STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

STATE AND CONSUMER SERVICES AGENCY • ARNOLD SCHWARZENEGGER, GOVERNOR

ACUPUNCTURE BOARD
444 North 3rd Street, Suite 260, Sacramento, CA 95814
Phone: (916) 445-3021 Fax: (916) 445-3015 www.acupuncture.ca.gov

July 12, 2010

Christopher James Rasmussen
2251 Kinsely St.
Santa Cruz, CA 95062

Re: **Case No. D2-2003-72**
Stipulated Surrender of License and Order

Dear Mr. Rasmussen:

Enclosed is a copy of the **Stipulated Surrender of License and Order** in the matter of the Accusation and Petition to Revoke Probation filed against you. Please note the effective date of the Decision is August 11, 2010.

The stipulation entered into by you surrenders your acupuncture license. Your original wall license, all duplicate wall licenses, and pocket license must be returned to the Board at the address listed above post-marked no later than the effective date of the Decision.

Please be advised you may petition the Board for reinstatement of your acupuncture license no sooner than three (3) years from the effective date of this Decision.

Sincerely,

JANELLE WEDGE
Executive Officer

Enclosures

cc: Russell Lee, DAG, DOJ
Jose Guerrero, SDAG, DOJ
Case Intake Unit, DOI

BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation and Petition to Revoke Probation Against: CHRISTOPHER JAMES RASMUSSEN 2251 Kinsely St. Santa Cruz, CA 95062 Acupuncture License No. AC 10334 Respondent.	)	Case No. D2-2003-72

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Acupuncture Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on AUG 11 2010.

It is so ORDERED JUL 12 2010.

Robert Brewer, Chair
Acupuncture Board
Department of Consumer Affairs
State of California

EDMUND G. BROWN JR.
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General
RUSSELL W. LEE
Deputy Attorney General
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1515 Clay Street, 20th Floor
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Attorneys for Complainant

BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation and Petition to Revoke Probation Against, **CHRISTOPHER JAMES RASMUSSEN** **2251 Kinsely St.** **Santa Cruz, CA 95062** **License No. AC 10334** Respondent.	Case No. D2-2003-72 **STIPULATION FOR SURRENDER OF LICENSE**

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this proceeding that the following matters are true:

PARTIES

1. Janelle Wedge (complainant) is the Executive Officer of the Acupuncture Board, Department of Consumer Affairs, and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Russell W. Lee, Deputy Attorney General. Complainant brought this action solely in her official capacity Executive Director of the Board.

2. Christopher James Rasmussen ("respondent") has elected to represent himself in this matter.

3. Effective July 7, 2005, pursuant to a Stipulated Settlement and Decision, the Acupuncture Board issued an Order providing that respondent shall be issued a license to practice Acupuncture/Oriental Medicine. Respondent was subsequently issued License No. AC 10334 on July 14, 2005; however, said license was revoked upon issuance, the revocation is stayed, and respondent was placed on probation for 5 (five) years on the terms and conditions set forth in greater detail further below in this Accusation and Petition To Revoke Probation. At all times herein, said License was in full force and effect and is due to expire October 31, 2010, unless renewed.

JURISDICTION

4. Accusation and Petition To Revoke Probation No. D2-2003-72 was filed before the Acupuncture Board and is currently pending against respondent. The Accusation and Petition To Revoke Probation and all other statutorily required documents were properly served on respondent on January 25, 2010. Respondent timely filed his Notice of Defense in this proceeding. A copy of Accusation and Petition To Revoke Probation No. D2-2003-72 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation and Petition To Revoke Probation No. D2-2003-72. Respondent also has carefully read and understands the effects of this Stipulation for Surrender of License.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation and Petition To Revoke Probation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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

CULPABILITY

8. For the purposes of settlement, respondent does not contest that, at an administrative hearing, complainant could establish a prima facie case with respect to the charges and allegations contained in Accusation and Petition To Revoke Probation No. D2-2003-72 and that he has thereby subjected his license to revocation of probation.

9. For the purpose of resolving the Accusation and Petition To Revoke Probation without the expense and uncertainty of an administrative hearing, respondent agrees to surrender his Acupuncture License No. AC 10334 to the Acupuncture Board.

