BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	)	Case No. 1A-2005-139
	)	
TRACY STEVENSON, L.AC. 2595 Atlanta Ave., #75 Riverside, CA 92507	)))	OAH No. 2010071222
	)	
Acupuncture License No. AC 6200	)	
	)	
Respondent.	)	
	)	

DECISION AND ORDER

The attached Stipulated Surrender of License and 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 17 2011.

It is so ORDERED FEB 15 2011.

Robert Brewer, Chair
Acupuncture Board
Department of Consumer Affairs
State of California

EDMUND G. BROWN JR.
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Attorneys for Complainant

BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **TRACY STEVENSON, L.AC.** **2595 Atlanta Avenue, #75** **Riverside, CA 92507** **Acupuncture License No. AC 6200** Respondent.	Case No. 1A-2005-139 OAH No. 2010071222 **STIPULATED SURRENDER OF LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this proceeding that the following matters are true:

PARTIES

1. Janelle Wedge (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 Edmund G. Brown Jr., Attorney General of the State of California, by Edward K. Kim, Deputy Attorney General.

2. Tracy Stevenson, L.Ac. (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about May 11, 1998, the Acupuncture Board issued Acupuncture License No. AC 6200 to Tracy Stevenson, L.Ac. (Respondent). The Acupuncture License was in full force and effect at all times relevant to the charges brought in Accusation No. 1A-2005-139 and

will expire on September 30, 2011, unless renewed.

JURISDICTION

4. Accusation No. 1A-2005-139 was filed before the Acupuncture Board, Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 6, 2010. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 1A-2005-139 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 1A-2005-139. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

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

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 1A-2005-139, agrees that cause exists for discipline and hereby surrenders her Acupuncture License No. AC 6200 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Acupuncture License without further process.

CONTINGENCY

10. 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 surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent 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 Surrender 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.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. 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 Order:

ORDER

IT IS HEREBY ORDERED that Acupuncture License No. AC 6200, issued to Respondent Tracy Stevenson, L.Ac., is surrendered and accepted by the Acupuncture Board.

13. The surrender of Respondent's Acupuncture License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

14. Respondent shall lose all rights and privileges as an acupuncturist in California as of the effective date of the Board's Decision and Order.

15. Respondent shall cause to be delivered to the Board her wall license certificate and, if one was issued, her pocket license on or before the effective date of the Decision and Order.

16. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in

Accusation No. 1A-2005-139 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

17. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 1A-2005-139 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

18. Respondent shall pay the Board its costs of investigation and enforcement in the amount of $18,500 in full upon the effective date of her new or reinstated license.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Acupuncture License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Acupuncture Board.

DATED: 1/11/11

TRACY STEVENSON, L.AC.
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Acupuncture Board of the Department of Consumer Affairs.

Dated: _____

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of California
GLORIA L. CASTRO
Supervising Deputy Attorney General

EDWARD K. KIM
Deputy Attorney General
Attorneys for Complainant

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Acupuncture License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Acupuncture Board.

DATED: _____

TRACY STEVENSON, L.AC.
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Acupuncture Board of the Department of Consumer Affairs.

Dated: 1/18/11

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of California
GLORIA L. CASTRO
Supervising Deputy Attorney General

EDWARD K. KIM
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 1A-2005-139

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Attorneys for Complainant

FILED

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ACUPUNCTURE BOARD

BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **TRACY STEVENSON, L.Ac.** **aka Yang Hong Cui** **2595 Atlanta Avenue, #75** **Riverside, CA 92507** **Acupuncture License No. AC 6200** Respondent.	Case No. 1A-2005-139 **ACCUSATION**

Complainant alleges:

PARTIES

1. Janelle Wedge (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the California Acupuncture Board (Board).

2. On or about May 11, 1998, the Board issued Acupuncture License Number AC 6200 to Tracy Stevenson, L.Ac., aka Yang Hong Cui (Respondent). This license was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2011, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 4955 of the Code states:

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

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

"(a) Using or possessing any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or dangerous drug or alcoholic beverage to an extent or in a manner dangerous to himself or herself, or to any other person, or to the public, and to an extent that the use impairs his or her ability to engage in the practice of acupuncture with safety to the public.

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

"(c) False or misleading advertising.

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

"(e) Except for good cause, the knowing failure to protect patients by failing to follow infection control guidelines of the board, thereby risking transmission of blood-borne infectious diseases from licensee to patient, from patient to patient, and from patient to licensee. In administering this subdivision, the board shall consider referencing the standards, regulations, and guidelines of the State Department of Health Services developed pursuant to Section 1250.11 of the Health and Safety Code and the standards, regulations, and guidelines pursuant to the California Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section 6300) of Division 5 of the Labor Code) for preventing the transmission of HIV, hepatitis B, and other blood-borne pathogens in health care settings. As necessary, the board shall consult with the Medical Board of California, the California Board of Podiatric Medicine, the Dental Board of California, the Board of Registered Nursing, and the Board of

Vocational Nursing and Psychiatric Technicians, to encourage appropriate consistency in the implementation of this subdivision.

"The board shall seek to ensure that licensees are informed of the responsibility of licensees and others to follow infection control guidelines, and of the most recent scientifically recognized safeguards for minimizing the risk of transmission of blood-borne infectious diseases.

"(f) The use of threats or harassment against any patient or licensee for providing evidence in a disciplinary action, other legal action, or in an investigation contemplating a disciplinary action or other legal action.

"(g) Discharging an employee primarily for attempting to comply with the terms of this chapter.

"(h) Disciplinary action taken by any public agency for any act substantially related to the qualifications, functions, or duties of an acupuncturist or any professional health care licensee.

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

"(j) The violation of any law or local ordinance on an acupuncturist's business premises by an acupuncturist's employee or a person who is working under the acupuncturist's professional license or business permit, that is substantially related to the qualifications, functions, or duties of an acupuncturist. These violations shall subject the acupuncturist who employed the individuals, or under whose acupuncturist license the employee is working, to disciplinary action.

"(k) The abandonment of a patient by the licentiate without written notice to the patient that treatment is to be discontinued and before the patient has had a reasonable opportunity to secure the services of another practitioner.

"(l) the failure to notify the board of the use of any false, assumed, or fictitious name other than the name under which he or she is licensed as an individual to practice acupuncture."

5. Section 4955.1 of the Code states:

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

"(a) Securing a license by fraud or deceit.

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

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

"(d) Altering or modifying the medical record of any person, with fraudulent intent, or creating any false medical record.

"(e) Failing to maintain adequate and accurate records relating to the provision of services to their patients."

6. Section 4959 of the Code states:

"(a) The board may request the administrative law judge, under his or her proposed decision in resolution of a disciplinary proceeding before the board, to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed actual and reasonable costs of the investigation and prosecution of the case.

"(b) The costs to be assessed shall be fixed by the administrative law judge and shall not in any event be increased by the board. When the board does not adopt a proposed decision and remands the case to an administrative law judge, the administrative law judge shall not increase the amount of any costs assessed in the proposed decision.

"(c) When the payment directed in the board's order for payment of costs is not made by the licensee, the board may enforce the order for payment in the superior court in the county where the administrative hearing was held. This right of enforcement shall be in addition to any other rights the board may have as to any licensee directed to pay costs.

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

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

7. Section 4961 of the Code states:

"(a) Every person who is now or hereafter licensed to practice acupuncture in this state shall register, on forms prescribed by the Acupuncture Board, his or her place of practice, or, if he or she has more than one place of practice, all of the places of practice. If the licensee has no place of practice, he or she shall notify the board of that fact. A person licensed by the board shall register within 30 days after the date of his or her licensure.

"(b) An acupuncturist licensee shall post his or her license in a conspicuous location in his or her place of practice at all times. If an acupuncturist has more than one place of practice, he or she shall obtain from the board a duplicate license for each additional location and post the duplicate license at each location.

"(c) Any licensee that changes the location of his or her place of practice shall register each change within 30 days of making that change. In the event a licensee fails to notify the board of any change in the address of a place of practice within the time prescribed by this section, the board may deny renewal of licensure. An applicant for renewal of licensure shall specify in his or her application whether or not there has been a change in the location of his or her place of practice and, if so, the date of that change. The board may accept that statement as evidence of the change of address."

8. Section 4956 of the Code states:

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

AThe board may order a license suspended or revoked, or may deny a license, or may impose probationary conditions upon a license, when the time for appeal has elapsed, or the

judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing the person to withdraw his or her pleas of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint, information, or indictment.@

9. Section 490 of the Code states:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

"(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

"(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

"(d) The Legislature hereby finds and declares that the application of this section has been made unclear by the holding in *Petropoulos* v. *Department of Real Estate* (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant number of statutes and regulations in question, resulting in potential harm to the consumers of California from licensees who have been convicted of crimes. Therefore, the Legislature finds and declares that this section establishes an independent basis for a board to impose discipline upon a licensee, and that the amendments to this section made by Senate Bill 797 of the 2007 -08 Regular Session do not constitute a change to, but rather are declaratory of, existing law."

10. Section 493 of the Code states:

"Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

"As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and 'registration.'"

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Crime)

11. Respondent is subject to disciplinary action under sections 490, 4955, subdivision (b), and 4956 of the Code. The facts and circumstances are as follows:

12. The initial Department of Health Care Services (DHS) investigation started when it was discovered that Respondent was one of the highest Medi-Cal billers in the San Gabriel Valley area for acupuncture services. Surveillance of Respondent's service address at 2403 San Gabriel Blvd., Rosemead, California, revealed that Respondent had minimal beneficiary activity. Respondent's billing records were obtained and eleven (11) Medi-Cal beneficiaries were interviewed. All eleven indicated that they had never received acupuncture treatment from Respondent. Respondent was contacted at her service location by investigators and she denied that she was Yang Hong Cui. The investigation also revealed that patient records on Klingerman letter heard (Respondent's billing name), were completely forged. The date at the bottom of forms in the patient files were changed to correspond to "treatment" dates billed by Respondent. The treatment sections on all the forms of the eleven patients had forged signatures of the Medi-Cal beneficiary. As part of this investigation, an Extrapolation Packet was completed on

Respondent, an estimated overpayment for the random sample was $142, 748.67. Respondent billed as follows:

a) Patient #1, A.A.,[1] an approximately 100-year-old female: Medi-Cal was billed by Respondent for 29 acupuncture treatments for this patient between December 14, 2001, and January 21, 2003. In fact, A.A., never received any acupuncture treatment from Respondent.

b) Patient #2, J.M., an approximately 62-year-old male: Medi-Cal was billed by Respondent for 6 acupuncture treatments for this patient between January 20, 2004, and March 6, 2004. The dates of treatment used for billing were: January 20, 2004; January 24, 2004; February 26, 2004; February 26, 2004; February 28, 2004; March 1, 2001; and March 6, 2004. Medical records dated September 20, 2004, for J.M. from the Klingerman Medical Clinic (KMC) are false. In fact, J.M. never received any acupuncture treatment from Respondent or KMC.

c) Patient #3, P.T., an approximately 83-year-old male: Medi-Cal was billed by Respondent for 21 acupuncture treatments for this patient between April 26, 2003, and May 17, 2004. The dates of treatment used for billing included: July 14, 2003; July 17, 2003; August 4, 2003; August 6, 2003; September 15, 2003; September 17, 2003; October 1, 2003; December 22, 2003; January 7, 2004; January 9, 2004; March 2, 2004; March 5, 2004; April 6, 2004; May 12, 2004 and May 17, 2004. Medical records including those dated: October 1, 20043 December 22, 2003; January 7, 2004; January 9, 2004; March 8, 2004; March 5, 2004; April 6, 2004; May 12, 2004; and May 17, 2004, for P.T. from KMC, are false. In fact, P.T. never received any acupuncture treatment from Respondent or KMC.

d) Patient #4, K.H., an approximately 35-year-old female: Medi-Cal was billed by Respondent for 11 acupuncture treatments for this patient between November 17, 2003, and April 10, 2004. The dates of treatment used for billing included: November 17,

[1] Patients are referred to by their initials to protect confidentiality.

2003; November 19, 2003; December 1, 2003; December 4, 2003; January 7, 2004; January 8, 2004; February 13, 2004; March 13, 2004; March 15, 2004; April 8, 2004; and April 10, 2004. Medical records including those dated: January 7, 2004, for K.H. from KMC, are false. In fact, K.H. never received any acupuncture treatment from Respondent or KMC.

e) Patient #5, S.L., an approximately 88-year-old female: Medi-Cal was billed by Respondent for 47 acupuncture treatments for this patient between November 7, 2001, and May 21, 2004. The dates of treatment used for billing included: July 10, 2003; July 16, 2003; August 9, 2003; August 14, 2003; October 7, 2003; November 1, 2003; November 3, 2003; December 4, 2003; December 6, 2003; March 24, 2004; March 27, 2004; April 15, 2004; April 20, 2004; May 18, 2004; and May 21, 2004. In fact, S.L. never received any acupuncture treatment from Respondent or KMC.

f) Patient #6, E.A., an approximately 54-year-old male: Medi-Cal was billed by Respondent for 9 acupuncture treatments for this patient between October 22, 2003, and May 21, 2004. The dates of treatment used for billing included: October 22, 2003; October 25, 2003; November 18, 2003; November 22, 2003; December 20, 2003; December 23, 2003; March 24, 2004; March 25, 2004; April 21, 2004; April 23, 2004; May 19, 2004; and May 21, 2004. Medical records including those dated: October 22, 2003, for E.A.. from KMC, are false. In fact, E.A. never received any acupuncture treatment from Respondent or KMC.

g) Patient #7, C.G., an approximately 42-year-old female: Medi-Cal was billed by Respondent for 36 acupuncture treatments for this patient between December 12, 2001, and September 24, 2003. The dates of treatment used for billing included: July 21, 2003; July 24, 2003; August 29, 2003; August 30, 2003; September 22, 2003; and September 24, 2003. In fact, C.G. never received any acupuncture treatment from Respondent or KMC.

h) Patient #8, S.Z., an approximately 68-year-old female: Medi-Cal was billed by Respondent for 25 acupuncture treatments for this patient between October 7, 2004, and

about September 14, 2005. The dates of treatment used for billing included: January 3, 2004; January 8, 2004; February 5, 2004; February 10, 2004; and March 8, 2004. Medical records including those dated: January 3, 2004; January 8, 2004; February 5, 2004; February 10, 2004 and March 8, 2004, for S.Z. from KMC, are false. In fact, S.Z. never received any acupuncture treatment from Respondent or KMC.

i) Patient #9, A.G., an approximately 74-year-old female: Medi-Cal was billed by Respondent for 6 acupuncture treatments for this patient between January 24, 2004, and March 4, 2004. The dates of treatment used for billing included: January 24, 2004; January 26, 2004; February 3, 2004; February 5, 2004; March 2, 2004; and March 4, 2004. Medical records including those dated January 24, 2004, for A.G. from KMC, are false. In fact, A.G. never received any acupuncture treatment from Respondent or KMC.

j) Patient #10, S.W., an approximately 18-year-old female: Medi-Cal was billed by Respondent for 33 acupuncture treatments for this patient between November 6, 2001, and October 18, 2003. The dates of treatment used for billing included: July 21, 2003; July 24, 2003; August 29, 2003; August 30, 2003; September 22, 2003; and September 24, 2003. In fact, S.W. never received any acupuncture treatment from Respondent or KMC.

k) Patient #11, L.P., an approximately 79-year-old female: Medi-Cal was billed by Respondent for 18 acupuncture treatments for this patient between May 10, 2003, and April 21, 2004. The dates of treatment used for billing included: July 12, 2003; July 21, 2003; September 22, 2003; September 24, 2003; October 6, 2003; October 8, 2003; November 3, 2003; November 6, 2003; February 11, 2004; February 17, 2004; March 29, 2004; March 31, 2004; April 20, 2004; and April 23, 2004. Medical records including those dated September 22, 2003, for L.P. from KMC, are false. In fact, L.P. never received any acupuncture treatment from Respondent or KMC.

The case was referred for criminal prosecution.

13. On or about October 16, 2008, in the case entitled *People of the State of California vs. Tracy Stevenson,* Superior Court of California, County of Los Angeles, Case No. GA074829, a complaint was filed against Respondent. The complaint charged three counts: Count one Welfare and Institutions Code (W&I Code) section 14107, subdivision (b)(1), (Presenting False Medi-Cal Claims); count two, W&I Code section 14107, subdivision (b)(4)(A), (Scheme to Defraud Medi-Cal); count three, Penal Code (PC) section 487 (Grand Theft); all felonies. This complaint will hereinafter be referred to as "the complaint."

14. Specifically, Count Three of the complaint alleged, among other things:

"On or between January 1, 2001, to February 25, 2005, inclusive, in the County of Los Angeles, State of California, defendant YANG HONG CUI aka TRACY STEVENSON, unlawfully took from the State of California (Health Care Deposit Fund) property of a value in excess of four hundred dollars ($400), in violation of section 487 of the Penal Code, a felony."

15. On or about March 12, 2009, Respondent pled guilty to Count Three of the complaint, which was a felony. The Court adjudicated the defendant guilty as charged and convicted and it was ordered among other things that Respondent: be placed on formal probation for five years; pay $400.34 in fees; perform 200 hours of community service, within one year; obey all laws and orders of the court; obey all rules and regulations of the probation department; report to the probation officer within 48 hours; seek and maintain training, schooling or employment as approved; not drive a motor vehicle without a valid drivers license in her possession or without liability insurance; and make restitution to the victim.

16. Respondent's guilty plea on March 9, 2009, to one felony count of Grand Theft as alleged in the complaint, and the Court's adjudication of guilt, constituted a conviction of a crime that is substantially related to the qualifications, functions, or duties of an acupuncturist, within the meaning of sections 490, 4955, subdivision (b), and 4956 of the Code.

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SECOND CAUSE FOR DISCIPLINE

(Aiding and Abetting)

17. Respondent is subject to disciplinary action under section 4955, subdivision (d), of the Code in that she aided and abetted in the violation, or conspired in the violation of several sections of the Penal Code and Welfare & Institutions Code. The circumstances are as follows:

18. The facts and circumstances alleged in paragraphs 11 through 16 above, that occurred between July 6, 2003, to present, are incorporated herein as if fully set forth.

19. Respondent conspired with Luvun Zheng (Zheng) to perform the acts described above. In summary, Zheng provided Respondent with patient information. Respondent created false records and made false billings to Medi-Cal for services she did not provide and collected the payment. Respondent took 35% and Zheng took 65% of the proceeds.

THIRD CAUSE FOR DISCIPLINE

(Altering Medical Record with Fraudulent Intent)

20. Respondent is subject to disciplinary action under section 4955.1, subdivision (d), of the Code in that she altered or modified the medical records of persons, with fraudulent intent or created false medical records. The circumstances are as follows:

21. The facts and circumstances which occurred on or after July 6, 2003, to present alleged in paragraph 12 above are incorporated here as if fully set forth.

FOURTH CAUSE FOR DISCIPLINE

(Unregistered Place of Practice)

22. Respondent is subject to disciplinary action under section 4961, subdivision (a) of the Code in that she maintained an unregistered place of practice. The facts and circumstances are as follows:

23. Respondent worked as a licensed acupuncturist at the Pain Relief Center, 2812 W. Lincoln Avenue, Anaheim, California, for about four to five months in 2005 or 2006. Respondent failed to register this location of practice with the Board.

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PRAYER

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

1. Revoking or suspending Acupuncture Number AC 6200, issued to Tracy Stevenson, L.Ac., aka Yang Hong Cui.

2. Ordering Tracy Stevenson, L.Ac., aka Yang Hong Cui, to pay the Acupuncture Board the reasonable costs of the investigation and enforcement of this case, and, if placed on probation, the cost of probation monitoring; pursuant to Business and Professions Code section 4959.

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

DATED: JUL 06 2010

JANELLE WEDGE
Executive Officer
Acupuncture Board
Department of Consumer Affairs
State of California
Complainant

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