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ACUPUNCTURE BOARD

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

11 In the Matter of the Accusation/Petition to  
Revoke Probation Against:

Case No. D1-2016-178

12 **ASHLEY RO, L.AC.**  
13 **7526 Rainbow Drive**  
14 **Cupertino, CA 95014**

**ACCUSATION AND PETITION TO  
REVOKE PROBATION**

15 **Acupuncture License No. AC 15197**

16 Respondent.

17  
18 **PARTIES**

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

21 2. On or about April 2, 2013, the Board issued Acupuncture License Number AC 15197  
22 (License) to ASHLEY RO, L.AC. (Respondent). The License was in full force and effect at all  
23 times relevant to the charges brought herein and will expire on October 31, 2026, unless renewed.

24 3. In a disciplinary action titled *In the Matter of the Accusation Against: Ashley Ro AKA*  
25 *Hee Ro Kyung*, Case No. 1A-2016-178, the Board issued a Decision and Order, effective  
26 September 17, 2020, in which Respondent's License was revoked. However, the revocation was  
27 stayed, and Respondent's License was placed on probation for a period of five years with certain  
28

1 terms and conditions. A true and correct copy of the Board's Decision and Order is attached as  
2 Exhibit A and incorporated by reference.

### 3 JURISDICTION

4 4. This Accusation and Petition to Revoke Probation is brought before the Acupuncture  
5 Board (Board), under the authority of the following laws. All section references are to the  
6 Business and Professions Code (Code) unless otherwise indicated.

7 5. Section 4928.2 of the Code states:

8 Protection of the public shall be the highest priority for the Acupuncture Board  
9 in exercising its licensing, regulatory, and disciplinary functions. Whenever the  
10 protection of the public is inconsistent with other interests sought to be promoted, the  
11 protection of the public shall be paramount.

12 6. Section 4955 of the Code states:

13 The board may deny, suspend, or revoke, or impose probationary conditions  
14 upon, the license of any acupuncturist who is guilty of unprofessional conduct.

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

16 (a) Using or possessing any controlled substance as defined in Division 10  
17 (commencing with Section 11000) of the Health and Safety Code, dangerous drug, or  
18 alcoholic beverage to an extent or in a manner dangerous to the acupuncturist, or to  
19 any other person, or to the public, and to an extent that the use impairs the  
20 acupuncturist's ability to engage in the practice of acupuncture with safety to the  
21 public.

22 (b) Conviction of a crime substantially related to the qualifications, functions,  
23 or duties of an acupuncturist, the record of conviction being conclusive evidence  
24 thereof.

25 (c) False or misleading advertising.

26 (d) Aiding or abetting in, or violating or conspiring in, directly or indirectly, the  
27 violation of the terms of this chapter or any regulation adopted by the board pursuant  
28 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

1 California, the Board of Registered Nursing, and the Board of Vocational Nursing  
2 and Psychiatric Technicians, to encourage appropriate consistency in the  
3 implementation of this subdivision.

4 The board shall seek to ensure that licensees are informed of the responsibility  
5 of licensees and others to follow infection control guidelines, and of the most recent  
6 scientifically recognized safeguards for minimizing the risk of transmission of  
7 blood-borne infectious diseases.

8 (f) The use of threats or harassment against any patient or licensee for providing  
9 evidence in a disciplinary action, other legal action, or in an investigation  
10 contemplating a disciplinary action or other legal action.

11 (g) Discharging an employee primarily for attempting to comply with the terms  
12 of this chapter.

13 (h) Disciplinary action taken by any public agency for any act substantially  
14 related to the qualifications, functions, or duties of an acupuncturist or any  
15 professional health care licensee.

16 (i) Any action or conduct that would have warranted the denial of the  
17 acupuncture license.

18 (j) The violation of any law or local ordinance on an acupuncturist's business  
19 premises by an acupuncturist's employee or a person who is working under the  
20 acupuncturist's professional license or business permit, that is substantially related to  
21 the qualifications, functions, or duties of an acupuncturist. These violations shall  
22 subject the acupuncturist who employed the individuals, or under whose  
23 acupuncturist license the employee is working, to disciplinary action.

24 (k) The abandonment of a patient by the licensee without written notice to the  
25 patient that treatment is to be discontinued and before the patient has had a reasonable  
26 opportunity to secure the services of another practitioner.

27 (l) the failure to notify the board of the use of any false, assumed, or fictitious  
28 name other than the name under which the licensee is licensed as an individual to  
practice acupuncture.

