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ACUPUNCTURE BOARD

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

11 In the Matter of the Accusation Against:

Case No. 1A-2011-164

12 **CHIN CHUAN LIANG, L.AC.**  
13 **9819 Las Tunas Dr.**  
14 **Temple City, CA 91780**  
**Acupuncturist License No. 2225,**

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

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about December 29, 1983, the Acupuncture Board issued Acupuncturist  
22 License Number 2225 to CHIN CHUAN LIANG, L.Ac. (Respondent). The Acupuncturist  
23 License was in full force and effect at all times relevant to the charges brought herein and will  
24 expire on July 31, 2016, unless renewed.

25 **JURISDICTION**

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

1           4.    Section 4928.1, of the Code states:

2           “Protection of the public shall be the highest priority for the Acupuncture Board in  
3 exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the  
4 public is inconsistent with other interests sought to be promoted, the protection of the public shall  
5 be paramount.”

6           5.    Section 4927, subdivision (d), of the Code states:

7           “‘Acupuncture’ means the stimulation of a certain point or points on or near the surface of  
8 the body by the insertion of needles to prevent or modify the perception of pain or to normalize  
9 physiological functions, including pain control, for the treatment of certain diseases or  
10 dysfunctions of the body and includes the techniques of electroacupuncture, cupping, and  
11 moxibustion.”

12          6.    Section 4937 of the Code states, in pertinent part:

13          “An acupuncturist’s license authorizes the holder thereof:

14           “(a) To engage in the practice of acupuncture.

15           “(b) To perform or prescribe the use of Asian massage, acupressure, breathing techniques,  
16 exercise, heat, cold, magnets, nutrition, diet, herbs, plant, animal, and mineral products, and  
17 dietary supplements to promote, maintain, and restore health. Nothing in this section prohibits  
18 any person who does not possess an acupuncturist's license or another license as a healing arts  
19 practitioner from performing, or prescribing the use of any modality listed in this subdivision.

20          “...”

21          7.    Section 4955 of the Code states, in pertinent part:

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

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

25           “...”

26           “(c) False or misleading advertising.

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



1 the administrative hearing was held. This right of enforcement shall be in addition to any other  
2 rights the board may have as to any licensee directed to pay costs.

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

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

### 7 **FIRST CAUSE FOR DISCIPLINE**

8 (Gross Negligence)

9 11. Respondent is subject to disciplinary action under 4955.2, subsection (a) of the Code,  
10 in that he was grossly negligent in his care and treatment of three patients. The circumstances are  
11 as follows:

#### 12 **Patient 1**

13 12. In May, 2011, Patient 1 was five months pregnant when she developed a serious skin  
14 rash. Respondent told her he could treat the rash during a phone conversation and Patient 1 came  
15 to Respondent's office to obtain a diagnosis and treatment of her rash. Respondent cut a sample  
16 of her hair, placed it on paper, and told Patient 1 to hold the paper. Patient 1 complied with  
17 Respondent's directions whereupon Respondent said Patient 1 was suffering from a virus which  
18 he could remove with his “invested equipment. [sic]”

19 Respondent's treated Patient 1 by directing her to hold a sample of her hair while she  
20 listened to music for 30 minutes. Following that Respondent told Patient 1 60 percent of her  
21 virus was gone. Respondent charged Patient 1 \$300 for this treatment. Respondent told Patient 1  
22 she must make another appointment with him to get rid of the remaining 40 percent of the virus.

23 When Patient 1 did not make a follow-up appointment Respondent called her home and told  
24 her she must have another treatment. Respondent told Patient 1 that her unborn baby was “under  
25 virus attack,” and she might miscarry without his treatment. Patient 1 refused to make an  
26 appointment and Respondent said “You are a bad mother, not care about your unborn baby, your  
27 body has too many virus.”

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1 **Patient M. Z.**

2 13. In April, 2010, M. Z.<sup>1</sup>, became ill, lost her sense of smell, and consequently made an  
3 appointment to see Respondent for treatment. After M. Z. described her symptoms to  
4 Respondent, he cut pieces of her hair and placed three strands of hair into three separate packets  
5 labeled “A”, “B” and “C”. Respondent then told M. Z. to press her tongue against the roof of her  
6 mouth, while holding two hair packets between her middle and index finger while she listened to  
7 music through headphones for approximately two minutes. Respondent instructed M. Z. to repeat  
8 this procedure for three minutes while wearing sunglasses. Then Respondent told M. Z. to hold  
9 two hair packets while she pressed another finger against various tiny bottles labeled with names  
10 of different viruses. While M. Z. followed these instructions Respondent told her to pinch her  
11 right thumb and index finger together as he attempted to separate them. Respondent explained to  
12 M. Z. that he was checking her “DNA” and if he had a hard time separating her fingers it meant  
13 she had a virus.

