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

12 In the Matter of the Accusation Against:

Case No. 1A-2012-165

13 **HSUAN-CHING STEVE LIU, L.Ac.**
14 **4050 Temple City Blvd.**
Rosemead, CA 91770
15 **Acupuncturist License No. AC 2255,**

ACCUSATION

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about December 29, 1983, the Acupuncture Board issued Acupuncturist
23 License Number AC 2255 to Hsuan-Ching Steve Liu, L.Ac. (Respondent). The Acupuncturist
24 license was in full force and effect at all times relevant to the charges brought herein and will
25 expire on October 31, 2016, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Acupuncture Board (Board), Department of
28 Consumer Affairs, under the authority of the following laws. All section references are to the

1 Business and Professions Code (Code) unless otherwise indicated.

2 4. Section 4928.1 of the Code states:

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

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

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

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

11 “. . .

12 “(b) Conviction of a crime substantially related to the qualifications, functions,
13 or duties of an acupuncturist, the record of conviction being conclusive evidence
14 thereof.

15 “. . .

16 “(d) Aiding or abetting in, or violating or conspiring in, directly or indirectly,
17 the violation of the terms of this chapter or any regulation adopted by the board
18 pursuant to this chapter.

19 “. . .

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

22 “. . .”

23 6. Section 4955.1 of the Code states, in pertinent part:

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

27 “. . .

28 “(b) Committing a fraudulent or dishonest act as an acupuncturist.

1 “(c) Committing any act involving dishonesty or corruption with respect to the
2 qualifications, functions, or duties of an acupuncturist.

3 “. . .”

4 7. Section 4022 of the Code states:

5 “Dangerous drug” or “dangerous device” means any drug or device unsafe for self-use in
6 humans or animals and includes the following:

7 “(a) Any drug that bears the legend:” Caution: federal law prohibits dispensing without
8 prescription,” Rx only,” or words of similar import.

9 “(b) Any device that bears the statement: “Caution: federal law restricts this device to sale
10 by or on the order of a ___,” “Rx only,” or words of similar import, the blank to be filled in with
11 the designation of the practitioner licensed to use or order use of the device.

12 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
13 prescription or furnished pursuant to section 4006.”

14 8. Section 4956 of the Code states:

15 “A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
16 charge which is substantially related to the qualifications, functions, or duties of an acupuncturist
17 is deemed to be a conviction within the meaning of this chapter.

18 “The board may order a license suspended or revoked, or may deny a license, or may
19 impose probationary conditions upon a license, when the time for appeal has elapsed, or the
20 judgment of conviction has been affirmed on appeal, or when an order granting probation is made
21 suspending the imposition of sentence irrespective of a subsequent order under the provisions of
22 Section 1203.4 of the Penal Code allowing the person to withdraw his or her pleas of guilty and to
23 enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,
24 complaint, information, or indictment.”

25 9. Section 490 of the Code provides, in pertinent part, that a board may suspend or
26 revoke a license on the ground that the licensee has been convicted of a crime substantially
27 related to the qualifications, functions, or duties of the business or profession for which the
28 license was issued.

1 17. Respondent operated the Golden Life Medical Group & Herbal and Acupuncture
2 Center, a.k.a. Ten Jen Acupuncture Clinic and Herb Center, a.k.a. AA Medical Center a.k.a. Sinus
3 Clinic, in Rosemead California. Respondent was not licensed by law to administer prescription
4 drugs such as Viagra¹ and Propecia.²

5 18. On or about July 30, 2007, an undercover cooperative witness (UCW) working with
6 the Department of Homeland Security and the Bureau of Immigration and Customs Enforcement
7 (ICE) telephoned Respondent. The UCW told Respondent he was in China and asked
8 Respondent if his cousin could pick up 15 bottles of Viagra and three bottles of Propecia for
9 UCW. Respondent said it would not be a problem.

10 19. On or about September 4, 2007, an ICE undercover agent (UC) acting as the UCW's
11 cousin called Respondent to discuss the price of the Viagra and Propecia. Respondent told the
12 UC the purchase price and said the drugs would be available to be picked up on September 6,
13 2007.

14 20. On or about September 6, 2007, the UC called Respondent and ordered 15 bottles of
15 Viagra and three bottles of Propecia. During that conversation Respondent instructed the UC to
16 go to Respondent's clinic to obtain the drugs.

17 21. Later that day the UC went to the clinic and met Respondent. While the UC and
18 Respondent were negotiating the purchase price for the drugs Respondent told the UC that if the
19 UC went elsewhere for the drugs it would be more difficult to acquire them. Respondent

20 _____
21 ¹ Viagra relaxes muscles found in the walls of blood vessels and increases blood flow to particular areas of
22 the body and is used to treat erectile dysfunction (impotence) in men. Serious drug interactions can occur when
23 certain medicines are used together with Viagra: heart disease or heart rhythm problems, coronary artery disease,
24 recent heart attack, recent stroke, or congestive heart failure, angina, high or low blood pressure, liver or kidney
disease, dialysis, blood cell disorders such as sickle cell anemia, multiple myeloma, or leukemia, retinitis pigmentosa,
physical deformity of the penis, and avoidance of sexual intercourse for health reasons. Viagra can decrease blood
flow to the optic nerve of the eye, causing sudden vision loss.

25 Viagra is also a dangerous drug within the meaning of Code section 4022.

26 ² Propecia prevents the conversion of testosterone to dihydrotestosterone (DHT) in the body and is used for
27 the treatment of male pattern hair loss. Propecia should not be used by women or children, and can cause birth
defects if used by a pregnant woman.

28 Propecia is a dangerous drug within the meaning of Code section 4022.

1 ultimately sold the UC a total of six bottles of Viagra, containing 30 tablets each, and three bottles
2 of Propecia.

3 22. At no time during any of his conversations with the UC did Respondent mention the
4 necessity of having a prescription to obtain the drugs, nor did Respondent ask for, or receive a
5 prescription for the drugs.

6 23. On or about October 1, 2007, the UC telephoned Respondent and ordered five bottles
7 of Viagra.

8 24. On or about October 4, 2007, the UC went to Respondent's clinic to pick up the five
9 bottles of Viagra he had ordered. Respondent told the UC that he only had four bottles of Viagra,
10 and the UC would have to return for the additional bottle the following week. The UC purchased
11 four bottles of Viagra from Respondent for \$1,320.

12 25. Respondent told the UC that he must call at least two or three days in advance if
13 interested in purchasing quantities of 50 to 100 bottles of Viagra.

14 26. The UC asked Respondent if he had medicine for cholesterol or high blood pressure
15 for sale. Respondent said he had Lipitor³ to use for cholesterol, Atenolol⁴ to use for blood
16 pressure, and other similar drugs.

17 27. The UC telephoned Respondent's clinic on or about October 10, 2007, and spoke to
18

19 ³ Lipitor belongs to a group of drugs called "statins" and is used to treat high cholesterol, and to lower the
20 risk of stroke, heart attack, or other heart complications in people with type 2 diabetes, coronary heart disease, or
21 other risk factors. Lipitor should not be taken by pregnant or breast-feeding women, or by people with liver disease.
22 Serious drug interactions can occur when certain medicines are used together with Lipitor.

23 Lipitor is a dangerous drug within the meaning of Code section 4022.

24 ⁴ Atenolol is in a group of drugs called beta-blockers which affect the heart and is used to treat angina,
25 hypertension, and to treat or prevent heart attack. If undergoing surgery, it is necessary to inform the surgeon that
26 atenolol is being used and it may be necessary to temporarily stop using atenolol. Atenolol can cause side effects that
27 may impair thinking or reactions. If suffering from asthma, bronchitis, emphysema, diabetes, low blood pressure,
28 heart problems, depression, liver or kidney disease, thyroid disorders, myasthenia gravis, pheochromocytoma, or
problems with circulation special tests or a dose adjustment may be required to safely take Atenolol. Atenolol can
cause harm to an unborn baby or a nursing baby.

Atenolol is a dangerous drug within the meaning of Code section 4022.

1 Respondent's secretary, who provided prices to purchase Lipitor and Atenolol in various
2 strengths from Respondent. The UC told Respondent's secretary he wanted to purchase one
3 bottle each of the drugs.

4 28. During a telephone conversation on or about October 11, 2007, Respondent told the
5 UC to pick up the pills at his clinic on the following day.

6 29. The UC went to Respondent's clinic on or about October 12, 2007, and paid
7 Respondent's secretary \$415 to purchase one bottle of Lipitor and two bottles of Atenolol.

8 30. On or about October 30, 2007, ICE and Food and Drug Administration agents
9 executed a search warrant at Respondent's clinic and seized various prescription medications
10 which included:

11 412 bottles of Viagra,

12 31 bottles of Cialis,⁵

13 32 bottles of Levitra,⁶

14 37 vials of HGH,⁷

15 ⁵ Cialis relaxes muscles found in the walls of blood vessels and increases blood flow to particular areas of
16 the body and is used to treat erectile dysfunction (impotence) in men and symptoms of benign prostatic hypertrophy.
17 Serious drug interactions can occur when certain medicines are used together with Viagra. To ensure against serious
18 side effects a physician should be informed of the following medical conditions prior to prescribing Cialis; heart
19 disease or heart rhythm problems, coronary artery disease, recent heart attack, recent stroke, or congestive heart
20 failure, angina, high or low blood pressure, liver or kidney disease, dialysis, blood cell disorders such as sickle cell
21 anemia, multiple myeloma, or leukemia, retinitis pigmentosa, physical deformity of the penis, and avoidance of
22 sexual intercourse for health reasons. Cialis can decrease blood flow to the optic nerve of the eye, causing sudden
23 vision loss.

24 Cialis is a dangerous drug within the meaning of Code section 4022.

25 ⁶ Levitra relaxes muscles found in the walls of blood vessels and increases blood flow to particular areas of
26 the body used to treat erectile dysfunction (impotence) in men. Taking Levitra with certain other medicines can
27 cause a sudden and serious decrease in blood pressure. Levitra should not be taken with Adempas or various nitrate
28 drugs. To ensure against serious side effects a physician should be informed of the following medical conditions
prior to prescribing Levitra: heart disease or heart rhythm problems, coronary artery disease, recent heart attack, a
personal or family history of Long QT syndrome, recent stroke, or congestive heart failure, angina, high or low
blood pressure, seizures, liver or kidney disease, dialysis, blood cell disorders such as sickle cell anemia, multiple
myeloma, or leukemia, bleeding disorders such as hemophilia, stomach ulcers retinitis pigmentosa, physical
deformity of the penis, and avoidance of sexual intercourse for health reasons. Levitra can decrease blood flow to the
optic nerve of the eye, causing sudden vision loss.

Levitra is a dangerous drug within the meaning of Code section 4022.

1 24 bottles of Atenolol,
2 7 bottles of Propecia,
3 1 bottle of Amoxicillin⁸, and
4 7 packs of Tamiflu⁹.

5 31. Following execution of the search warrant the law enforcement agents interviewed
6 Respondent who admitted he had a number of “customers” who had been purchasing prescription
7 drugs from him for years.

8 32. During his interview with the law enforcement agents Respondent admitted that he
9 had been selling Viagra since 2000.

10 33. During his interview with the law enforcement agents Respondent admitted that he
11 sold 200 to 400 bottles of Viagra per month for \$260 per bottle.

12 34. On or about June 17, 2008, the Federal probation officer interviewed Respondent at
13 the United States Probation Office in the presence of his attorney and with the assistance of a
14 Mandarin language interpreter for the Presentence Report and Sentence Recommendation.

15 35. During the Presentence interview Respondent said he met UCW, who he believed to

16 _____
17 (...continued)
18 ⁷ HGH (human growth hormone) is produced by the pituitary gland, spurs growth in children and
19 adolescents, helps to regulate body composition, body fluids, muscle and bone growth, sugar and fat metabolism and
20 heart function. The most common uses for HGH are not FDA approved including use with other performance-
21 enhancing drugs such as anabolic steroids to attempt to build muscle and improve athletic performance, and for anti-
22 aging therapy.

23 HGH is a dangerous drug within the meaning of Code section 4022.

24 ⁸ Amoxicillin is a penicillin antibiotic that fights bacteria and is used to treat many different types of
25 infection. To ensure against serious side effects a physician should be informed of the following medical conditions
26 prior to prescribing Amoxicillin; allergies to cephalosporins, asthma, liver or kidney disease, bleeding or blood
27 clotting disorders, and mononucleosis.

28 Amoxicillin is a dangerous drug within the meaning of Code section 4022.

⁹ Tamiflu is a viral neuro-aminidase inhibitor used to prevent influenza type A which should be used
cautiously in patients with chronic cardiac or renal disease, elderly patients, pregnant or breast-feeding patients and
children younger than one year old.

Tamiflu is a dangerous drug within the meaning of Code section 4022.

1 be a member of a Chinese “Black Mafia” group, several years before. When they met, UCW
2 tried to sell Respondent counterfeit Viagra but Respondent declined to purchase it from him.

3 36. During the Presentence interview Respondent said when UCW called him from China
4 and said his brother-in-law needed a few pieces of Viagra Respondent did not want to offend the
5 “Black Mafia” and agreed to obtain the Viagra for UCW.

6 37. During the Presentence interview Respondent said he obtained the medications he
7 sold to UCW from a medical doctor who works in his clinic.

8 38. During the Presentence interview Respondent admitted that he sold Viagra and
9 Propecia to people other than UCW.

10 39. On or about April 22, 2014, Respondent wrote a letter regarding his above-described
11 Federal conviction to the Board.

12 40. Respondent’s letter to the Board omitted significant details from the facts supporting
13 his Federal conviction for 21 United States Code sections 331(b), 353(b)(1) and 333(a)(1),
14 (Selling Prescription Drugs Without Valid Prescription), the statements he made to the law
15 enforcement agents who executed the search warrant at his clinic, and the statements he made to
16 the Federal probation officer recorded in the Presentence Report and Sentence Recommendation
17 relied upon by the Federal Court to sentence him.

18 41. In his letter to the Board Respondent states he obtained “some Viagra samples” from
19 one of his associates who was a medical doctor to supply to UCW.

20 42. In his letter to the Board Respondent states after he supplied the Viagra samples to
21 UCW “. . . several federal agents came to my office and searched the premises wherein they
22 found no counterfeit items.”

23 43. Respondent failed to disclose to the Board the facts and circumstances set forth in
24 paragraphs 18 through 29 and 31 through 33 above.

25 **PRAYER**

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

- 28 1. Revoking or suspending Acupuncturist License Number AC 2255, issued to Hsuan-

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Ching Steve Liu, L.Ac.;

2. Ordering Hsuan-Ching Steve Liu, L.Ac. to pay the Acupuncture Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 4959;

3. If placed on probation, ordering him to pay to the Acupuncture Board the costs of probation monitoring; and

4. Taking such other and further action as deemed necessary and proper.

DATED: DEC 21 2015



TERRI THORFINNISON
Executive Officer
Acupuncture Board
Department of Consumer Affairs
State of California
Complainant

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