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

In the Matter of the Accusation Against:	Case No. 1A-2011-164
CHIN CHUAN LIANG, L.Ac. 9819 Las Tunas Drive Temple City, CA 91780	OAH Number 2014110944
Acupuncture License No. AC-2225	
Respondent.	

DECISION AND ORDER

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

This Decision shall become effective on June 30, 2016.

IT IS SO ORDERED May 31, 2016.

Hildegarde B. Aguinaldo, President
Acupuncture Board
Department of Consumer Affairs
State of California

KAMALA D. HARRIS
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Attorneys for Complainant

BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation Against: **CHIN CHUAN LIANG, L.Ac.** **9819 Las Tunas Dr.** **Temple City, CA 91780** **Acupuncturist License Number AC 2225** Respondent.	Case Number 1A-2011-164 OAH Number 2014110944 **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 (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 Wendy Widlus, Deputy Attorney General.

2. Respondent Chin Chuan Liang, L.Ac. (Respondent) is represented in this proceeding by attorney Kevin D. Cauley, whose address is: 624 South Grand Avenue, 22nd Floor, Los Angeles, CA 90017.

3. On or about December 29, 1983, the Acupuncture Board issued Acupuncturist

License Number AC 2225 to Chin Chuan Liang, L.Ac. The Acupuncturist License was in full force and effect at all times relevant to the charges brought in First Amended Accusation Number AC 2225 and will expire on July 31, 2016, unless renewed.

JURISDICTION

4. First Amended Accusation Number 1A-2011-164 was filed before the Board, and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on September 28, 2015. Respondent timely filed his Notice of Defense.

5. A copy of First Amended Accusation Number 1A-2011-164 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation Number 1A-2011-164. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; 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.

CULPABILITY

8. Respondent understands that the charges and allegations in First Amended Accusation Number 1A- 2011-164, if proven at a hearing, constitute cause for imposing discipline on his Acupuncturist License Number AC 2225.

9. For the purposes of resolving the First Amended Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could

establish a factual basis for the charges in the First Amended Accusation and that those charges constitute cause for discipline.

10. Respondent hereby voluntarily, knowingly, and intelligently waives and gives up his right to contest that cause for discipline exists based on those charges.

RESERVATION

11. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Acupuncture Board or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

12. Respondent agrees that his Acupuncturist License is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

13. This stipulation 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 Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his 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.

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

15. 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 Acupuncturist License Number AC 2225 issued to Respondent CHIN CHUAN LIANG, L.Ac. (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1. SEPARATION OF ACUPUNCTURE PRACTICE FROM INTEGRATIVE MEDICINE PRACTICE Respondent shall separate his acupuncture and integrative medicine practice by delineating between services offered to his patients as follows:

A. Respondent shall maintain separate patient records for his acupuncture practice and his integrative medicine practice.

B. Respondent will follow standard acupuncture protocol for all patients seeking and or obtaining acupuncture services.

C. Respondent will provide each patient seeking integrative medical treatment with notice and written acknowledgment, stating the following:

- Respondent is not a licensed physician;
- The alternative or complementary services to be provided are not licensed by the State of California.

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.

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 less 25% in the total amount of $11,560.31. This amount shall be paid in full, directly to the Board within six (6) months prior to the termination date of probation. Cost recovery will not be tolled. Respondent understands that failure to timely pay costs is a violation of probation, and submission of evidence demonstrating financial hardship does not preclude the Board from pursuing further disciplinary action. However, Respondent understands that providing evidence and supporting documentation of financial hardship may delay further disciplinary action. Consideration to financial hardship will not be given should Respondent violate this term and condition, unless an unexpected AND unavoidable hardship is established

from the date of this order to the date payment(s) is due.

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.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Kevin D. Cauley. I understand the stipulation and the effect it will have on my Acupuncturist 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: _____

Chin Chuan Liang, L.Ac.
Respondent

I have read and fully discussed with Respondent CHIN CHUAN LIANG, L.Ac. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____

Kevin D. Cauley
Attorney for Respondent

ENDORSEMENT

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

Dated:

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General

WENDY WIDLUS
Deputy Attorney General
Attorneys for Complainant

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Kevin D. Cauley. I understand the stipulation and the effect it will have on my Acupuncturist 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: 10/29/15

Chin Chuan Liang, L.Ac.
Respondent

I have read and fully discussed with Respondent CHIN CHUAN LIANG, L.Ac. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 10/29/15

Kevin D. Cauley
Attorney for Respondent

ENDORSEMENT

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

Dated: October 29, 2015

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General

WENDY WIDLUS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Amended Accusation Number 1A-2011-164