14 Respondent told M. Z. she had a virus which required medication and treatment. M. Z.  
15 refused Respondent’s medication and treatment, and Respondent told her “. . .the virus could  
16 spread to your heart or head.”

17 **Patient B. L.**

18 14. In June, 2012, B. L., who was troubled with various allergies, made an appointment  
19 with Respondent. Respondent told B. L. he would utilize a DNA test to determine the source of  
20 his allergies. Respondent instructed B. L. to touch a book, an egg, and peanuts, with his left hand,  
21 and put his thumb and middle finger together while Respondent attempted to pull them apart.  
22 Respondent told B. L. if Respondent could separate his fingers, this meant he had been diagnosed  
23 as having an allergy. Respondent wanted to charge B. L. additional money to perform another  
24 test which required B. L. to hold a cup, but B. L. refused this test. Respondent told B. L. he

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27 <sup>1</sup> The name of the student is abbreviated to protect her privacy rights. The name will be provided to  
28 Respondent upon written request for discovery.

1 required treatment which would cost \$100 per treatment. Respondent did not perform any  
2 acupuncture and B. L. left Respondent's office without having any treatment.

3 **Investigation**

4 15. During the Board's investigation of this matter Department of Consumer Affairs  
5 Division of Investigations Investigator Mario Castro (Castro) interviewed Respondent.  
6 Respondent stated he practices acupuncture and uses oriental medical techniques to determine the  
7 cause(s) of a patient's illness.

8 Respondent stated he uses the B-Digital O-Ring test which he learned at an acupuncture  
9 seminar eight years ago. Respondent stated the B-Digital O-Ring test involves cutting a patient's  
10 hair, having a patient listen to music, and having a patient hold their fingers together while he  
11 attempts to separate the fingers. Respondent stated each of these actions allows him to utilize the  
12 B-Digital O-Ring test to diagnose his patients. Respondent stated the diagnosis he makes through  
13 utilizing the B-Digital O-Ring test provides him with information to write prescriptions for  
14 Chinese herbs. Respondent stated he charges \$60 for the initial patient evaluation, and charges up  
15 to \$300 for patient treatments. Respondent stated he advertises his business in certain Chinese  
16 newspapers.

17 During the investigation Castro had Respondent's Chinese advertisements translated from  
18 Chinese to English. Respondent's advertisements state he is a "Doctor of Otolaryngology" whose  
19 treatment methods included removing a patient's DNA to determine the source of a virus, and he  
20 also offers patients ". . . a new method to treat allergy by combining DNA technique and TCM  
21 point. . . [sic]"

22 16. The standard of care requires an acupuncturist to formulate a Traditional Chinese  
23 Medical (TCM) diagnosis and treatment plan during the patient's initial intake interview. The  
24 acupuncturist must obtain a full medical history from the patient.

25 17. When treating a patient who suffers from allergies the standard of care in TCM  
26 requires the acupuncturist to prepare a treatment plan which includes identifying specific  
27 acupuncture points and herbal prescriptions to treat the patient's allergies. The standard of care  
28

1 also requires the acupuncturist to educate the patient about their condition and obtain the patient's  
2 consent to begin utilizing acupuncture needles during acupuncture treatment.

3 18. The standard of care requires an acupuncturist to practice legitimate TCM  
4 acupuncture techniques in which the acupuncturist has been trained. The standard of care  
5 requires that an acupuncturist treat patients when the acupuncturist is equipped to do so. TCM  
6 does not train acupuncturists to identify viruses, nor does it equip them to do so.

7 19. Respondent failed to conform to the applicable standard of care for an acupuncturist  
8 in his care and treatment of his patients Patient 1, M. Z., and B. L. because he failed to perform a  
9 complete and accurate diagnosis utilizing TCM for his patients.

10 20. Respondent failed to conform to the applicable standard of care for an acupuncturist  
11 in his care and treatment of his patients Patient 1, M. Z., and B. L. because he failed to formulate  
12 a treatment plan which included the identification of specific acupuncture points and herbal  
13 prescriptions to treat the patients' conditions.