10. Respondent understands that by signing this Stipulation For Surrender of License, he is enabling the Acupuncture Board to issue its order accepting the surrender of his license without further process.

CONTINGENCY

11. This Stipulation For Surrender of License shall be subject to approval by the Acupuncture Board. Respondent understands and agrees that counsel for complainant and the staff of the Acupuncture Board may communicate directly with the Acupuncture Board regarding this Stipulation for Surrender of License, without notice to or participation by respondent or his counsel. By signing the Stipulation for Surrender of License, respondent understands and agrees that he may not withdraw his agreement or seek to rescind the Stipulation for Surrender of License prior to the time the Acupuncture Board considers and acts upon it. If the Acupuncture Board fails to adopt this Stipulation For Surrender of License as its Decision and Order, the Stipulation for Surrender of License shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Acupuncture Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulation for Surrender of License, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. Upon acceptance of the Stipulation for Surrender of License by the Acupuncture Board, respondent understands that he will no longer be permitted to practice

Acupuncture/Oriental Medicine in California, and also agrees to surrender and cause to be delivered to the Acupuncture Board both his license and wallet certificate before the effective date of the decision.

14. Respondent has been advised and is aware that pursuant to Board of Acupuncture Laws and Regulations, the Acupuncture Board may and will withdraw its approval of a continuing education provider if the provider has had a license revoked, suspended, placed on probation, voluntarily surrendered or otherwise disciplined by the Acupuncture Board.

15. Respondent fully understands and agrees that if he ever files an application for relicensure or reinstatement in the State of California, the Acupuncture Board shall treat it as a petition for reinstatement, the respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation and Petition To Revoke Probation No. D2-2003-72 will be deemed to be true, correct and admitted by respondent when the Acupuncture Board determines whether to grant or deny the petition.

ACCEPTANCE

I have carefully read the above Stipulation for Surrender of License. I understand the Stipulation for Surrender of License and the effect it will have on my license to practice Acupuncture/Oriental Medicine. I enter into this Stipulation for Surrender of License voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Acupuncture Board of California.

DATED: June 22, 2010

CHRISTOPHER JAMES RASMUSSEN
Respondent

ENDORSEMENT

The foregoing Stipulation Surrender of License is hereby respectfully submitted for consideration by the Acupuncture Board of California of the Department of Consumer Affairs.

Dated: JUNE 22, 2010

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of California
Jose R. Guerrero
Supervising Deputy Attorney General

Russell W. Lee

RUSSELL W. LEE
Deputy Attorney General
Attorneys for Complainant

EXHIBIT A

EDMUND G. BROWN JR.
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General
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Attorneys for Complainant

FILED

JAN 25 2010

ACUPUNCTURE BOARD

BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation and Petition to Revoke Probation Against, **CHRISTOPHER JAMES RASMUSSEN** **2251 Kinsely St.** **Santa Cruz, CA 95062** **License No. AC 10334** Respondent.	Case No. D2-2003-72 ACCUSATION AND PETITION TO REVOKE PROBATION

Complainant alleges:

PARTIES

1. Janelle Wedge (Complainant) brings this Accusation and Petition to Revoke Probation solely in her official capacity as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs.

2. Effective July 7, 2005, pursuant to a Stipulated Settlement and Decision, the Acupuncture Board issued an Order providing that respondent Christopher James Rasmussen ("respondent") shall be issued a license to practice Acupuncture/Oriental Medicine. Respondent was subsequently issued License No. AC 10334 on July 14, 2005; however, said license was revoked upon issuance, the revocation is stayed, and respondent was placed on probation for 5

(five) years on the terms and conditions set forth in greater detail further below in this Accusation and Petition To Revoke Probation. At all times herein, said License was in full force and effect and is due to expire October 31, 2010, unless renewed

JURISDICTION

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

4. Section 480 of the Code states:

"(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

....

"(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

"(3)

"(A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

"(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

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

"The board may deny, suspend, or revoke, or impose probationary conditions upon, the license of any acupuncturist if he or she is guilty of unprofessional conduct.

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

....

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

....

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

6. Section 4955.1 of the Code states, in pertinent part, that:

"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.

7. Section 4959 of the Code states, in pertinent part, that:

"(a) The board may request the administrative law judge, under his or her proposed decision in resolution of a disciplinary proceeding before the board, to 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.

"(b) The costs to be assessed shall be fixed by the administrative law judge and shall not in any event be increased by the board. When the board does not adopt a 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.

"(c) When the payment directed in the board's order for payment of costs is not made by the licensee, the board may enforce the order for payment in the superior 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.

...

...

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

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

RESPONDENT'S MEDICAL BOARD HISTORY

8. Respondent was also previously licensed as a Physician and Surgeon by the Medical Board of California ("Medical Board") under Physician and Surgeon's Certificate No. G 63075, which was issued to him by the Medical Board on or about June 13, 1988.

9. On or about February 23, 2000, an Accusation was filed against respondent's Physician and Surgeon's Certificate No. G 63075 by the Medical Board in an action entitled In the Matter of the Accusation Against Christopher J. Rasmussen, M.D., Case No.16-1999-103141, charging respondent with multiple violations of the Medical Practice Act. Respondent was charged with violation of section 141 of the Code as a result of disciplinary action being taken against his medical license in the State of Wisconsin by the Medical Examining Board on or about August 25, 1999. Respondent was also charged with violations of the following sections of the California Business and Professions Code: Section 2239(a) of the Code (the use or self-prescribing of any drug that could be dangerous or injurious to the licensee, or to any other person or to the public); section 4081 of the Code (failure to keep an inventory or dispensing records for any of the drugs respondent ordered and self-administered); section 2238 (violating any statute or regulation of this state regulating dangerous drugs or controlled substances); section 11170 of the Health and Safety Code (administering and prescribing a controlled substance to himself); and section 11173 of the Health and Safety Code (obtaining a controlled substance by fraud, deceit, misrepresentation or subterfuge; or (2) by concealment of a material fact).

10. On September 22, 2000, in resolution of Accusation No. 16-1999-103141, the Medical Board adopted as its Decision a Stipulated Settlement and Disciplinary Order. In the Stipulated Settlement and Disciplinary Order, respondent admitted that each and every allegation contained in Medical Board Accusation No. 16-1999-103141 was true, and further agreed that his

Physician and Surgeon's Certificate was subjected to disciplinary action pursuant to sections 141, 2305, 2239, 4081, and 2238 of the Code, in conjunction with Health and Safety Code sections 11170 and 11173. Respondent's license to practice medicine was revoked, with the revocation stayed and respondent was placed on probation for five (5) years subject to several terms and conditions, including but not limited to, "Drugs &Abstain From Use, Biological Fluid Testing, Diversion Program, Controlled Drugs Partial Restriction, Controlled Drug Maintain Records, Monitoring, Spex Exam," and Standard Terms and Conditions.

11. Respondent probation period with the Medical Board was thereafter tolled since the effective date of the decision, due to respondent practicing and residing outside California (in Wisconsin).

12. On or about August 23, 2004, the State of Wisconsin, Medical Examining Board, suspended respondent's medical license based upon respondent's decision to discontinue compliance with the Wisconsin Medical Examining Board's disciplinary order of August 25, 1999. More specifically, by a letter dated June 24, 2004, respondent advised the Wisconsin Medical Examining Board that he was moving from the state of Wisconsin to California to practice acupuncture and/or medicine, and that respondent did not intend to continue his random drug screens in Wisconsin.

13. On or about November 3, 2004, the Medical Board issued a full Out Of State Suspension Order pursuant to Business and Professions Code section 2310.

14. On or about December 21, 2004, respondent was interviewed by a Medical Board Investigator. Respondent indicated, inter alia, that his suspension in Wisconsin was due to the fact that, at the end of summer, he decided no longer to reside in Wisconsin and that he could no longer comply with the Wisconsin licensure requirements. Respondent felt that opportunities to practice alternative medicine in Wisconsin were limited. He moved to California and began the process of applying for licensure as an acupuncturist.

15. On or about January 25, 2005, the Medical Board of California filed an Accusation and Petition To Revoke Probation (Case No. D1-1999-103141) based upon said Out Of State Suspension Order.