7. California Code of Regulations, title 16, section 1399.469.2 states:

In addition to the conduct described in Section 4955 of the Business and  
Professions Code, "unprofessional conduct" also includes but is not limited to the  
following:

(a) Including or permitting to be included any of the following provisions in an  
agreement to settle a civil dispute arising from the licensee's practice to which the  
licensee is or expects to be named as a party, whether the agreement is made before  
or after the filing of an action:

(1) A provision that prohibits another party to the dispute from contacting,  
cooperating, or filing a complaint with the board.

(2) A provision that requires another party to the dispute to attempt to withdraw  
a complaint the party has filed with the board.

1 (b) Failure to provide to the board, as directed, lawfully requested copies of  
2 documents within 15 days of receipt of the request or within the time specified in the  
3 request, whichever is later, unless the licensee is unable to provide the documents  
4 within this time period for good cause, including but not limited to, physical inability  
5 to access the records in the time allowed due to illness or travel. This subsection shall  
6 not apply to a licensee who does not have access to, and control over, medical  
7 records.

8 (c) Failure to cooperate and participate in any board investigation pending  
9 against the licensee. This subsection shall not be construed to deprive a licensee of  
10 any privilege guaranteed by the Fifth Amendment to the Constitution of the United  
11 States, or any other constitutional or statutory privileges. This subsection shall not be  
12 construed to require a licensee to cooperate with a request that would require the  
13 licensee to waive any constitutional or statutory privilege or to comply with a request  
14 for information or other matters within an unreasonable period of time in light of the  
15 time constraints of the licensee's practice. Any exercise by a licensee of any  
16 constitutional or statutory privilege shall not be used against the licensee in a  
17 regulatory or disciplinary proceeding against the licensee.

18 (d) Failure to report to the board within 30 days any of the following:

19 (1) The bringing of an indictment or information charging a felony against the  
20 licensee.

21 (2) The arrest of the licensee.

22 (3) The conviction of the licensee, including any verdict of guilty, or pleas of  
23 guilty or no contest, of any felony or misdemeanor.

24 (4) Any disciplinary action taken by another licensing entity or authority of this  
25 state or of another state or an agency of the federal government or the United States  
26 military.

27 (e) Failure or refusal to comply with a court order, issued in the enforcement of  
28 a subpoena, mandating the release of records to the board.

### COST RECOVERY

8. Section 4959 of the Code states:

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

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

(c) When the payment directed in the board's order for payment of costs is not made by the licensee, the board may enforce the order for payment in the superior court in the county where the administrative hearing was held. This right of

1 enforcement shall be in addition to any other rights the board may have as to any  
2 licensee directed to pay costs.

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

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

### 8 FACTUAL ALLEGATIONS

#### 9 **Respondent's Probation in Case No. 1A-2016-178**

10 9. On or about July 10, 2020, Respondent signed a Stipulated Settlement and  
11 Disciplinary Order (Stipulation), acknowledging that she had fully discussed the Stipulation with  
12 her attorney, understood the Stipulation and the effect it would have on her License, and was  
13 entering the Stipulation voluntarily, knowingly, and intelligently. Respondent agreed to be bound  
14 by the Board's Decision and Order. (See Exhibit A, pg 13.)

15 10. On or about August 18, 2020, the Board sent Respondent correspondence, informing  
16 her that the Board had adopted the Stipulation, effective September 17, 2020, and that her License  
17 was revoked, the revocation was stayed, and her License was placed on probation with terms and  
18 conditions for five (5) years. (See Exhibit A, pg 1.)

19 11. In relevant part, at all times after the effective date of Respondent's probation, she  
20 was subject to the following terms and conditions as set forth in the Stipulation:

21 Probation Term 1: Obey All Laws. Respondent shall obey all federal, state and local  
22 laws, remain in full compliance with any court ordered criminal probation terms,  
23 payments, and/or other orders, and all regulations governing the practice of  
24 acupuncture in California. A full and detailed account of any and all violations of law  
25 shall be reported by the Respondent to the Board or its designee in writing within  
26 seventy-two (72) hours of occurrence. This condition applies to any jurisdiction with  
27 authority over the Respondent, whether inside our outside California.

28 Probation Term 2: Quarterly Reports. Respondent shall submit quarterly reports  
under penalty of perjury on forms provided by the Board or its designee, stating  
whether there has been compliance with all the conditions of probation. If the final  
probation report is not submitted as directed, probation shall be extended  
automatically until such time as the final report is submitted and accepted by the  
Board or its designee.

Probation Term 5: Changes of Employment. Respondent shall notify the Board in  
writing, through the assigned probation monitor of any and all changes of  
employment, location and employment address within thirty (30) days of such  
change.

