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8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

14 **JEFFREY CHIEH JEN TIEN, L.AC.**  
15 **12674 Orelia Court**  
**Saratoga, CA 95070**  
16 **858-336-9734**

17 **Acupuncture License No. AC 12992,**

18 Respondent.

Case No. 1A-2016-175

OAH No. 2020070246

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
21 entitled proceedings that the following matters are true:

22 **PARTIES**

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24 1. Benjamin Bodea (Complainant) is the Executive Officer of the Acupuncture Board  
25 (Board). He brought this action solely in his official capacity and is represented in this matter by  
26 Xavier Becerra, Attorney General of the State of California, by Robert W. Lincoln, Deputy  
27 Attorney General.

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1 **CULPABILITY**

2 9. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 1A-2016-175.

4 10. Respondent agrees the Disciplinary Order below, requiring the disclosure of  
5 probation pursuant to Business and Professions Code section 4962, serves to protect the public  
6 interest.

7 11. Respondent agrees that his Acupuncture License is subject to discipline and he agrees  
8 to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

9 **CONTINGENCY**

10 12. This stipulation shall be subject to approval by the Acupuncture Board. Respondent  
11 understands and agrees that counsel for Complainant and the staff of the Acupuncture Board may  
12 communicate directly with the Board regarding this stipulation and settlement, without notice to  
13 or participation by Respondent or his counsel. By signing the stipulation, Respondent  
14 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation  
15 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation  
16 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or  
17 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
18 and the Board shall not be disqualified from further action by having considered this matter.

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

22 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
23 the Board may, without further notice or formal proceeding, issue and enter the following  
24 Disciplinary Order:

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1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Acupuncture License No. AC 12992 issued to Respondent  
3 Jeffrey Chieh Jen Tien, L.Ac., is revoked. However, the revocation is stayed and Respondent is  
4 placed on probation for three (3) years from the effective date of the Decision on the following  
5 terms and conditioncost

6 s:

7 1. **COURSEWORK** Respondent shall take and successfully complete at his own  
8 expense, shall enroll and successfully complete the Clean Needle Technique, 7<sup>th</sup> Edition, course  
9 offered by the Council of Colleges of Acupuncture and Oriental Medicine no later than the end of  
10 the first year of probation. Classroom attendance (in-person or live webinar) must be specifically  
11 required. Coursework must be completed no later than the end of the second year of probation.  
12 The coursework shall be in addition to that required for license renewal. Within thirty (30) days  
13 of the effective date of the Decision, Respondent shall submit a written plan to comply with this  
14 requirement to the Board or its designee. The Board and its designee shall approve such a plan  
15 prior to enrollment in any course of study.

16 2. **OBEY ALL LAWS** Respondent shall obey all federal, state and local laws and all  
17 regulations governing the practice of acupuncture in California. A full and detailed account of  
18 any and all violations of law shall be reported by the respondent to the Board of its designee in  
19 writing within seventy-two (72) hours of occurrence.

20 3. **QUARTERLY REPORTS** Respondent shall submit quarterly declarations under  
21 penalty of perjury on forms provided by the Board of its designee, stating whether there has been  
22 compliance with all the conditions of probation.

23 4. **MONITORING PROGRAM** Respondent shall comply with the Board's probation  
24 monitoring program and shall, upon reasonable notice, report to the assigned probation monitor.  
25 Respondent shall contact the assigned probation monitor regarding any questions specific to the  
26 probation order. Unless the Respondent obtains prior approval from his or her assigned Board  
27 probation monitor to allow for contact, Respondent shall not have any contact with (1) victims,  
28 witnesses, and/or complainants associated with the case; (2) Board members and/or members of

1 its staff; (3) persons serving the Board as subject matter experts; and/or (4) persons who  
2 previously rendered expert opinions on behalf of the Board in Respondent's disciplinary  
3 proceeding.

4 5. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent shall appear in  
5 person for interviews with the Board or its designee or its designee upon request at various  
6 intervals and with reasonable notice.

7 6. CHANGES OF EMPLOYMENT Respondent shall notify the Board or its designee  
8 in writing, through the assigned probation surveillance compliance officer of any and all changes  
9 of employment, location and address within 30 days of such change.

10 7. TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE In the event  
11 respondent should leave California to reside or to practice outside the State, respondent must  
12 notify the Board or its designee in writing of the dates of departure and return. Periods of  
13 residency or practice outside California will not apply to the reduction of this probationary period.

14 8. EMPLOYMENT AND SUPERVISION OF TRAINEES Respondent shall not  
15 employ or supervise or apply to employ or supervise acupuncture trainees during the course of  
16 this probation. Respondent shall terminate any such supervisorial relationship in existence on the  
17 effective date of this probation.

18 9. COST RECOVERY Respondent shall pay to the Board or its designee its costs of  
19 investigation and enforcement in the amount of \$10,000. Respondent shall pay these costs within  
20 ninety (90) days of the effective date of the Decision. Cost recovery will not be tolled.

