

ACUPUNCTURE COMMITTEE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the  
Accusation Against:

Duong Huy Ha, C.A.  
Certificate # AC-1500

Respondent.

D-4925

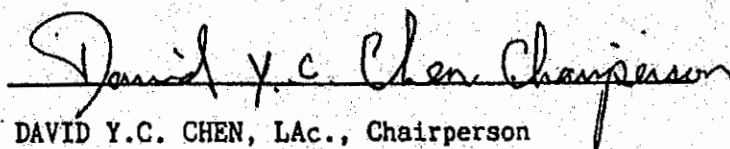
DECISION

The attached Stipulation is hereby adopted by the  
Acupuncture Committee of the Medical Board of California as its  
Decision in the above-entitled matter.

This Decision shall become effective on December 31, 1993

IT IS SO ORDERED December 1, 1993

ACUPUNCTURE COMMITTEE  
MEDICAL BOARD OF CALIFORNIA

  
DAVID Y.C. CHEN, LAc., Chairperson

1 DANIEL E. LUNGREN  
Attorney General of the State of California  
2 RICHARD D. MARINO  
Deputy Attorney General  
3 California Department of Justice  
Office of the Attorney General  
4 300 S. Spring St., 10th Flr.  
Los Angeles, CA. 90013-1204  
5 TEL.: (213) 897 - 2541

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
9 **ACUPUNCTURE COMMITTEE**  
10 **MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation  
12 Against:

NO. D-4925

12 DUONG HUY HA  
13 1326 5th St., Ste. A  
14 Santa Monica, CA 90401

STIPULATED SETTLEMENT  
AND  
DISCIPLINARY ORDER-

14 Acupuncture Certificate  
15 No. AC-1500

16 Respondent.

17  
18 IT IS HEREBY STIPULATED AND AGREED, by and between the  
19 parties to the above-entitled proceedings, that the following  
20 matters are true:

21 1. An Accusation in Case No. D-4925 has been filed  
22 with the Acupuncture Committee of the Division of Allied Health  
23 Professions of the Medical Board of California (hereafter "the  
24 Acupuncture Committee") and is currently pending against Duong  
25 Huy Ha (hereafter "respondent").

26 2. A copy of the accusation, together with all other  
27 statutorily required documents, was duly served on respondent on

1 or about September 3, 1992; thereafter, respondent timely filed a  
2 Notice of Defense contesting the charges alleged in the  
3 accusation. A copy of the accusation is annexed hereto as  
4 "Attachment A" and, by this reference, is incorporated herein  
5 though fully set forth.

6 3. The complainant, Sherry Mehl, is the Executive  
7 Officer of the Acupuncture Committee and brought this action  
8 solely in her official capacity.

9 4. Respondent has been advised of his right to be  
10 represented by an attorney throughout all proceedings and has  
11 been and is, at present, represented by William K. LaMonica of  
12 LaMonica and Foley, Two Century Plaza, 2049 Century Park East,  
13 Suite 1100, Los Angeles, California 90067.

14 5. Respondent has been fully apprised of the charges  
15 alleged in the accusation and has been fully advised of his legal  
16 rights and the effects of this stipulation in these proceedings.

17 6. Respondent fully understands the nature of the  
18 charges alleged in the accusation and thereon agrees that the  
19 charges constitute grounds for revoking Acupuncture Certificate  
20 No. AC1500, heretofore issued to respondent by the Acupuncture  
21 Committee on or about August 30, 1983. Respondent is fully aware  
22 of his rights: 1) to a hearing on the charges alleged in the  
23 accusation, 2) to be represented by an attorney at said hearing  
24 and at all proceedings in this matter, 3) to confront and cross-  
25 examine the witnesses against him, 4) to reconsideration of an  
26 adverse decision, 5) to an appeal of an adverse decision, and 6)  
27 any and all other rights which may be accorded to him under the

1 California Administrative Procedure Act; and, with this in mind,  
2 respondent voluntarily, freely, and intelligently waives and  
3 gives up these rights.

4 7. Respondent, for the purposes of this proceeding,  
5 any other proceeding before the Acupuncture Committee and/or the  
6 Medical Board of California, or any other action taken by or  
7 before any governmental body responsible for licensing  
8 acupuncturists or other health care professionals only, admits  
9 the truth of paragraphs 1 through 4, inclusive excepting  
10 subparagraph B of paragraph 4, and paragraph 7 contained in  
11 Accusation No. D-4925.

12 8. Respondent admits that grounds exist for revocation  
13 of his acupuncturist's certificate pursuant to Business and  
14 Professions Code section 4955 in conjunction with Business and  
15 Professions Code sections 2052 and 2053; and, respondent agrees  
16 to be bound by the disciplinary order hereinafter set forth.