1 Probation Term 8: Cost Recovery. Respondent shall pay to the Board its costs of  
2 investigation and enforcement in the amount of \$37,225.75. Respondent shall be  
3 permitted to pay these costs in a payment plan approved by the Board or the designee,  
4 with payments to be completed no later than three months prior to the end of the  
5 probation term. Cost recovery will not be tolled. At Respondent's request, if  
6 Respondent has not complied with this condition during the probationary term, and  
7 Respondent has presented sufficient documentation of her good faith efforts to  
8 comply with this condition, and if no other conditions have been violated, the Board  
9 or its designee, in its discretion, may grant an extension of Respondent's probation  
10 period up to two (2) years without further hearing in order to comply with this  
11 condition. During the two (2) years' extension, all original conditions of probation  
12 will apply. The filing of bankruptcy by Respondent shall not relieve Respondent of  
13 his/her responsibility to reimburse the Board for its investigation and prosecution  
14 costs.

15 Probation Term 9: Violation of Probation. If Respondent violates probation in any  
16 respect, the Board may, after giving Respondent notice and the opportunity to be  
17 heard, revoke probation and carry out the disciplinary order that was stayed. If an  
18 accusation or petition to revoke probation is filed against Respondent during  
19 probation, the Board shall have continuing jurisdiction until the matter is final, and  
20 the period of probation shall be extended until the matter is final. No petition for  
21 modification or termination of probation shall be considered while there is an  
22 accusation or petition to revoke probation pending against Respondent. If  
23 Respondent has not complied with any term or condition of probation, the Board shall  
24 have continuing jurisdiction over Respondent, and probation shall automatically be  
25 extended until all terms and conditions have been satisfied or the Board has taken  
26 other action as deemed appropriate to treat the failure to comply as a violation of  
27 probation, to terminate probation, and to impose the penalty which was stayed.

28 Probation Term 14: Disclosure of Probation Status. Within ten (10) days of the  
effective date of this Decision, Respondent shall submit a proposed written disclosure  
to provide to all patients or a patient's guardian or health care surrogate to the Board  
for prior approval. The written disclosure shall include the following: (1)  
Respondent's probation status; (2) Length of probation; (3) Probation end date; (4)  
All practice restrictions imposed by the probation order; (5) The Board's telephone  
number; (6) Explanation of how the patient can find further information on  
Respondent's probation by running a license verification on the Board's web site.  
Once the Board approves Respondent's written disclosure, Respondent shall obtain  
from the patient, or the patient's guardian or health care surrogate, a separate, signed  
copy of the written disclosure. Within five (5) days prior to a patient's first visit  
following the effective date of the Board's Decision, Respondent shall provide the  
written disclosure to all patients or a patient's guardian or health care surrogate  
except when any of the following applies: (1) The patient is unconscious or otherwise  
unable to comprehend the disclosure and sign the copy of the disclosure pursuant to  
subdivision (b) and a guardian or health care surrogate is unavailable to comprehend  
the disclosure and sign the copy; (2) The visit occurs in an emergency room or an  
urgent care facility or the visit is unscheduled, including consultations in inpatient  
facilities; (3) The licensee who will be treating the patient during the visit is not  
known to the patient until immediately prior to the start of the visit; (4) The licensee  
does not have a direct treatment relationship with the patient. Respondent shall make  
all records available for immediate inspection and copying on the premises by the  
Board or its designee at all times during business hours and shall retain the records  
for the entire term of probation.

Probation Term 17: Coursework. Respondent, at her own expense, shall enroll and

1 successfully complete the following forty-five hours coursework, which is  
2 substantially related to the violation(s): 5 hours of coursework in Ethics in each of the  
3 following years, 2021, 2023, and 2025; and 30 live in-person or live webinar hours of  
4 Billing to be completed within the first three years of probation. The coursework  
5 shall be in addition to that required for license renewal. Within thirty (30) days of the  
6 Effective date of the Decision, Respondent shall submit a written plan to comply with  
7 this requirement to the Board or its designee. The Board or its designee shall review  
8 such a plan and notify Respondent if the plan is approved. Respondent must await  
9 the approval of the Board or its designee prior to enrollment in any course of study  
10 intended to satisfy the coursework requirements of this paragraph. Upon successful  
11 completion of the coursework, Respondent shall submit original completion  
12 certificates to the Board within thirty (30) days of course completion.

13 Probation Term 18: Community Service. Within sixty (60) days of the effective date  
14 of this Decision, Respondent shall submit to the Board or its designee, for its prior  
15 approval, a community service program in which Respondent shall provide volunteer  
16 services, without accepting any payment, to a community or charitable facility or  
17 agency, for at least 25 hours annually for the duration of probation. Such community  
18 service does not necessarily include acupuncture service. Respondent shall ensure  
19 that the Board receives documentation and/or certification of community service  
20 hours by the facility or agency on a quarterly basis. Respondent shall complete all  
21 community service hours prior to the completion of probation.

22 Probation Term 19: Practice and Billing Monitor. Within ninety (90) days of the  
23 effective date of this Decision, Respondent shall submit to the Board or its designee  
24 for prior approval as a practice and billing monitor (monitor), the name and  
25 qualifications of one or more California licensed acupuncturists whose license is clear  
26 and active, in good standing and not disciplined by the Board. Prior to seeking the  
27 Board's approval for an individual to serve as practice and billing monitor,  
28 Respondent shall provide a copy of the Board's Accusation and Decision to that  
individual. Any practice and billing monitor to be approved by the Board shall have  
no prior or current business or personal relationship with Respondent, or other  
relationship that could reasonably be expected to compromise the monitor's ability to  
render fair and unbiased reports to the Board or its designee. The proposed practice  
and billing monitor must also agree to serve in that role for the purpose and duration  
of Respondent's probation. Respondent shall pay all monitoring costs. The Board, in  
its sole discretion, shall have the option of rejecting a proposed monitor for any  
reason, and Respondent shall work to provide an alternative monitor(s) as set forth  
above. Upon approval of a practice and billing monitor, the Board or its designee  
shall provide a monitoring plan. Within fifteen (15) days of receipt of the monitoring  
plan, the practice and billing monitor shall submit a signed statement that he or she  
has read the Decision and Accusation in this case, fully understands the role of a  
monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor  
disagrees with the proposed monitoring plan, the monitor shall submit to the Board or  
its designee a revised monitoring plan with the signed statement. Within one-hundred  
twenty (120) days of the effective date of this Decision, and continuing through  
probation, Respondent shall make all records available for immediate inspection and  
copying on the premises by the practice and billing monitor at all times during  
business hours, and Respondent shall retain the records for the entire term of  
probation. Respondent shall notify all current and potential patients in writing that  
their confidential records may be reviewed by the practice and billing monitor. Such  
written notification shall be signed by each patient prior to continuing or commencing  
treatment, and the written notification shall be kept as part of the patient's healthcare  
record. The practice and billing monitor shall submit a quarterly written report to the  
Board or its designee which shall include: an evaluation of Respondent's  
performance; an evaluation of whether Respondent's practices are within the

standards of practice of acupuncture; and an evaluation of whether Respondent is billing appropriately. It shall be the sole responsibility of Respondent to ensure that the practice and billing monitor submits written reports to the Board or its designee quarterly. If the practice and billing monitor resigns or is no longer available, Respondent shall, within five days of such resignation or unavailability, notify the Board or its designee. Within thirty (30) days, Respondent shall submit to the Board or its designee, for approval, the name and qualifications of a replacement practice and billing monitor. Upon approval, the replacement practice and billing monitor shall assume immediate responsibility. If Respondent fails to obtain approval of a replacement practice and billing monitor within sixty (60) days of the resignation or unavailability of the previous monitor, the Board or its designee may notify Respondent that she has been suspended from the practice of acupuncture until a replacement monitor is approved and available to immediately begin monitoring. Failure to maintain all records, or to make all appropriate records available for immediate inspection and copying on the premises by the practice and billing monitor, or to comply with any portion of this term of probation, as outlined above, is a violation of probation.

#### **Respondent's Arrest**

12. On or about March 28, 2024, Respondent was preparing to board a flight to South Korea at the San Francisco International Airport (Airport). At approximately 12:23 a.m., officers from the San Francisco Police Department (SFPD) responded to the Custom "A" side pat down room at the Airport. There, the SFPD officers learned that a United States Customs and Border Protection officer had discovered that Respondent had an outstanding warrant from the Santa Clara County Sheriff's Office (Santa Clara County). The SFPD officers arrested Respondent at about 12:30 a.m.

13. There was no report made by or on behalf of Respondent to the Board regarding her March 28, 2024, arrest.

14. On April 2, 2024, the Board received an arrest notification from the Santa Clara District Attorney's Office. The Board also received the quarterly report for January 1 to March 31, 2024, from Respondent, in which she falsely responded, "No," to the inquiry as to whether she had been arrested, charged, or convicted of any federal or state statute or city or county ordinance. Respondent also signed this report under the penalty of perjury on March 30, 2024.

15. In her quarterly reports for April 1 to June 30, 2024, and July 1 to September 30, 2024, Respondent again falsely responded, "No," to the inquiry as to whether she had been arrested, charged, or convicted of any federal or state statute or city or county ordinance.