21 10. VIOLATION OF PROBATION If respondent violates probation in any respect, the  
22 Board or its designee may, after giving respondent notice and the opportunity to be heard, revoke  
23 probation and carry out the disciplinary order that was stated. If an accusation or petition to  
24 revoke probation is filed against respondent during probation, the Board or its designee shall have  
25 continuing jurisdiction until the matter is final, and the period of probation shall be extended until  
26 the matter is final. No petition for modification or termination of probation shall be considered  
27 while there is an accusation or petition to revoke probation pending against respondent.

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

3           12. PROBATION MONITORING COSTS Respondent shall pay the costs associated with  
4 probation monitoring each and every year of probation, as designated by the Board or its designee,  
5 which may be adjusted on an annual basis. Such costs shall be payable to the Board on a schedule  
6 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed  
7 shall be considered a violation of probation.

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

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

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

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1           15.   NOTIFICATION OF NAME, ADDRESS, TELEPHONE NUMBER OR E-MAIL  
2 ADDRESS CHANGES Respondent shall notify the assigned probation monitor, in writing  
3 within ten (10) days, of any and all name, address, telephone and/or email address changes.

4           16.   DISCLOSURE OF PROBATION STATUS Within ten (10) days of the effective  
5 date of this Decision, Respondent shall submit a proposed written disclosure to provide to all  
6 patients or a patient's guardian or health care surrogate to the Board for prior approval. The written  
7 disclosure shall include the following:

- 8                   (1) Respondent's probation status;
- 9                   (2) Length of probation;
- 10                  (3) Probation end date;
- 11                  (4) All practice restrictions imposed by the probation order;
- 12                  (5) The Board's telephone number;
- 13                  (6) Explanation of how the patient can find further information on Respondent's  
14 probation by running a license verification on the Board's web site

15           Once the Board approves Respondent's written disclosure, Respondent shall obtain from  
16 the patient, or the patient's guardian or health care surrogate, a separate, signed copy of the written  
17 disclosure.

18           Within five (5) days prior to a patient's first visit following the effective date of the Board's  
19 Decision, Respondent shall provide the written disclosure to all patients or a patient's guardian or  
20 health care surrogate except when any of the following applies:

- 21                   (1) The patient is unconscious or otherwise unable to comprehend the disclosure and  
22 sign the copy of the disclosure pursuant to subdivision (b) and a guardian or health  
23 care surrogate is unavailable to comprehend the disclosure and sign the copy.
- 24                   (2) The visit occurs in an emergency room or an urgent care facility or the visit is  
25 unscheduled, including consultations in inpatient facilities.
- 26                   (3) The licensee who will be treating the patient during the visit is not known to the  
27 patient until immediately prior to the start of the visit.
- 28                   (4) The licensee does not have a direct treatment relationship with the patient.

1 Respondent shall make all records available for immediate inspection and copying on the  
2 premises by the Board or its designee at all times during business hours and shall retain the records  
3 for the entire term of probation.  
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5 17. MAINTENANCE OF CLEAR AND ACTIVE LICENSE

6 Respondent shall, at all times, maintain a clear and active current license with the Board,  
7 including any period of suspension or tolled probation.

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

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

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28 ACCEPTANCE



1 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
2 discussed it with my attorney, Jacob G. Reinhardt, Esq. I understand the stipulation and the effect  
3 it will have on my Acupuncture License. I enter into this Stipulated Settlement and Disciplinary  
4 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order  
5 of the Acupuncture Board.

6  
7 DATED: 10/20/20 Original Signature on File  
8 JEFFREY CHIEH JEN TIEN, L.AC.  
9 Respondent

10 I have read and fully discussed with Respondent Jeffrey Chieh Jen Tien, L.Ac., the terms  
11 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
12 Order. I approve its form and content.

13 DATED: 10/20/20 Original Signature on File  
14 JACOB G. REINHARDT, ESQ.

15 **ENDORSEMENT**

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

18  
19 DATED: 10/10/20

Respectfully submitted,

20 XAVIER BECERRA  
21 Attorney General of California  
22 ALEXANDRA M. ALVAREZ  
23 Supervising Deputy Attorney General

Original Signature on File

24 ROBERT W. LINCOLN  
25 Deputy Attorney General  
26 *Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 1A-2016-175**

**BEFORE THE  
ACUPUNCTURE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**JEFFREY CHIEH JEN TIEN, L.AC.**  
12674 Orelia Court  
Saratoga, CA 95070  
858-336-9734  
jctien@gmail.com

Acupuncture License No. AC 12992

Respondent.

Case No. 1A-2016-175

OAH No. 2020070246

**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 \_\_\_\_\_.

It is so ORDERED \_\_\_\_\_.

\_\_\_\_\_  
FOR THE ACUPUNCTURE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS