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8	BEFORE THE ACUPUNCTURE BOARD		
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
10	STATE OF CA	ALIFURNIA	
11			
12	In the Matter of the Accusation Against,	Case No. 1A-2019-83	
13	LING QIAN, L.AC. 5704 Miguel Way		
14	Long Beach, CA 90814 Acupuncturist License No. AC 16491,	DEFAULT DECISION AND ORDER	
15	Respondent.	[Gov. Code, §11520]	
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18	FINDINGS OF FACT		
19	1. On or about February 4, 2020, Complainant Benjamin Bodea, in his official capacity		
20	as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs, filed		
21	Accusation No. 1A-2019-83 against LING QIAN, L.Ac. (Respondent) before the Acupuncture		
22	Board.		
23	2. On or about April 17, 2015, the Acupuncture Board (Board) issued Acupuncturist		
24	License No. AC 16491 to Respondent. The Acupuncturist License was in full force and effect at		
25	all times relevant to the charges brought herein and will expire on October 31, 2020, unless		
26	renewed. A true and correct copy of said Acupuncturist License is attached hereto as Exhibit		
27	"A", and are incorporated herein by reference.		
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- 3. On or about February 4, 2020, Kristen Borges, an employee of the Board, served by Certified and First Class Mail a copy of the Accusation No. 1A-2019-83, Statement to Respondent, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 5704 Miguel Way Long Beach, CA 90814. A copy of the Accusation, the related documents, and Declaration of Service are attached as exhibit "B", and are incorporated herein by reference.
- 4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).
 - 5. Government Code section 11506 states, in pertinent part:
 - (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.
- 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 1A-2019-83.
- 7. On February 28, 2020, Cristina Gomez, an employee of the Office of the Attorney General, served by First Class Mail a Courtesy Notice of Default and a copy of Accusation 1A-2019-83 and Notice of Defense to Respondent's address of record with the Board. A true and correct copy of the Courtesy Notice of Default, Accusation and Notice of Defense are attached hereto as Exhibit "C", and incorporated herein by reference.
 - 8. California Government Code section 11520 states, in pertinent part:
 - (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.
- 9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in exhibits A, B C, and D, finds that the allegations in Accusation No. 1A-2019-83 are true.

10. The Acupuncture Board further finds that pursuant to Business and Professions Code section 4959, the costs of the investigation and enforcement of the case prayed for in the Accusation total \$12,688.25, based on the Certification of Costs contained in Exhibits E and F.

DETERMINATION OF ISSUES

- 1. Based on the foregoing findings of fact, Respondent LING QIAN, L.Ac. has subjected her Acupuncturist License No. AC 16491 to discipline.
- 2. Pursuant to its authority under Government Code section 11520, and based on the evidence before it, the Board hereby finds that the charges and allegations contained in Accusation No. 1A-2019-83, and the Findings of Fact contained in paragraphs 1 through 10, above, and each of them, separately and severally are true. A true and correct copy of Accusation No. 1A-2019-83 and the related documents and Declaration of Service are attached as Exhibit "B".
 - 3. The agency has jurisdiction to adjudicate this case by default.
- 4. The Acupuncture Board is authorized to revoke Respondent's Acupuncturist License based upon the following violations alleged in the Accusation:
- a. Obtaining License by Fraud: The Respondent's license is subject to disciplinary action pursuant to Business and Professions Code sections 498 and 4955.1, subdivision (a), in that she procured her acupuncture license by means of knowingly submitting false and fraudulent documents. See Exhibit "D".
- b. Dishonest and Corrupt Acts: The Respondent's license is subject to disciplinary action pursuant to Business and Professions Code section 4955.1, subdivisions (b) and (c), in that she procured her acupuncture license by means of knowingly submitting false and fraudulent documents and she submitted health insurance claims for acupuncture treatments, which treatments she provided under the guise of holding a license Respondent knew she had been issued based on falsified documents. See Exhibit "D".
- c. Unprofessional Conduct: The Respondent's license is subject to disciplinary action pursuant to Business and Professions Code section 4955, subdivisions (d) and (i), in that her knowing presentation of fraudulent documents to obtain her acupuncture license was a

1	violation of the statutes administered and enforced by the Acupuncture Board (Chapter 12,		
2	Division 2 of the Code). See Exhibit "D".		
3	<u>ORDER</u>		
4	IT IS SO ORDERED that Acupuncturist License No. AC 16491, heretofore issued to		
5	Respondent LING QIAN, L.Ac., is revoked.		
6	Respondent is ordered to reimburse the Acupuncture Board the amount of \$12,688.50, for		
7	its investigative and enforcement costs. The filing of bankruptcy by Respondent shall not relieve		
8	Respondent of her responsibility to reimburse the Board for its costs. Respondent's Acupuncture		
9	License may not be renewed or reinstated unless all costs ordered under Business and Professions		
10	code section 4959 have been paid.		
11	If Respondent ever files an application for relicensure or reinstatement in the State of		
12	California, the Board shall treat it as a petition for reinstatement. Respondent must comply with		
13	all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time		
14	the petition is filed.		
15	Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a		
16	written motion requesting that the Decision be vacated and stating the grounds relied on within		
17	seven (7) days after service of the Decision on Respondent. The agency in its discretion may		
18	vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.		
19	This Decision shall become effective on <u>July 16, 2020</u> .		
20	It is so ORDERED		
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23	Original Signature on File FOR THE ACUPUNCTURE BOARD DEPARTMENT OF CONSUMER AFFAIRS		
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