**Respondent's Probation Violations**

16. On October 8, 2020, the Board sent Respondent a Quarterly Compliance Review for July 1 to September 30, 2020, indicating that Respondent was in violation of Probation Term 8. Respondent did not submit her written payment plan due to the Board for approval by September 28, 2020.

17. On January 21, 2021, the Board sent Respondent a Quarterly Compliance Review – Notice of Violation, indicating that Respondent was in violation of Probation Term 2. Respondent's quarterly report for October 1 to December 31, 2020, was untimely because it was postmarked on January 9, 2021, and the Board received it on January 12, 2021. Respondent also incorrectly marked the fields for cost recovery and coursework, and she was instructed to leave the check boxes blank.

18. On April 12, 2021, the Board sent Respondent a Quarterly Compliance Review – Notice of Violation for January 1 to March 30, 2021, indicating that Respondent was in violation of Probation Terms 8 and 17. On February 1, 2021, the Board received a course completion certificate for Respondent, but that certificate did not match the Board's continuing education course content or hours and did not state the provider and provider number. On March 29, 2021, the Board received three checks in the amount of \$500.00 each and dated February 1, March 1, and April 1, 2021.

19. On July 22, 2021, the Board sent Respondent a Notice of Probation Violations, indicating that Respondent was in violation of Probation Terms 2, 8, 17, and 19. Respondent's quarterly report for April 1 to June 30, 2021, was untimely, as it was postmarked on July 6, 2021, and the Board received it on July 8, 2021. Respondent also needed to complete the field for community service and mark the fields for the psychological evaluation, abstaining from alcohol, biological fluid testing, group therapy, anger management program, psychotherapy, solo practice prohibition, and third-party chaperone as non-applicable. On April 20, 2021, the Board received an incorrect course completion certificate, as it did not match the Board's continuing education course content. The practice and billing monitor quarterly report for April 1 to June 20, 2021, was postmarked on July 6, 2021, and received by the Board on July 8, 2021. On July 8, 2021,

1 Respondent issued three untimely checks for \$500.00 each and dated May 1, June 1, and July 1,  
2 2021.

3 20. On October 21, 2021, the Board sent Respondent a Quarterly Compliance Review for  
4 July 1 to September 30, 2021, indicating that Respondent was in violation of Probation Terms 2,  
5 8, and 19.<sup>1</sup> Respondent had not submitted her quarterly report and practice billing and  
6 monitoring reports for July 1 to September 30, 2021, and she failed to make any cost recovery  
7 payments from August to October 2021. Respondent did not submit certificates of completion for  
8 ethics coursework due by September 17, 2021.

9 21. On October 27, 2021, the Board sent Respondent an e-mail, indicating that  
10 Respondent was in violations of Probation Terms 2, 14, and 19. Respondent submitted an  
11 incomplete quarterly report, not responding to sections 10 through 13 and 16 through 18. The  
12 Board received Respondent's practice and billing monitoring report on October 27, 2021, beyond  
13 the October 5, 2021, due date. Respondent also failed to provide a Disclosure of Probation Status  
14 form.

15 22. On January 20, 2022, the Board sent Respondent a sample Disclosure of Probation  
16 Status form by e-mail. This correspondence followed the e-mail exchanges between the Board  
17 and Respondent from October 27, 2021, to January 18, 2022, regarding Respondent's insufficient  
18 compliance with Probation Term 14. Specifically, Respondent had not provided the correct  
19 Disclosure of Probation Status form and her proposed language did not fulfill the requirements of  
20 Probation Term 14.

21 23. On May 24, 2022, the Board sent Respondent a Quarterly Compliance Review,  
22 indicating that Respondent was in violation of Probation Terms 2 and 19.<sup>2</sup> Respondent's  
23 quarterly report and practice and billing monitor quarterly report for January 1 to March 31, 2022,  
24 were untimely because they were postmarked on May 5, 2022, and the Board received them on  
25 May 9, 2022.

26 24. On December 30, 2022, the Board sent Respondent a Quarterly Compliance Review,  
27

28 <sup>1</sup> The Quarterly Compliance Review refers to Probation Term 19 as Probation Term 1.

<sup>2</sup> The Quarterly Compliance Review refers to Probation Term 19 as Probation Term 1.

1 indicating that Respondent was in violation of Probation Terms 2, 8, 10, 18, and 19. Respondent  
2 had not submitted her quarterly reports for April 1 to June 30 and July 1 to September 30, 2022.  
3 Respondent failed to make cost recovery payments from July to December 2022, pay her  
4 probation monitoring costs, complete seven hours of community service for her second year of  
5 probation, and submit a practice and billing monitoring quarterly report for April 1 to June 30 and  
6 July 1 to September 30, 2022.