16. Effective July 7, 2005, pursuant to a Stipulated Settlement and Disciplinary Order, the Medical Board issued a Decision and Order providing that the probationary status of Physician's and Surgeon's Certificate No. G 63075 issued to Christopher James Rasmussen, M.D., (previously imposed via the Decision and Order in Case No. 16-1999-103141, effective on October 23, 2000), is hereby revoked. However, the revocation was stayed and respondent was placed on probation for 5 (five) years on the following terms and conditions.

1. Controlled Substances - Partial Restriction
Respondent shall not order, prescribe, dispense, administer, or possess any controlled substances as defined by the California Uniform Controlled Substances Act, except for those drugs listed in Schedule(s) IV and V of the Act . . .

2. Controlled Substances- Maintain Records and Access to Records and Inventories
Respondent shall maintain a record of all controlled substances ordered, prescribed, dispensed, administered, or possessed by respondent . . ..
Respondent shall keep these records in a separate file or ledger, in chronological order. All records and any inventories of controlled substances shall be available for immediate inspection and copying on the premises by the Division or its designee at all times during business hours and shall be retained for the entire term of probation.
Failure to maintain all records, to provide immediate access to the inventory, or to make all records available for immediate inspection and copying on the premises, is a violation of probation.

3. Controlled Substances - Abstain From Use
Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business and Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to respondent by another practitioner for a bona fide illness or condition . . .

4. Alcohol - Abstain From Use
Respondent shall abstain completely from the use of products or beverages containing alcohol.

5. Biological Fluid Testing
Respondent shall immediately submit to biological fluid testing, at respondent's expense, upon the request of the Division or its designee. A certified copy of any laboratory test results may be received in evidence in any proceedings between the Board and the respondent. Failure to submit to, or failure to complete the required biological fluid testing, is a violation of probation.

6. Diversion Program
Within 18 months from the effective date of this Decision, respondent shall enroll and participate in the Board's Diversion Program until the Diversion Program determines that further treatment and rehabilitation are no longer necessary. Respondent shall not engage in the practice of medicine until notified in writing by both the Diversion Program after enrollment and the Division or its designee of their determination that respondent is medically fit to practice safely . . ..

7. Oral and/or Written Examination
Within 18 months from the effective date of this Decision, respondent shall take and pass the SPEX examination . . ..

8. Monitoring – Practice
Within 18 months from the effective date of this Decision, respondent shall submit to the Division or its designee for prior approval as a practice monitor(s), the name and qualifications of one or more licensed physicians and surgeons whose licenses are valid and in good standing, and who are preferably American Board of Medical Specialties (ABMS) certified . . ..

9. Solo Practice
Respondent is prohibited from engaging in the solo practice of medicine.

10. STANDARD CONDITIONS, including a provision for License Surrender, which provides, in pertinent part, that:

> Following the effective date of this Decision, if respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent may request the voluntary surrender of respondent's license. The Division reserves the right to evaluate respondent's request and to exercise its discretion whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, respondent shall within 15 calendar days deliver respondent's wallet and wall certificate to the Division or its designee and respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation and the surrender of respondent's license shall be deemed disciplinary action. If respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

17. Effective December 13, 2007, respondent elected to surrender his Physician and Surgeon's certificate to the Medical Board pursuant to the License Surrender provision of his probation.

RESPONDENT'S ACUPUNCTURE BOARD HISTORY

18. On or about September 1, 2004, respondent submitted an Application for License to the Acupuncture Board.

19. On or about September 2, 2004, the Acupuncture Board notified respondent that his application for licensure had been denied. On or about September 7, 2004, respondent submitted a letter requesting a hearing on the denial. On about September 10, 2004, respondent's attorney submitted a letter requesting the filing of a Statement of Issues and a hearing concerning the denial of respondent's application.

20. On or about October 14, 2004, a Statement of Issues Case No. 1A-2003-72 was filed by the Acupuncture Board alleging that respondent had engaged in unprofessional conduct; had

been disciplined by another state for acts substantially related to the practice regulated by a California acupuncture license; and for use of a controlled substance.