14 21. Respondent failed to conform to the applicable standard of care for an acupuncturist  
15 in his care and treatment of his patients Patient 1, M. Z., and B. L. because he failed to use the  
16 legitimate TCM acupuncture techniques in which he had been trained.

17 22. Respondent failed to conform to the applicable standard of care for an acupuncturist  
18 in his care and treatment of his patients Patient 1, M. Z., and B. L. because he claimed to be able  
19 to diagnosis a virus although as an acupuncturist he was not trained to identify treat viruses.

20 23. Respondent's care and treatment of Patient 1 as set forth above includes the following  
21 acts and/or omissions which constitute extreme departures from the standard of practice:

22 A. Respondent failure to carry out a Traditional Chinese Medical diagnosis process  
23 during Patient 1's appointment.

24 B. Respondent failure to take a medical history or followed the TCM diagnosis standard  
25 procedure of reading the pulse or tongue.

26 C. Respondent's statement to Patient 1 that he diagnosed her skin rash from her holding  
27 a sample of her hair is not a TCM diagnosis standard practice.

28

1 D. Respondent's statement to Patient 1 that a treatment for her rash was to hold a piece  
2 of her hair in her hand while listening to music is not a TCM treatment.

3 24. Respondent's care and treatment of M. Z. as set forth above includes the following  
4 acts and/or omissions which constitute extreme departures from the standard of practice:

5 A. Respondent failure to carry out a Traditional Chinese Medical diagnosis process  
6 during M. Z.'s appointment.

7 B. Respondent's statement that he was able to diagnose a virus for the patient when he  
8 was neither trained nor equipped to do so.

9 C. Respondent's statement that he could diagnose M. Z.'s illness from a sample of her  
10 hair.

11 25. Respondent's care and treatment of B. L. as set forth above includes the following  
12 acts and/or omissions which constitute extreme departures from the standard of practice:

13 A. Respondent failure to carry out a Traditional Chinese Medical diagnosis process  
14 during Patient B.L.'s appointment.

15 B. Respondent's statement that he could diagnosis B. L.'s allergy by separating B. L.'s  
16 fingers.

17 26. Respondent's acts and/or omissions as set forth in paragraphs 12 through 25,  
18 inclusive, above, whether proven individually, jointly, or in any combination thereof, constitute  
19 gross negligence pursuant to section 4955.2, subdivision (a), of the Code. Therefore cause for  
20 discipline exists.

21 **SECOND CAUSE FOR DISCIPLINE**

22 (Repeated Negligent Acts)

23 27. Respondent is subject to disciplinary action under section 4955.2, subdivision (b)  
24 of the Code, in that he has committed repeated acts of negligence in the practice of acupuncture.  
25 The circumstances are as follows:

26 28. The allegations of the First Cause for Discipline are incorporated herein by  
27 reference as if fully set forth.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct)

3 29. Respondent is subject to disciplinary action under section 4955, subsections (c) and  
4 (i) of the Code, for unprofessional conduct. The circumstances are as follows:

5 30. The allegations of the First Cause for Discipline are incorporated herein by  
6 reference as if fully set forth.

7 **THIRD CAUSE FOR DISCIPLINE**

8 (Fraudulent Conduct)

9 31. Respondent is subject to disciplinary action under section 4955.1, subsections (b) and  
10 (c) of the Code, for fraudulent acts. The circumstances are as follows:

11 32. The allegations of the First Cause for Discipline are incorporated herein by reference  
12 as if fully set forth.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 (Incompetence)

15 33. Respondent is subject to disciplinary action under section 4955.2, subsection (c) of  
16 the Code, for unprofessional conduct. The circumstances are as follows:

17 34. The allegations of the First Cause for Discipline are incorporated herein by reference  
18 as if fully set forth.

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1 **PRAYER**

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

- 4 1. Revoking or suspending Acupuncturist License Number 1A-2011-164, issued to Chin  
5 Chuan Liang, L.Ac.;
- 6 2. Ordering him to pay the Acupuncture Board the reasonable costs of the investigation  
7 and enforcement of this case, pursuant to Business and Professions Code section 4959;
- 8 3. If placed on probation, ordering him to pay to the Acupuncture Board the costs of  
9 probation monitoring, and;
- 10 4. Taking such other and further action as deemed necessary and proper.

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12  
13 DATED: NOV 07 2014



14 TERRI THORFINNSON  
15 Executive Officer  
16 Acupuncture Board  
17 Department of Consumer Affairs  
18 State of California  
19 *Complainant*

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21 Liang Final Decision.docx  
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