7 25. On March 8, 2023, the Board sent Respondent a Notice of Probation Violations,  
8 indicating that Respondent was in violation of Probation Terms 2, 8, 10, 18, and 19. Respondent  
9 had not submitted quarterly reports or practice and billing monitoring quarterly reports for April 1  
10 to June 30, July 1 to September 30, and October 1 to December 31, 2022. The Board last  
11 received a payment of \$2,000 from Respondent on May 9, 2022, but Respondent did not make  
12 any payments for over seven months. Respondent had also failed to make any payments for  
13 probation monitoring costs and to complete seven hours of community service for her second  
14 year of probation by September 16, 2022.

15 26. On August 29, 2023, the Board sent Respondent a Comprehensive Compliance  
16 Probation Review, indicating that Respondent was in violation of Probation Terms 2, 5, 8, 9, and  
17 14. Respondent had submitted erroneous quarterly reports for April 1 to June 30, 2022; October  
18 1 to December 31, 2022; January 1 to March 31, 2023; and April 1 to June 30, 2023. On May 9,  
19 2022, the Board had received a quarterly report, indicating that Respondent's business address  
20 had changed and coincided with Respondent's residence, but on the last six quarterly reports,  
21 Respondent continued to mark "no" in response to the inquiry on changes of employment.  
22 Respondent had also failed to complete a Notification of Change of Address of Record, despite  
23 being instructed by e-mail on October 21, 2021, to do so. Three checks that Respondent had  
24 issued in the amount of \$1,500 each were returned as unacceptable because they exceeded 90  
25 days from the issued dates of June 1, September 30, and December 1, 2022. The Board noted that  
26 it had sent nine noncompliance notifications to Respondent with 28 separate violations to date,  
27  
28

1 with the instant letter identifying five violations.<sup>3</sup> Respondent was required to disclose her  
2 probation status to all patients or guardians, but a January 20, 2022, e-mail indicated a disclosure  
3 form was still not approved.

4 27. On October 23, 2023, the Board sent Respondent a Comprehensive Compliance  
5 Probation Review, indicating that Respondent was in violation of Probation Terms 2 and 9.  
6 Respondent had submitted an erroneous quarterly report for July 1 to September 30, 2023, failing  
7 to provide details of changes in her employment; incorrectly marking that the cost recovery,  
8 community service, and coursework terms were non-applicable; and leaving the fields for  
9 psychological evaluation, abstaining from alcohol, biological fluid testing, group therapy, anger  
10 management program, psychotherapy, solo practice prohibition, and third party chaperone terms  
11 blank. The Board noted that it had sent 10 noncompliance notifications with 30 separate  
12 violations to date, with the instant letter identifying two violations.<sup>4</sup>

13 28. On November 9, 2023, the Board sent Respondent an updated Comprehensive  
14 Compliance Probation Review, indicating that Respondent was in violation of Probation Terms 5,  
15 9, and 14. Respondent had not submitted an accurate declaration explaining the changes that had  
16 occurred when she moved from her previous practice location, including the date of occurrence  
17 and the steps Respondent had taken to move her practice. The Board noted that it had sent 11  
18 noncompliance notifications with 31 separate violations to date.<sup>5</sup> Additionally, Respondent had  
19 not provided documentation confirming that all necessary edits were made to the Disclosure of  
20 Probation Status form, agreed to use the edited version, submitted a completed version to the  
21 Board, and had received the Board's approval to use that form.

22 29. On December 19, 2023, the Board sent Respondent a Notice of Probation Violations,  
23 indicating that Respondent was in violation of Probation Terms 5, 8, 9, and 14. Respondent had  
24 not submitted a declaration page required by the Board by November 17, 2023, to explain the

25  
26 <sup>3</sup> While the Board's letter states that this was Respondent's ninth noncompliance  
notification, it was actually the eleventh.

27 <sup>4</sup> While the Board's letter states that this was Respondent's tenth noncompliance letter, it  
was actually the twelfth.

28 <sup>5</sup> While the Board's letter states that this was Respondent's eleventh noncompliance letter,  
it was actually the thirteenth.

1 changes in Respondent's employment location, date of occurrence, and the steps taken to move  
2 her practice. Respondent did not make her monthly cost recovery payment for December 2023.  
3 The Board noted that it had sent 12 noncompliance notifications to date.<sup>6</sup> Also, the Board had  
4 inquired by e-mail about any documentation confirming that Respondent had made all necessary  
5 edits to the Disclosure of Probation Status form, agreed to use the edited version, submitted a  
6 completed version to the Board, and had received the Board's approval to use that form, but  
7 Respondent did not provide this information.

8 30. On February 7, 2024, the Board sent Respondent a Comprehensive Compliance  
9 Probation Review – Quarterly Report for October-December 2023, indicating that Respondent  
10 was in violation of Probation Terms 5, 9, and 14. Respondent had provided inconsistent  
11 statements about changes in her employment, initially stating that she had not changed her  
12 employment even though her address had changed, but then claiming that a change had occurred.  
13 She also stated that her practice had relocated to another address in October 2022, though she had  
14 indicated in a quarterly report received by the Board on May 9, 2022, that she had a new business  
15 address. The Board noted it had sent 14 noncompliance notifications to date. In addition, the  
16 Board had instructed that Respondent provide by November 17, 2023, additional documentation  
17 of a finalized and approved version of the Disclosure of Probation Status form with all necessary  
18 edits and showing the timeline that the Board approved it and when Respondent began using it.  
19 However, on January 3, 2024, Respondent provided previously submitted information, namely a  
20 draft version of the Disclosure of Probation Status form that still required edits and inaccurate  
21 handwritten statements that all necessary edits had been made and that she had been using a  
22 statement of probation status since January 21, 2022.

23 31. On February 8, 2024, the Board sent Respondent a Notice of Probation Violations,  
24 indicating that Respondent was in violation of Probation Terms 5, 9, and 14. This Notice  
25 reflected the violations noted in the Board's February 7, 2024 correspondence with Respondent,  
26

27  
28 <sup>6</sup> While the Board's letter states that this was Respondent's eleventh noncompliance letter,  
it was actually the fifteenth.

1 and it further stated that it had sent Respondent 14 noncompliance notifications to date.<sup>7</sup>

2 32. On June 24, 2024, the Board sent Respondent a Notice of Probation Violations,  
3 indicating that Respondent was in violation of Probation Terms 2, 8, and 9. In her quarterly  
4 report for January 1 to March 31, 2024, Respondent falsely responded "No" to the question on  
5 whether she had been arrested, charged, or convicted of any federal or state statute or county or  
6 city ordinance since her last quarterly report, as she had been arrested on March 28, 2024. She  
7 had also failed to notify the Board within 72 hours of her arrest. Additionally, Respondent had  
8 not made any monthly cost recovery payments between January and March 2024. The Board  
9 noted that it had sent her 15 noncompliance notifications to date.<sup>8</sup>

10 33. On July 2, 2024, the Board sent Respondent a Notice of Probation Violations,  
11 indicating that Respondent was in violation of Probation Terms 9 and 14. The Board noted that it  
12 had sent Respondent 17 noncompliance notifications to date.<sup>9</sup> In order to determine whether  
13 Respondent was in compliance with Probation Term 14, the Board had requested that by July 1,  
14 2024, Respondent provide a list of patients Respondent had treated in 2022 and 2023, the first  
15 date she had provided treatment to each patient from 2020 to 2024, and a copy of the Disclosure  
16 of Probation Status signed by each patient, but Respondent did not do so.

17 34. On October 16, 2024, the Board sent Respondent a Notice of Probation Violations,  
18 indicating that Respondent was in violation of Probation Terms 2, 8, 9, and 19. Respondent  
19 failed to provide a corrected response regarding her March 28, 2024 arrest and verifiable  
20 information confirming the dates of her travel to South Korea on her quarterly reports for January  
21 1 to March 31, and for April 1 to June 30, 2024, and she did not submit her quarterly report for  
22 July 1 to September 30, 2024, to the Board. She also did not submit her monthly payment due by  
23 October 5, 2024. Additionally, the Board had sent her 18 noncompliance notifications to date.<sup>10</sup>

24  
25 <sup>7</sup> While the Board's letter states that this was Respondent's fourteenth noncompliance  
letter, it was actually the sixteenth.

26 <sup>8</sup> While the Board's letter states that this was Respondent's fifteenth noncompliance letter,  
it was actually the seventeenth.

27 <sup>9</sup> While the Board's letter states that this was Respondent's seventeenth noncompliance  
letter, it was actually the eighteenth.

28 <sup>10</sup> While the Board's letter states that this was Respondent's eighteenth noncompliance  
letter, it was actually the nineteenth.

Respondent further failed to submit her quarterly practice and billing monitor evaluation for July 1 to September 30, 2024.

35. On January 28, 2025, the Board sent Respondent a Notice of Probation Violations, indicating that Respondent was in violation of Probation Terms 2, 8, 9, and 19. Respondent's quarterly report for October 1 to December 31, 2024, was due on January 5, 2025, but the Board received it on January 11, 2025. Respondent's monthly payments for October through December 2024 and for January 2025 were untimely. The Board had sent her 19 noncompliance notifications to date with 55 separate violations of specific terms.<sup>11</sup> Respondent's quarterly practice and billing monitor evaluations for October through December 2024 were due on January 5, 2025, but Respondent sent them by e-mail on January 11, 2025.