21. Effective July 7, 2005, pursuant to a Stipulated Settlement and Decision, the Acupuncture Board issued an Order providing that respondent Christopher James Rasmussen shall be issued a license to practice Acupuncture/Oriental Medicine (respondent was subsequently issued License No. AC 10334); however, said license was revoked upon issuance, the revocation was stayed, and respondent was placed on probation for 5 (five) years on the following terms and conditions:

> 1. ABSTAIN FROM DRUGS AND ALCOHOL AND SUBMIT TO TESTS AND SAMPLES
>
> Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act (Division 10, commencing with section 11000, Health and Safety Code) and dangerous drugs as defined by Section 4211 of the Business and Professions Code, or any drugs requiring a prescription. Respondent shall abstain completely from the use of alcoholic beverages. Respondent shall undergo random, biological fluid testing as determined by the Board. Respondent shall bear all costs of such testing. The length of time and frequency will be determined by the Board. Any confirmed positive finding will be considered a violation of probation. This prohibition does not apply to medications lawfully prescribed to respondent by another practitioner for a bona fide illness or condition.
>
> 2. REIMBURSEMENT FOR PROBATION SURVEILLANCE MONITORING
>
> Respondent shall reimburse the Board for the hourly costs it incurs in monitoring the probation to ensure compliance for the duration of the probation period, not to exceed $500.00 annually.
>
> 3. OBEY ALL LAWS
>
> Respondent shall obey all federal, state and local laws and all regulations governing the practice of acupuncture in California. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board in writing within seventy-two (72) hours of occurrence.
>
> 4. QUARTERLY REPORTS
>
> Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.
>
> 5. SURVEILLANCE PROGRAM
>
> Respondent shall comply with the Board's probation surveillance program and shall, upon reasonable notice, report to the assigned investigative district office. Respondent shall contact

the assigned probation surveillance monitor regarding any questions specific to the probation order. Respondent shall not have any unsolicited or unapproved contact with 1) victims or complainants associated with the case; 2) Board members or members of its staff; or 3) persons serving the Board as expert examiners.

6. INTERVIEW WITH THE BOARD OR ITS DESIGNEE

Respondent shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

7. CHANGES OF EMPLOYMENT

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

8. TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE

In the event respondent should leave California to reside or to practice outside the State, respondent must notify the Board in writing of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of this probationary period.

9. EMPLOYMENT AND SUPERVISION OF TRAINEES

Respondent shall not employ or supervise or apply to employ or supervise acupuncture trainees during the course of this probation. Respondent shall terminate any such supervisorial relationship in existence on the effective date of this probation.

10. COST RECOVERY

Respondent shall pay to the Board its costs of investigation and enforcement in the amount of $1200.00.

11. VIOLATION OF PROBATION

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

12. COMPLETION OF PROBATION

Upon successful completion of probation, respondent's license will be fully restored.

13. OPTION TO SURRENDER LICENSE

Following the effective date of this Decision, if respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent may request the voluntary surrender of respondent's license. The

Board reserves the right to evaluate respondent's request and to exercise its discretion whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, respondent shall within 15 calendar days deliver respondent's wallet and wall certificate to the Board or its designee and respondent shall no longer practice Acupuncture/Oriental Medicine under the authority of the license previously issued by the Board. Respondent will no longer be subject to the terms and conditions of probation and the surrender of respondent's license shall be deemed disciplinary action based upon the grounds and admission already set forth in this Stipulation. If respondent re-applies for a license to practice Acupuncture/Oriental Medicine, the application shall be treated as a petition for reinstatement of a revoked license.

CAUSES FOR REVOCATION OF PROBATION

22. Respondent's probation under License No. AC 10334 previously issued by the Acupuncture Board is subject to revocation for violating the terms of his probation as hereinafter set forth.

FIRST CAUSES FOR REVOCATION OF PROBATION

23. On or about March 25, 2009, Laura Campos, a Senior Investigator for the Department of Consumer Affairs, Division of Investigation, who was previously assigned to monitor respondent's probation with the Acupuncture Board, attempted to contact respondent by telephone at his work location, Five Branches University, in Santa Cruz, for the purpose of administering a random biological fluid test as required by respondent's probationary terms. Investigator Campos left a message for respondent to contact her immediately. Investigator Campos then telephoned respondent at his private telephone number and left a similar message. Investigator Campos then sent an e-mail to respondent requesting that he contact Investigator Campos immediately.

