

1 ROB BONTA  
Attorney General of California  
2 GREG W. CHAMBERS  
Supervising Deputy Attorney General  
3 HARRIET NEWMAN  
Deputy Attorney General  
4 State Bar No. 189784  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (628) 230-7205  
6 Facsimile: (415) 703-1107  
E-mail: Harriet.Newman@doj.ca.gov  
7 *Attorneys for Complainant*

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-2025-9

13 **PETER HEUN FAIRFIELD, L.A.C**  
14 **18100 Myrtle Avenue**  
15 **Sonoma, CA 95476**

**ACCUSATION**

16 **Acupuncturist License No. AC 1278**

Respondent

17 **PARTIES**

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

20 2. On or about October 3, 1981, the Board issued Acupuncturist License Number AC  
21 1278 to PETER HEUN FAIRFIELD, L.A.C (Respondent). The license was in full force and  
22 effect at all times relevant to the charges brought herein and will expire on May 31, 2026, unless  
23 renewed.

24 **JURISDICTION**

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

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**STATUTORY PROVISIONS**

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:

...

(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 Public Health 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 healing arts boards within this division, including, but not limited to, 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.

5. Section 4955.2 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 any one of the following:

1 (a) Gross negligence.

2 (b) Repeated negligent acts.

3 (c) Incompetence.

4 6. Section 4961 of the Code states:

5 (a) (1) Every person who is licensed to practice acupuncture in this state shall register, on  
6 forms prescribed by the board that may include an application for an initial license for  
7 renewal of a license, each place of practice and apply to the board to obtain a wall license  
8 for each place of practice.

9 (2) A wall license shall be renewed biennially, coinciding with the license renewal date. A  
10 licensee with a wall license issued before January 1, 2021, shall not be required to apply for  
11 a new wall license until the licensee's next license renewal date.

12 (3) If the licensee has no place of practice, the licensee shall notify the board of that fact on  
13 a form prescribed by the board. A wall license is not required to be posted when a licensee  
14 performs acupuncture treatments outside of the licensee's place of practice. However, the  
15 licensee shall carry a pocket license during treatments outside of the licensee's place of  
16 practice and make the pocket license available upon request.

17 (4) A licensee shall register each place of practice within 30 days after the date of the  
18 licensee being licensed by the board or the establishment of a new place of practice,  
19 whichever occurs first.

20 (b) (1) An acupuncturist licensee shall post a wall license issued by the board to the licensee  
21 in a conspicuous location in each place of practice at all times.

22 (2) If an acupuncturist has more than one place of practice, the licensee shall obtain from  
23 the board a separate wall license for each additional location and post the assigned wall  
24 license at each location.

25 (c) A licensed acupuncturist shall not display any acupuncture wall license that is not  
26 currently active and valid.

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1 (d) (1) If a licensee changes the location of a place of practice, the licensee shall apply for  
2 the change of location within 30 days of changing the licensee’s place of practice on forms  
3 prescribed by the board.

4 (2) If a licensee fails to apply for a new wall license with the board due to a change of  
5 location within the time prescribed by this subdivision, the board may deny renewal of the  
6 license.

7 (3) The licensee shall apply to the board to obtain a new wall license using the forms  
8 prescribed by the board for the new wall license or change of location.

9 (e) (1) A wall license is nontransferable.

10 (2) Any change to the registered location in connection with the wall license, such as  
11 moving, requires a new wall license, and the former wall license shall be returned to the  
12 board with a request for cancellation.

13 (f)(1) An acupuncturist shall be responsible for the acupuncture or any other practice  
14 specified under Section 4937 rendered pursuant to the license of the acupuncturist in each  
15 place of practice maintained by the acupuncturist.

16 (2) An acupuncturist maintaining more than one place of practice shall ensure that each  
17 place of practice is in compliance with the standards of practice requirements of this  
18 chapter.

19 (g) As used in this section:

20 (1) “Place of practice” means an acupuncture office where any act of acupuncture is  
21 practiced and includes a place of practice in which the applicant holds a proprietary interest  
22 of any nature whatsoever or in which the licensee holds any right to participate in the  
23 management or control thereof.

24 (2) “Wall license” means an official document that is issued by the board upon application  
25 for a place of practice and has a unique identification number that is specific to the location  
26 provided by the licensee in the application.

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1 (c) It is improper advertising as provided in Section 4955 of the code to disseminate any  
2 advertising of a practice, technique or procedure which is not within the scope of the practice of  
3 acupuncture as defined in Sections 4927 and 4937 of the code and that is the unlawful practice of  
4 medicine.

