty to
18 multiple felony charges contained in the Indictment. Respondent agreed to a wide range of
19 misconduct that occurred over a period of at least five years. The admissions included that
20 Respondent knowingly and willfully executed and attempted to execute a scheme and plan to
21 defraud healthcare benefit program by means of materially false and fraudulent pretenses,
22 representations and omissions in connection with the delivery of or payment for health care
23 benefits, items and services. For example, Respondent billed for time not spent with patients,
24 submitted claims for services rendered on days when patients were not seen by him at all, and
25 submitted claims for services on days when he was not physically present in the United States. He
26 falsely and inaccurately billed for treatments not provided, billed under other patient's names to
27 obtain reimbursement, and submitted CPT codes he believed were least likely to be reduced or
28 rejected by insurance companies. On March 13, 2020, Judgment was entered pursuant to the Plea

1 Agreement. Respondent was convicted of Health Care Fraud in violation of 18 U.S.C. §1347 and
2 False Statements Relating to Health Care Matters in violation of 18 U.S.C. §1035(a)(2). He was
3 sentenced to a prison term of twelve months and one day, ordered to pay restitution of
4 \$807,785.38, and assessed a fine of \$10,000. When he is released from imprisonment,
5 Respondent will be subject to a two year period of supervised release

6 11. Respondent is subject to disciplinary action for unprofessional conduct under section
7 4955 of the Code, in that he abused his position as a licensed acupuncturist by using his license to
8 engaged in criminal activity, and was convicted of crimes substantially related to the
9 qualifications, functions, or duties of an acupuncturist.

10 12. Respondent is subject to disciplinary action for unprofessional conduct under section
11 and 4955.1 in that he engaged in fraudulent or dishonest acts in connection with the practice of
12 acupuncture, and engaged in a prolonged pattern of creating false records, billings and other
13 documents associated with his professional practice.

14 **PRAYER**

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

- 17 1. Revoking or suspending Acupuncture License Number AC 8705, issued to Haichao
18 Huang;
- 19 2. Ordering Haichao Huang to pay the Acupuncture Board the reasonable costs of the
20 investigation and enforcement of this case, pursuant to Business and Professions Code section
21 4959; and,
- 22 3. Taking such other and further action as deemed necessary and proper.

23 DATED: May 12, 2020

24 Original Signature on File
25 BENJAMIN BODEA
26 Executive Officer
27 Acupuncture Board
28 Department of Consumer Affairs
State of California
Complainant

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