BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against: SAMANTHA HODGES 1456 Grove Street San Francisco, CA 94117 Applicant.	Case No. 1A-2014-173

DECISION AND ORDER

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

This Decision shall become effective on MAR 26 2015.

It is so ORDERED FEB 24 2015.

FOR THE ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS

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BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against: SAMANTHA HODGES 1456 Grove Street San Francisco, CA 94117 Applicant.	Case No. 1A-2014-173 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

1. Terri Thorfinnson ("Complainant") is the Executive Officer of the Acupuncture Board, Department of Consumer Affairs ("Board"). She brought this action solely in her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by John S. Gatschet, Deputy Attorney General.

2. Applicant Samantha Hodges ("Applicant") is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

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3. On or about September 24, 2014, Applicant filed an application, dated September 20, 2014, with the Acupuncture Board to obtain an Acupuncture License. On or about November 14, 2014, the Board denied Applicant's application.

JURISDICTION

4. Statement of Issues No. 1A-2014-173 was filed before the Board, and is currently pending against Applicant. The Statement of Issues and all other statutorily required documents were properly served on Applicant on JAN 20, 2015.

5. A copy of Statement of Issues No. 1A-2014-173 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Applicant has carefully read, and understands the charges and allegations in Statement of Issues No. 1A-2014-173. Applicant has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Applicant is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her 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.

8. Applicant voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Applicant admits the truth of each and every charge and allegation in Statement of Issues No. 1A-2014-173.

10. Applicant agrees that her Acupuncture License is subject to denial and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

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CONTINGENCY

11. This stipulation shall be subject to approval by the Acupuncture Board. Applicant understands and agrees that counsel for Complainant and the staff of the Acupuncture Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Applicant. By signing the stipulation, Applicant understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Applicant Samantha Hodges' Acupuncture License will be issued and immediately revoked. The revocation will be stayed and the Applicant placed on five (5) years probation on the following terms and conditions.

1. ALCOHOL AND DRUG ABUSE TREATMENT Effective 30 days from the date of this decision, Applicant shall enter an inpatient or outpatient alcohol or other drug abuse recovery program (a minimum of six (6) months duration) or an equivalent program as approved by the Board.

Quitting the program without permission or being expelled for cause shall constitute a violation of probation by Applicant. Subsequent to the program, Applicant shall participate in on-going treatment such as receiving individual and/or group therapy from a psychologist trained in alcohol and drug abuse treatment; and/or attend Twelve Step meetings or the equivalent as

approved by the Board at least three times a week during the first year of probation; and/or other substance abuse recovery programs approved by the Board. Applicant shall pay all costs of treatment and therapy, and provide documentation of attendance at Twelve Step meetings or the equivalent as approved by the Board. The psychologist shall confirm that Applicant has complied with the requirements of this decision and shall notify the Board immediately if he or she believes the Applicant cannot safely render acupuncture services. Applicant shall execute a release authorizing the psychologist to divulge the aforementioned information to the Board.

2. ABSTAIN FROM DRUGS AND ALCOHOL AND SUBMIT TO TESTS AND SAMPLES Applicant 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. Applicant shall abstain completely from the use of alcoholic beverages. Applicant shall undergo random, biological fluid testing as determined by the Board. Applicant 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.

3. COMMUNITY SERVICE Applicant shall perform one hundred (100) hours of community service. Applicant shall select a designated community service provider. Applicant will then request and receive approval from the Board to perform community service for the designated community service provider. Upon approval of the Board, Applicant will perform community service. Applicant must complete all one hundred (100) hours of community service within three (3) years of the effective date of this decision. Applicant shall provide the Board with written proof from the community service provider upon completion of community service.

4. OBEY ALL LAWS Applicant 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 Applicant to the Board in writing within seventy-two (72) hours of occurrence.

5. QUARTERLY REPORTS Applicant 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.

6. SURVEILLANCE PROGRAM Applicant shall comply with the Board's probation surveillance program and shall, upon reasonable notice, report to the assigned investigative district office. Applicant shall contact the assigned probation surveillance monitor regarding any questions specific to the probation order. Applicant 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.

7. REIMBURSEMENT FOR PROBATION SURVEILLANCE MONITORING Applicant shall reimburse the Board for the hourly costs it incurs in monitoring the probation to ensure compliance for the duration of the probation period.

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

9. CHANGES OF EMPLOYMENT Applicant 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.

10. TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE In the event Applicant should leave California to reside or to practice outside the State, Applicant 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.

11. EMPLOYMENT AND SUPERVISION OF TRAINEES Applicant shall not employ or supervise or apply to employ or supervise acupuncture trainees during the course of this probation. Applicant shall terminate any such supervisorial relationship in existence on the effective date of this probation.

12. VIOLATION OF PROBATION If Applicant violates probation in any respect, the Board may, after giving Applicant 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 Applicant 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 Applicant.

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

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Acupuncture 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: 1/23/15 Samantha A. Hodges

SAMANTHA HODGES
Applicant

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ENDORSEMENT

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

Dated: 1/30/15

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
CONNIE A. BROUSSARD
Supervising Deputy Attorney General

JOHN S. GATSCHET
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Statement of Issues No. 1A-2014-173