#### 5 **COST RECOVERY**

6 11. Section 4959 of the Code states:

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

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

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

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

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

#### 23 **FACTUAL ALLEGATIONS**

24 12. Respondent met Patient A on or about December 13, 2024, when he answered an  
25 advertisement Patient A posted for a dresser for sale. Respondent went to Patient A's home to  
26 purchase the dresser. At that meeting Respondent noticed Patient A was wearing a pain patch and  
27 inquired about it. Respondent told Patient A he was an acupuncturist and could help with her  
28 pain.

1           13. Approximately one month following the purchase of the dresser, Respondent placed  
2 an advertisement seeking assistance with website design in exchange for acupuncture services.  
3 On or about January 15, 2025, Patient A responded to Respondent’s advertisement and agreed to  
4 assist with the website design in exchange for acupuncture services; she reminded Respondent  
5 she was the person who sold him the dresser the month before.

6           14. Respondent treated Patient A on approximately five occasions between on or about  
7 January 21, 2025, and on or about January 30, 2025.

8           15. Respondent made inappropriate sexual comments to Patient A during treatment  
9 sessions, including comments on her appearance and unsolicited information about how to have  
10 an orgasm.

11           16. On or about January 30, 2025, after Respondent treated Patient A, Respondent  
12 followed Patient A to a dog park and proceeded to discuss the treatment he just provided to her, in  
13 front of others at the park. Respondent then left the park, waited at Patient A’s car for 15-20  
14 minutes, and then asked Patient A to accompany him to dinner.

15           17. On or about May 20, 2025, Respondent failed to have a sharps<sup>1</sup> container in his place  
16 of practice.

17           18. On or about May 20, 2025, Respondent threw used needles into the garbage instead  
18 of a designated sharps container.

19           19. Respondent’s records for Patient 1 lacked medical history, including no notation  
20 indicating verbal discussion of health history; lacked information about other care Patient 1 was  
21 receiving; lacked informed consent; and were incomplete, unsigned and partially illegible chart  
22 notes.

23           20. Respondent used the term “OM Psychiatry” on his website and other advertising.

24           21. Respondent conducts business at a location for which he is not licensed by the Board,  
25 and Respondent failed to display his wall license at his place of business.

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26           <sup>1</sup> A sharps container is a puncture-resistant, leak-proof container specifically designed for the safe disposal  
27 of sharp medical instruments, such as needles and scalpels. Sharps containers are essential tools in healthcare  
28 settings, ensuring the safe disposal of sharp objects that could potentially cause injury or spread infection. They are  
made from high-quality materials that are resistant to punctures and leaks, which helps to protect healthcare workers,  
patients, and the environment from the hazards associated with improper disposal of sharps.

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct—Inappropriate Conduct; Sexual Misconduct)

3 22. Paragraphs 12 through 21 are incorporated by reference as if fully set forth.

4 23. Respondent Peter Heun Fairfield, LAc, is subject to disciplinary action under Code  
5 sections 4955(d) and 726.

6 **SECOND CAUSE FOR DISCIPLINE**

7 (Unprofessional Conduct—Failure to Follow Infection Control Guidelines)

8 24. Paragraphs 12 through 21 are incorporated by reference as if fully set forth.

9 25. Respondent Peter Heun Fairfield, LAc, is subject to disciplinary action under Code  
10 section 4955(e).

11 **THIRD CAUSE FOR DISCIPLINE**

12 (Unprofessional Conduct—Misleading Advertising)

13 26. Paragraphs 12 through 21 are incorporated by reference as if fully set forth.

14 27. Respondent Peter Heun Fairfield, LAc, is subject to disciplinary action under Code  
15 section 4955 (c) in that Respondent committed false and/or misleading advertising in his use of  
16 the term “OM Psychiatry” on his website and other advertising.

17 **FOURTH CAUSE FOR DISCIPLINE**

18 (Inadequate and Inaccurate Recordkeeping)

19 28. Paragraphs 12 through 21 are incorporated by reference as if fully set forth.

20 29. Respondent Peter Heun Fairfield, LAc, is subject to disciplinary action under  
21 California Code of Regulations Title 16 section 1399.453 in that Respondent failed to keep  
22 complete and accurate records for Patient 1, including treatments given and progress made as a  
23 result of the acupuncture treatments.

24 **FIFTH CAUSE FOR DISCIPLINE**

25 (Failure to Register Place of Practice; Failure to Display License)

26 30. Paragraphs 12 through 21 are incorporated by reference as if fully set forth.

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