17 9. In consideration of the foregoing admissions and  
18 findings, the parties hereby stipulate and agree that the  
19 Acupuncture Committee of the Division of Allied Health  
20 Professions of the Medical Board of California shall, without  
21 further notice or formal proceedings, issue and enter the  
22 following order:

23  
24 DISCIPLINARY ORDER

25 Acupuncture Certificate No. AC1500, heretofore issued  
26 to Duong Huy Ha, is hereby revoked. However, said revocation is  
27 hereby stayed and respondent is placed on probation for five (5)

1 years upon the following terms and conditions:

2 1. Suspension. Respondent shall be suspended from the  
3 practice of acupuncture for sixty (60) days; beginning the  
4 effective date of this decision.

5 2. No Injection Therapy. Respondent shall not  
6 practice injection therapy and shall not administer intramuscular  
7 or intravenous injections.

8 3. Obey All Laws. Respondent shall obey all federal,  
9 state, and local laws; and, respondent shall obey all rules and  
10 regulations governing the practice of acupuncture in California.  
11 A full and detailed account of any and all violations of the law  
12 shall be reported by respondent to the Acupuncture Committee, in  
13 writing, within 72 hours of occurrence.

14 4. Quarterly Reports. Respondent shall file quarterly  
15 reports under penalty of perjury on forms to be provided by the  
16 Medical Board of California (MBC).

17 5. Surveillance Program. Respondent shall comply with  
18 the MBC probation surveillance program and shall, upon reasonable  
19 notice, report to the assigned MBC District Office. Respondent  
20 shall contact the assigned probation surveillance monitor  
21 regarding any questions specific to the probation order.

22 6. Interviews. Respondent shall appear in person for  
23 interviews with the Acupuncture Committee or its designee upon  
24 request at various intervals and with reasonable notice.

25 7. Changes of Employment. Respondent shall notify the  
26 Acupuncture Committee, in writing, of any and all changes of  
27 employment, location, and address within 30 days of such change.

1           8. Cost Recovery. Respondent shall pay to the  
2 Acupuncture Committee a sum not to exceed the reasonable costs of  
3 the investigation and prosecution of the case. That sum shall be  
4 Three Thousand Eight Hundred Eighteen Dollars (\$3,818) and shall  
5 be paid in full on or before the last day of respondent's  
6 suspension.

7           9. Tolling for Out-Of-State- Residence or Practice.  
8 The period of probation shall not run during the time, if any,  
9 respondent is residing or practicing outside the jurisdiction of  
10 the State of California. If, during the period of probation,  
11 respondent moves from the jurisdiction of the State of California  
12 to reside and/or practice in another jurisdiction, respondent  
13 immediately shall notify the Committee, in writing, of his date  
14 of departure and the date of his return when it becomes known to  
15 him.

16           10. Completion of Probation. Upon his successful  
17 completion of probation, respondent's acupuncture certificate  
18 shall be fully restored.

19           11. Violation of Probation. If respondent violates  
20 any term or condition of probation, the Acupuncture Committee,  
21 after giving respondent notice and the opportunity to be heard,  
22 may revoke probation and carry out that part of the order which  
23 has been stayed. If an accusation or petition to revoke  
24 probation is filed against respondent during the period of  
25 probation, the Acupuncture Committee shall have continuing  
26 jurisdiction until the matter is final; and, the period of  
27 probation shall be extended until the matter is final. No

1 petition for modification of penalty shall be considered while  
2 there is an accusation or petition to revoke penalty pending  
3 against respondent.

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CONTINGENCY

This stipulated settlement and disciplinary order shall be subject to the approval of the Acupuncture Committee of the Division of Allied Health Professions of the Medical Board of California (hereafter "the Committee"). If the Committee fails to adopt this stipulation as its Order, the stipulated settlement and disciplinary order shall be of no force or effect for either party, nor shall it be mentioned or referred to in any legal action between the parties.

/ /



ACCEPTANCE


I, DUONG HUY HA, have read the above Stipulated Settlement and Disciplinary Order, fully understand the terms and conditions therein contained, and freely and knowingly agree to be bound thereby, with the understanding that my failure to comply with any of the terms and conditions of the Stipulated Settlement and Disciplinary Order will subject my acupuncture certificate to disciplinary action, including revocation of said certificate.

DATED: July 2 / 93, 1993.

  
DUONG HUY HA  
Respondent

I have read the above Stipulated Settlement and Disciplinary Order and approve same as to form and content.

DATED: July 6, 1993.

  
WILLIAM K. LAMONICA  
Attorney at Law  
Attorney for Respondent

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DATED: July 26, 1993.

Richard H. Marino

Attorneys for Complainant