BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: Case No. 1A-2018-91

NATALYA B. MINER, L.AC.
900 N. San Antonio Road, Suite 103
Los Altos, CA 94022

Acupuncture License No. AC 11313

DECISION AND ORDER

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

This Decision shall become effective on July 10, 2019.

It is so ORDERED June 10, 2019.

FOR THE ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Benjamin Bodea (Complainant) is the Executive Officer of the Acupuncture Board (Board). He brought this action solely in his official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Emily L. Brinkman, Deputy Attorney General.

2. Respondent Natalya B. Miner, L.Ac. (Respondent) is represented in this proceeding by attorney Jehan N. Jayakumar, whose address is: 2424 S.E. Bristol, Suite 300, Newport Beach, CA 92660.
3. On or about October 3, 2006, the Board issued Acupuncture License No. AC 11313 to Natalya B. Miner, L.Ac. (Respondent). The Acupuncture License was in full force and effect at all times relevant to the charges brought in Accusation No. 1A-2018-91, and will expire on April 30, 2020, unless renewed.

JURISDICTION

4. Accusation No. 1A-2018-91 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 11, 2019. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 1A-2018-91 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 Accusation No. 1A-2018-91. 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 her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; 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.

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

CULPABILITY

9. Respondent does not contest that, at an administrative hearing, complainant could establish a prima facie case with respect to the charges and allegations contained in Accusation
No. 1A-2018-91 and that she has thereby subjected her Acupuncture License No. AC 11313 to disciplinary action.

10. Respondent agrees that if she ever petitions for early termination or modification of probation, or if an accusation and/or petition to revoke probation is filed against her before the Board, all of the charges and allegations contained in Accusation No. 1A-2018-91 shall be deemed true, correct and fully admitted by Respondent for purposes of any such proceeding or any other licensing proceeding involving Respondent in the State of California.

CONTINGENCY

11. 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 her counsel. 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 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.

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

13. 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 Acupuncture License No. AC 11313 issued to Respondent Natalya B. Miner, L.Ac. is revoked. However, the revocation is stayed and Respondent is placed on probation for two (2) years on the following terms and conditions.
1. REIMBURSEMENT FOR PROBATION SURVEILLANCE MONITORING

Respondent shall reimburse the AC for the hourly costs it incurs in monitoring the probation to ensure compliance for the duration of the probation period.

2. COURSEWORK Respondent, at his/her own expense, shall enroll and successfully complete not less than 10 hours of coursework in the combined areas of Record Keeping/Practice Management and complete the Clean Needle Technique, 7th Edition, course offered by the Council of Colleges of Acupuncture and Oriental Medicine no later than the end of the first year of probation. Classroom attendance must be specifically required.

The coursework shall be in addition to that required for license renewal. The Board or its designee shall notify Respondent of the course content and number of hours required. Within thirty (30) days of the Board’s written notification of assigned coursework, Respondent shall submit a written plan to comply with this requirement to the Board or its designee. The Board or its designee shall approve such a plan prior to enrollment in any course of study.

Upon successful completion of the coursework, Respondent shall submit original completion certificates to the Board within thirty (30) days of course completion.

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 AC 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 AC, stating whether there has been compliance with all the conditions of probation.

5. SURVEILLANCE PROGRAM Respondent shall comply with the AC'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) AC members or members of its staff; or 3) persons serving the AC as expert examiners.
6. **INTERVIEW WITH THE AC OR ITS DESIGNEE** Respondent shall appear in person for interviews with the AC or its designee upon request at various intervals and with reasonable notice.

7. **CHANGES OF EMPLOYMENT** Respondent shall notify the AC 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 AC 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 supervisory 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 in the amount of $2,937.50. Respondent shall be permitted to pay these costs in a payment plan approved by the Board or its designee, with payments to be completed no later than three months prior to the end of the probation term. Cost recovery will not be tolled.

At Respondent’s request, if Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board or its designee, in its discretion, may grant an extension of Respondent’s probation period up to two (2) years without further hearing in order to comply with this condition. During the two (2) years extension, all original conditions of probation will apply. The filing of bankruptcy by Respondent shall not relieve Respondent of his/her responsibility to reimburse the Board for its investigation and prosecution costs.

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 stayed. 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. If Respondent has not complied with
any term or condition of probation, the Board shall have continuing jurisdiction over Respondent,
and probation shall automatically be extended until all terms and conditions have been satisfied or
the Board has taken other action as deemed appropriate to treat the failure to comply as a
violation of probation, to terminate probation, and to impose the penalty which was stayed.

12. COMPLETION OF PROBATION Upon successful completion of probation, respondent's license will be fully restored.

13. LICENSE SURRENDER Following the effective date of this Decision, if
Respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy
the terms and conditions of probation, Respondent may request the voluntary surrender of his or
her license or registration. The Board or its designee reserves the right to evaluate Respondent's
request and to exercise its discretion whether or not to grant the request, or to take any other
action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of
the surrender, Respondent shall, within fifteen (15) days, deliver Respondent's pocket and/or wall
certificate to the Board or its designee and Respondent shall no longer practice acupuncture.
Upon formal acceptance of the tendered license, Respondent will no longer be subject to the
terms and conditions of probation.

Voluntary surrender of Respondent's license shall be considered disciplinary action and
shall become a part of Respondent’s license history with the Board. If Respondent reapplies for
an acupuncture license, the application shall be treated as a petition for reinstatement of a revoked
or surrendered license.

14. SEVERABILITY CLAUSE Each condition of probation is a separate and distinct
condition. If any condition of this Decision and Order, or any application thereof, is declared
unenforceable in whole, in part, or to any extent, the remainder of this Decision and Order, and all
other applications thereof, shall not be affected. Each condition of this Decision and Order shall separately be valid and enforceable to the fullest extent permitted by law.

15. **NOTIFICATION OF NAME, ADDRESS, TELEPHONE NUMBER OR E-MAIL**

**ADDRESS CHANGES** Respondent shall notify the assigned probation monitor, in writing within ten (10) days, of any and all name, address, telephone and/or e-mail address changes.

16. **MAINTENANCE OF CLEAR AND ACTIVE LICENSE** Respondent shall, at all times, maintain a clear and active current license with the Board, including any period of suspension or tolled probation.

If an initial license must be issued (Statement of Issues) or a license is reinstated, probation shall not commence until a license is issued by the Board. Respondent must complete the licensure process within two (2) years from the effective date of the Board’s Decision.

Should Respondent’s license expire, by operation of law or otherwise, upon renewal or reinstatement, Respondent’s license shall be subject to any and all conditions of this probation not previously satisfied.

**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Jehan N. Jayakumar. I understand the stipulation and the effect it will have on my Acupuncture 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: 05/03/2015

NATALYA B. MINER, L.AC.

Respondent

I have read and fully discussed with Respondent Natalya B. Miner, 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: 05/03/2015
ENDORSEMENT

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

Dated: May 6, 2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

EMILY L. BRINKMAN
Deputy Attorney General
Attorneys for Complainant
Exhibit A

Accusation No. 1A-2018-91