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

11 In the Matter of the Accusation Against:

12 **ROMAN ROBLES, AC**  
13 **328 Northbank Ct., Apt. #55**  
**Stockton, CA 95207**

14 **Acupuncturists License No. AC 10537**

15 Respondent.

Case No. 1A-2009-77

OAH No. 2011100091

14 **STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

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

20 PARTIES

21 1. Janelle Wedge and Terri Thorfinnson (Complainant) is the former and present  
22 Executive Officer of the Acupuncture Board respectively. Complainants brought this action  
23 solely in her official capacity and is represented in this matter by Kamala D. Harris, Attorney  
24 General of the State of California, and by Jannsen Tan, Deputy Attorney General.

25 2. Roman Robles, AC (Respondent) is represented in this proceeding by attorney Steven  
26 L. Simas, whose address is: North Pointe Business Centre 3835 North Freeway Boulevard, Suite  
27 228 Sacramento, California 95834.





1 twenty (20) hours of coursework or continuing education in the following area(s) Ethics and  
2 Record Keeping. Classroom attendance must be specifically required. Course content shall be  
3 pertinent to the violation and all coursework must be completed within the probation period.

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

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

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

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

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

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

26           7. TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE In the event  
27 respondent should leave California to reside or to practice outside the State, respondent must  
28 notify the Board in writing of the dates of departure and return. Periods of residency or practice

1 outside California will not apply to the reduction of this probationary period.

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

6 9. COST RECOVERY Respondent shall pay to the Board its costs of investigation and  
7 enforcement in the amount of \$4,016.00. Respondent shall pay monthly installments during the  
8 term of the probation in the amount of \$67.00 until fully paid. Respondent shall pay the full  
9 amount before the termination of probation. If probation is terminated in less than five years,  
10 Respondent shall pay the remaining balance, which becomes immediately due, without necessity  
11 of demand.

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

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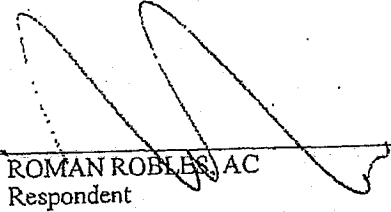
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11. COMPLETION OF PROBATION Upon successful completion of probation, Respondent's license will be fully restored.

ACCEPTANCE

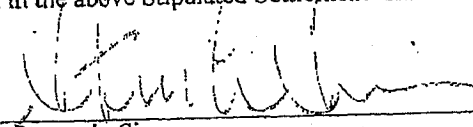
I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Steven L. Simas. I understand the stipulation and the effect it will have on my Acupuncturists License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Acupuncture Board.

DATED: 11/25/2012

  
ROMAN ROBLES, AC  
Respondent

I have read and fully discussed with Respondent Roman Robles, AC the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 11/29/2012

  
Steven L. Simas  
Attorney for Respondent

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ENDORSEMENT

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

Dated:

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
GAIL M. HEPPELL  
Supervising Deputy Attorney General

JANNSEN TAN  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 1A-2009-77**

1 EDMUND G. BROWN JR.  
2 Attorney General of California  
3 GAIL M. HEPPELL  
4 Supervising Deputy Attorney General  
5 JANNSEN L. TAN  
6 Deputy Attorney General  
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13 *Attorneys for Complainant*

**FILED**

JUL 8 2011

**ACUPUNCTURE BOARD**

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

In the Matter of the Accusation Against:

Case No. *1A-2009-77*

**ROMAN ROBLES, L.AC**  
**328 North Bank Court, Apt. #55**  
**Stockton, CA 95207**

**A C C U S A T I O N**

**Acupuncturist License No. 10537**

Respondent.

Complainant alleges:

**PARTIES**

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

2. On or about September 21, 2005, the Board issued Acupuncturist License Number 10537 to Roman Robles, L.AC. (hereinafter "Respondent"). During the period of the allegations stated herein, Respondent's license was delinquent from October 18, 2008 until December 18, 2008 when the delinquent status was removed. A continuing education hold was in place on the license from December 18, 2008 until April 22, 2009 due to insufficient education units. Respondent's license is presently active, and will expire September 30, 2012.

**JURISDICTION**

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

5       4. Section 4928.1 of the Code states:

6             "Protection of the public shall be the highest priority for the Acupuncture  
7 Board in exercising its licensing, regulatory, and disciplinary functions. Whenever  
8 the protection of the public is inconsistent with other interests sought to be  
9 promoted, the protection of the public shall be paramount."

10       5. Section 4937 of the Code states:

11             "An acupuncturist's license authorizes the holder thereof:

12             "(a) To engage in the practice of acupuncture.

13             "(b) To perform or prescribe the use of oriental massage, acupuncture,  
14 breathing techniques, exercises, or nutrition, including the incorporation of drugless  
15 substances and herbs as dietary supplements to promote health. Nothing in this  
16 section prohibits any person who does not possess an acupuncturist's license or  
17 another license as a healing arts practitioner from performing, or prescribing the use  
18 of, oriental massage, breathing techniques, exercises, or nutrition, to promote  
19 health, so long as those activities are not performed or prescribed in connection  
20 with the practice of acupuncture."

21       6. Section 4955 of the Code, in pertinent part, provides:

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

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

26             "...  
27  
28

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

3           “....”

4           7. Section 4955.1 of the Code, in pertinent part, provides:

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

8           “... ”

9           “(e) Failing to maintain adequate and accurate records relating to the provision  
10 of services to their patients

11           “....”

12           8. Section 4959 of the Code states:

13           “(a) The board may request the administrative law judge, under his or her  
14 proposed decision in resolution of a disciplinary proceeding before the board, to  
15 direct any licensee found guilty of unprofessional conduct to pay to the board a sum  
16 not to exceed actual and reasonable costs of the investigation and prosecution of the  
17 case.

18           “(b) The costs to be assessed shall be fixed by the administrative law judge  
19 and shall not in any event be increased by the board. When the board does not  
20 adopt a proposed decision and remands the case to an administrative law judge, the  
21 administrative law judge shall not increase the amount of any costs assessed in the  
22 proposed decision.

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

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

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

6                                   **FIRST CAUSE FOR DISCIPLINE**  
7                                   **(Practicing Acupuncture without a Valid License)**  
8                                   **[Bus & Prof. Code § 4937]**

9           9.     Respondent is subject to disciplinary action under section 4937 in that he practiced  
10 acupuncture without a current and valid license. The circumstances are as follows:

11           10.    Respondent was employed as a Physician Assistant under the medical office of T.M.,  
12 MD, during the period of September 28, 2008 until March 23, 2009.

13           11.    Respondent practiced acupuncture during the period of October 2008 until April  
14 2009, while his license was delinquent or on hold due to insufficient continuing education.

15 Respondent practiced on the following occasions:

16           A.     On or about December of 2008, Respondent practiced acupuncture on clinic  
17 employee M.R.<sup>1</sup>. Respondent wrote M.R. a prescription for Adipex (phentermine) and  
18 inserted small needles in her ear for weight loss. Respondent did not document the  
19 acupuncture that he performed on her in their charts.

20           B.     On or about two occasions in November and December of 2008 Respondent practiced  
21 acupuncture on clinic employee V.R. Respondent inserted small needles in V.R. ears  
22 and prescribed Adipex (phentermine). The needles had a small bandage covering and  
23 were left in the ear until they fell out. Respondent did not document the acupuncture  
24 that he performed on her in their charts.

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26  
27           <sup>1</sup> Patient names are abbreviated herein to protect patient confidentiality. Patients' full  
28 names will be provided upon receipt of a properly executed and served Request for Discovery.

1 C. On or about September or October 2008, Respondent practiced acupuncture on clinic  
2 employee Z.M. Respondent placed one to four needles in each ear. Respondent did not  
3 document the acupuncture that he performed on her in their charts.

4 12. Respondent violated section 4937 of the code when he practiced acupuncture without  
5 a valid license.

6 **SECOND CAUSE FOR DISCIPLINE**  
7 **(Failure to Maintain Patient Records)**  
8 **[Bus & Prof. Code § 4955 & §4955.1 (e)]**

9 13. Complainant refers to and, by this reference, incorporates herein paragraphs 11, 12,  
10 above, as though fully set forth.

11 14. Respondent violated section 4955 and 4955.1 (e) when he failed to maintain adequate  
12 and accurate records relating to the provision of services to his patients.

13 **PRAYER**

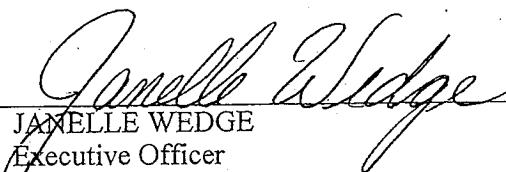
14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
15 and that following the hearing, the Acupuncture Board issue a decision:

16 1. Revoking or suspending Acupuncturist License Number 10537, issued to  
17 Respondent;

18 2. Ordering Respondent to pay the Acupuncture Board the reasonable costs of the  
19 investigation and enforcement of this case, pursuant to Business and Professions Code section  
20 4959; and

21 3. Taking such other and further action as deemed necessary and proper.

22 DATED:           JUL 08 2011          

23   
24 JANELLE WEDGE  
25 Executive Officer  
26 Acupuncture Board  
27 State of California  
28 Complainant

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