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

12 In the Matter of the Accusation Against:

Case No. 1A-2015-194

13 **YI MIN ZUO, L. AC.**

14 **1080 Minnesota Avenue**  
15 **San Jose, CA 95125**

**ACCUSATION**

16 **Acupuncture License No. No. 11384**

17 Respondent.

18  
19  
20 **PARTIES**

21 1. Benjamin Bodea (Complainant) brings this Accusation solely in his official capacity  
22 as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs.

23 2. On or about October 17, 2006, the Acupuncture Board issued Acupuncture License  
24 No. Number 11384 to Yi Min Zuo, L. Ac. (Respondent). The Acupuncture License No. 11384  
25 expired on July 31, 2020, and has not been renewed.  
26  
27  
28

**JURISDICTION**

3. This Accusation is brought before the Acupuncture Board (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (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 who is guilty of unprofessional conduct.

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

...

(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.

...

(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.

...

(l) the failure to notify the board of the use of any false, assumed, or fictitious name other than the name under which the licensee 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:

...

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

...

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

6. 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, the licensee's

1 place of practice, or, if the licensee has more than one place of practice, all of the  
2 places of practice. If the licensee has no place of practice, the licensee 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.

3 (b) An acupuncturist licensee shall post his or her wall license in a conspicuous  
4 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 wall license  
5 for each additional location and post the duplicate wall license at each location.

6 (c) Any licensee that changes the location of his or her place of practice shall  
7 register each change within 30 days of making that change. In the event a licensee  
8 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  
9 applicant for renewal of licensure shall specify in the application whether or not there  
has been a change in the location of the licensee's place of practice and, if so, the date  
of that change. The board may accept that statement as evidence of the change of  
address.

10 7. Section 119 of the Code states:

11 Any person who does any of the following is guilty of a misdemeanor:

12 ...

13 (b) Lends the person's license to any other person or knowingly permits the use  
14 thereof by another.

15 ...

16 (e) Knowingly permits any unlawful use of a license issued to the person.

17 ...

18 As used in this section, "license" includes "certificate," "permit," "authority,"  
19 and "registration" or any other indicia giving authorization to engage in a business or  
profession regulated by this code or referred to in Section 1000 or 3600.

20 8. Section 125 of the Code states:

21 Any person, licensed under Division 1 (commencing with Section 100),  
22 Division 2 (commencing with Section 500), or Division 3 (commencing with Section  
23 5000) is guilty of a misdemeanor and subject to the disciplinary provisions of this  
code applicable to them, who conspires with a person not so licensed to violate any  
24 provision of this code, or who, with intent to aid or assist that person in violating  
those provisions does either of the following:

25 (a) Allows their license to be used by that person.

26 (b) Acts as their agent or partner.

27 **COST RECOVERY**

28 9. Section 4959 of the Code states:

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

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

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

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

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

### 21 FACTUAL ALLEGATIONS

22 10. On May 7, 2015, Yuan Yuan Bu, a licensed massage therapist, used Respondent's  
23 acupuncture license to apply for an acupuncture business license for Oriental Health Center,  
24 located at 1150 Scott Blvd., #B1, Santa Clara, CA. Bu is listed on the application as the owner  
25 and sole proprietor of Oriental Health Center. Bu is not a licensed acupuncturist.

26 11. On or about August 19, 2015, the Santa Clara Police Department investigated the  
27 Oriental Health Center and conducted a massage establishment compliance check based on  
28 information the business was offering massage services.<sup>1</sup> The business had a sign advertising  
massage. As officers entered the business, they observed Respondent's acupuncture license on  
the wall. The officers made contact with Bu who confirmed the business provided both massage  
and acupuncture services even though the business did not have a business license for massage  
services. Officers asked Bu why she applied for an acupuncture business license when she was  
not a licensed acupuncturist. Bu explained that Respondent told her to take his license to obtain a

<sup>1</sup> Businesses that offer massage services are subject to massage establishment compliance check in Santa Clara County.

1 business license for acupuncture services. Officers cited Bu for a number of violations of local  
2 ordinances, including failure to have a massage establishment permit, failure to have a business  
3 license, failure to notify the police department of new massage therapists, and failure to provide a  
4 ledger of customers and massage therapists. By not registering the business as a massage parlor,  
5 Oriental Health Center avoided oversight by the Santa Clara Police Department.