24. Respondent did not contact Investigator Campos until the next morning, March 26, 2009, at which time Investigator Campos requested that respondent submit to a random drug screen that morning. Respondent refused to submit to a drug screen, indicating that he was scheduled to work that day and would not appear for a drug screen.

25. Respondent has violated probationary conditions No. 1. (Abstain from Drugs and Alcohol and Submit to Tests) and No. 5. (Surveillance Program) and therefore cause exist for revocation of probation pursuant to probationary condition No. 11 (Violation of Probation).

SECOND CAUSES FOR REVOCATION OF PROBATION

26. The allegations set forth in the First Causes for Revocation of Probation are referred to and incorporated herein by reference as though fully set forth.

27. On or about July 31, 2009, Annette Rodriguez, a Senior Investigator for the Department of Consumer Affairs, Division of Investigation, who was now assigned to monitor respondent's probation (subsequent to Investigator Campos' retirement), met with respondent to verify that respondent understood each and every term of probation, which respondent verbally indicated and then initialed and dated on a copy of the Stipulated Settlement and Decision that he did so understand.

28. On or about July 31, 2009, respondent filled out and signed a "Last Use Questionnaire" indicating that he had not taken any prescription and/or illegal drugs, and indicating that he was only taking "Advil", an over the counter pain medication, for occasional pain. Respondent also advised Investigator verbally that the Advil was taken after exercise.

29. In truth and in fact, on or about 3/15/08, 3/18/08, and 4/9/08, respondent had obtained from local dentists and had filled at local pharmacies, prescriptions for Vicodin.

30. Vicodin is a Schedule III controlled substance pursuant to Health and Safety Code section 11506(e)(4), and a dangerous drug pursuant to Business and Professions Code section 4022.

31. On or about November 25, 2009, Investigator Rodriguez met with respondent and questioned him regarding the three Vicodin prescriptions. Respondent admitted to obtaining the prescriptions and indicated that he had simply forgotten to report the prescriptions to the Division of Investigation or the Acupuncture Board.

32. Respondent has violated probationary conditions No. 1. (Abstain From Drugs And Alcohol And Submit to Tests), 3. (Obey All Laws (by violation of Business and Professions Code sections as set forth further herein below under Causes For Disciplinary Action)) and No. 5. (Surveillance Program) and therefore cause exist for revocation of probation pursuant to probationary condition No. 11 (Violation of Probation).

...

THIRD CAUSES FOR REVOCATION OF PROBATION

33. The allegations set forth in the First And Second Causes For Revocation of Probation are referred to and incorporated herein by reference as though fully set forth.

34. On or about July 31, 2009, Investigator Rodriguez requested that respondent submit to a urine drug screen, which respondent provided.

35. The urine drug screen was analyzed and came back from the testing laboratory as positive for the drug "Tramadol."

36. Tramadol hydrochloride, also known by its trade name "Ultram", is a dangerous drug pursuant to Business and Professions Code section 4022. According to the Drug Enforcement Administration, Tramadol was approved for marketing as a noncontrolled analgesic in 1995 under the trade name of Ultram. Although the company initially claimed that this substance produced only very weak narcotic effects, recent data demonstrate that opioid activity is the overriding contributor to the drug's pharmacological activity. Because of inadequate product labeling and lack of established abuse potential, many physicians felt this drug was safe to prescribe to recovering narcotic addicts and to known narcotic abusers. As a consequence, numerous reports of abuse and dependence have been received. Tramadol is approved for the treatment of moderate to moderately severe pain in adults. Although the Department of Health and Human Services has not recommended the scheduling of this substance in the Controlled Substances Act (CSA), a requirement necessary for DEA to place a substance under control, the Food and Drug Administration (FDA) has required the manufacturer of Ultram to inform physicians about recent abuse data. The approved labeling has been modified on three separate occasions to include new information under the "Drug Abuse and Dependence" section. The labeling currently contains the following language:

> "ULTRAM may induce psychic and physical dependence of the morphine type (μ opioid). Dependence and abuse, including drug seeking behavior and taking illicit actions to obtain the drug are not limited to those patients with prior history of opioid dependence. The risk in patients with substance abuse has been observed to be higher. ULTRAM is associated with craving and tolerance development. Withdrawal symptoms may occur if ULTRAM is discontinued abruptly."

37. On or about November 25, 2009, Investigator Rodriguez met with respondent and

questioned him regarding the positive test for Ultram. Respondent admitted to taking Ultram and indicated that in 2003 or 2004, he received a pharmaceutical sample of 100 Ultram/Tramadol tablets from a former colleague, a medical doctor living in Wisconsin. Respondent stated that since 2003-2004 and to date, he has taken (ingested) the leftover Ultram/Tramadol tablets as necessary to treat and alleviate his lower back pain.

38. When Investigator Rodriguez asked respondent the identity of the medical doctor "colleague" who provided the sample bottle to respondent, respondent refused to identify the individual.

39. When Investigator Rodriguez asked respondent why he didn't obtain a prescription for the Ultram/Tramadol, respondent advised that he cannot afford the medical insurance to see a physician.

40. When Investigator Rodriguez asked respondent why he didn't disclose the self administration of the Ultram/Tramadol on his "Last Use Questionnaire" which he signed on about July 31, 2009, respondent indicated "I forgot, I just didn't think about it, it wasn't purposeful."

41. Respondent has violated probationary conditions No. 1. (Abstain from Drugs and Alcohol and Submit to Tests), 3.(Obey All Laws (by violation of Business and Professions Code sections as set forth further herein below under Causes For Disciplinary Action)) and No. 5. (Surveillance Program) and therefore cause exist for revocation of probation pursuant to probationary condition No. 11 (Violation of Probation).

CAUSES FOR DISCIPLINARY ACTION

42. The allegations set forth in the First, Second and Third Causes for Revocation of Probation are referred to and incorporated herein by reference as though fully set forth.

43. Respondent is subject to disciplinary action pursuant to Business and Professions Code sections: 4955 (general unprofessional conduct); and/or 4955(d) (violation of chapter); and/or 4955(i) in conjunction with section 480(a)(2) and/or 480(a)(3) (dishonesty, deceit); and/or 4955.1(b) and/or 4955.1(c) (fraud, dishonesty, corruption).

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PRAYER

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

1. Revoking or suspending Acupuncture No. AC 10334 previously issued to Christopher James Rasmussen;

2. Ordering revocation of the probationary order previously imposed in Acupuncture Board Case No. 1A-2003-72, and imposing the disciplinary order of revocation of License Number AC 10334 that was stayed;

3. Ordering respondent to pay the actual and reasonable costs of the investigation and prosecution of the case, and, if placed on probation, to pay the costs of probation monitoring; and

4. Taking such other and further action as deemed necessary and proper.

DATED: JAN 25 2010

JANELLE WEDGE
Executive Officer
Acupuncture Board
Department of Consumer Affairs
State of California
Complainant

SF2009405577

DECLARATION OF SERVICE BY MAIL

In the Matter of the Accusation and Petition to Revoke Probation Against:

CHRISTOPHER RASMUSSEN Case No. D2-2003-72

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 444 N. 3rd Street, Suite 260, Sacramento, CA 95811-0228. I served a true copy of the attached:

STIPULATED SURRENDER OF LICENSE AND ORDER

by certified/regular mail on each of the following, by placing same in an envelope(s) addressed (respectively) as follows:

NAME and ADDRESS	CERTIFIED MAIL NO.
Christopher Rasmussen, L.Ac. 2251 Kinsely St. Santa Cruz, CA 95062	7009 1410 0002 2164 0443
Russell Lee, Deputy Attorney General California Department of Justice Office of the Attorney General/HQE 1515 Clay Street, 20th Floor Oakland, CA 94612-0550	regular mail
Jose Guerrero, Supervising Deputy Attorney General California Department of Justice Office of the Attorney General/HQE 1515 Clay Street, 20th Floor Oakland, CA 94612-0550	regular mail
Division of Investigation Case Intake 444 N. 3rd St., Ste. 110 Sacramento, CA 95811	regular mail

Each said envelope was, on July 12, 2010, sealed and deposited in the U.S. mail at Sacramento, California, the county in which I am employed, with the postage thereon fully prepaid for an attempt at service.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 12, 2010 at Sacramento, California.

Kristine Brothers
DECLARANT