6 12. On March 23, 2016, investigators from the Department of Consumer Affairs  
7 interviewed Respondent at his business, Traditional Health Center, located at 1790 S. Winchester  
8 Blvd., #4, in Campbell, CA. Respondent initially stated he only practice at two business  
9 locations, one in Campbell and one in San Jose. When asked by investigators if he had ever  
10 practiced at the Oriental Health Center in Santa Clara, Respondent then admitted that he did see  
11 patients there between September 2015 and February 2016. Respondent admitted he did not  
12 report to the Acupuncture Board that he practiced at the Santa Clara location. Respondent had  
13 one employee, Yuan Yuan Bu, who was his receptionist at the Santa Clara location. Respondent  
14 confirmed that he went with Bu to Santa Clara City Hall and registered the acupuncture business  
15 under Bu's name, but used Respondent's acupuncture license. Respondent told investigators that  
16 he had some of the patient records for patients seen at the Santa Clara location and Bu had the  
17 other patient records.

18 13. On August 9, 2016, investigators from the Department of Consumer Affairs  
19 interviewed Bu. During this interview, Bu told investigators that she helped Respondent remove  
20 acupuncture needles from patients at the end of their treatment when Respondent was too busy to  
21 remove the needles. Respondent was aware and allowed Bu to remove acupuncture needles from  
22 patients.

23 14. The only patient record provided by Respondent is one patient visit for a patient,  
24 identified as Patient P-1<sup>2</sup> that occurred on August 1, 2016. Respondent did not treat Patient P-1  
25 for this visit. Respondent's son, who is a licensed acupuncturist, was the treating acupuncturist.  
26 However, Respondent told investigators that he completed the treatment information on the

27 \_\_\_\_\_  
28 <sup>2</sup> The patient is designated in this document as Patient P-1 to protect the patient's privacy.  
Respondent knows the name of the patient and can confirm the patient's identity through discovery.

1 patient record from notes written by his son. Neither Respondent nor his son's name appear as  
2 the treating acupuncturist on the patient form. The patient form contains treatment notes but  
3 without any identifying information of the treating acupuncturist.

4 **FIRST CAUSE FOR DISCIPLINE**

5 (Lends License and/or Permits Unlawful Use of a License and/or Fraudulent and Dishonest Act)

6 15. Respondent is subject to disciplinary action under Code section 119(b) and (e),  
7 section 125, section 4955(d) and 4955.1(b) in that Respondent engaged in the conduct described  
8 above, including, but not limited to, the following:

9 a. Respondent allowed his California Acupuncture license to be used by Yuan Yuan Bu  
10 to register a purported acupuncture business under her name, which was also used as a massage  
11 parlor.

12 b. Respondent allowed Yuan Yuan Bu to use his Acupuncture license to run a massage  
13 parlor and avoid oversight by the Santa Clara Police Department.

14 c. Respondent allowed Yuan Yuan Bu to run a massage parlor, using his Acupuncture  
15 license, violating multiple local ordinances.

16 **SECOND CAUSE FOR DISCIPLINE**

17 (Unprofessional Conduct)

18 16. Respondent is subject to disciplinary action under Code section 4955(j) in that  
19 Respondent engaged in the conduct described above, including, but not limited to, the following:

20 a. Respondent allowed an unlicensed and untrained person to remove acupuncture  
21 needles from his patients at the end of an acupuncture treatment, placing patients' health and  
22 safety at risk.

23 **THIRD CAUSE FOR DISCIPLINE**

24 (Failure to Notify Place of Practice)

25 17. Respondent is subject to disciplinary action under Code section 4955(l) and 4961(a)  
26 in that Respondent engaged in the conduct described above, including, but not limited to, the  
27 following:

28 a. Respondent failed to notify the Acupuncture Board of all the places of practice.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 (Failure to Maintain Adequate and Accurate Records)

3 18. Respondent is subject to disciplinary action under Code section 4955.1(e) in that  
4 Respondent engaged in the conduct described above, including, but not limited to, the following:

5 a. Respondent allowed Bu, an unlicensed acupuncturist, to keep some of the medical  
6 records of his patients.

7 b. Respondent prepared treatment notes for another acupuncturist even though he did  
8 not treat the patient and where the treating acupuncturist did not review the treatment records for  
9 accuracy.

10 c. Respondent failed to have identifying information of the treating acupuncturist in  
11 patient records.

12 **PRAYER**

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

15 1. Revoking or suspending Acupuncture License No. Number 11384, issued to Yi Min  
16 Zuo, L. Ac.;

17 2. Ordering Yi Min Zuo, L. Ac. to pay the Acupuncture Board the reasonable costs of  
18 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
19 4959; and,

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

21  
22 DATED: March 23, 2021

23 Original Signature on File  
24 BENJAMIN BODEA  
25 Executive Officer  
26 Acupuncture Board  
27 Department of Consumer Affairs  
28 State of California  
*Complainant*

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