36. On April 7, 2025, the Board sent Respondent a Notice of Probation Violations, indicating that Respondent was in violation of Probation Terms 2, 8, and 19. Respondent did not submit her quarterly report by the April 5, 2025, due date. Her monthly payments for January and March 2025 were untimely, and the Board did not receive her April 2025 payment. Also, Respondent failed to submit her quarterly practice and billing monitor evaluation for April 2025.

#### **CAUSE FOR DISCIPLINE**

##### **(Failure to Report Arrest)**

37. Paragraphs 9 through 36 are incorporated by reference as if fully set forth therein.

38. Respondent is subject to disciplinary action under Code section 4955(j) and California Code of Regulations, title 16, section 1399.469.2(d)(2) because she failed to inform the Board within 30 days that on or about March 28, 2024, SFPD officers arrested her on an outstanding warrant from Santa Clara County. There was also no report of the arrest made on Respondent's behalf to the Board.

#### **FIRST CAUSE FOR REVOCATION OF PROBATION**

##### **(Failure to Obey All Laws)**

39. Paragraphs 9 through 36 are incorporated by reference as if fully set forth therein.

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<sup>11</sup> While the Board's letter states that this was Respondent's nineteenth noncompliance letter, it was actually the twentieth.

1           40. Respondent's probation is subject to revocation because she failed to comply with  
2 Probation Term 1, mentioned above. Specifically, Respondent did not report her March 28, 2024,  
3 arrest to the Board. Also, in her quarterly reports for January 1 to March 31, 2024; April 1 to  
4 June 30, 2024; and July 1 to September 30, 2024, Respondent falsely responded, "No," to the  
5 inquiry as to whether she had been arrested, charged, or convicted of any federal or state statute  
6 or city or county ordinance.

7                           **SECOND CAUSE FOR REVOCATION OF PROBATION**

8                           **(Failure to Submit Quarterly Reports in a Timely and Accurate Fashion.)**

9           41. Paragraphs 9 through 36 are incorporated by reference as if fully set forth therein.

10          42. Respondent's probation is subject to revocation because she failed to comply with  
11 Probation Term 2, mentioned above. Between January 21, 2021, and April 7, 2025, Respondent  
12 either submitted untimely quarterly reports or did not submit them at all, did not respond to  
13 required inquiries on the reports, and provided false and inaccurate information on the reports.

14                           **THIRD CAUSE FOR REVOCATION OF PROBATION**

15                           **(Failure to Report Changes of Employment in a Timely and Accurate Fashion)**

16          43. Paragraphs 9 through 36 are incorporated by reference as if fully set forth therein.

17          44. Respondent's probation is subject to revocation because she failed to comply with  
18 Probation Condition 5, mentioned above. Between August 29, 2023, and February 8, 2024,  
19 Respondent provided inaccurate information and failed to give details of changes regarding her  
20 employment status on her quarterly reports.

21                           **FOURTH CAUSE FOR REVOCATION OF PROBATION**

22                           **(Failure to Make Timely Monthly Cost Recovery Payments)**

23          45. Paragraphs 9 through 36 are incorporated by reference as if fully set forth therein.

24          46. Respondent's probation is subject to revocation because she failed to comply with  
25 Probation Condition 8, mentioned above. Between October 8, 2020, and April 7, 2025,  
26 Respondent did not provide a written payment plan for approval and either did not submit her  
27 monthly cost recovery payments by the deadline or failed to make any payments.



**FIFTH CAUSE FOR REVOCATION OF PROBATION**

**(Violations of Probation)**

46. Paragraphs 9 through 36 are incorporated by reference as if fully set forth therein.

47. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 9, mentioned above. Between October 8, 2020, and April 7, 2025, Respondent received 21 Notices of Probation Violations and Comprehensive Compliance Probation Reviews, all of which identified violations of various terms and conditions of probation.

**SIXTH CAUSE FOR REVOCATION OF PROBATION**

**(Failure to Provide Disclosure of Probation Status)**

48. Paragraphs 9 through 36 are incorporated by reference as if fully set forth therein.

49. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 14, mentioned above. Between October 27, 2021, and July 2, 2024, despite repeated requests from the Board, Respondent did not provide a correct copy of the Disclosure of Probation Status signed by each patient.

**SEVENTH CAUSE FOR REVOCATION OF PROBATION**

**(Failure to Submit Timely Practice and Billing Monitoring Reports)**

50. Paragraphs 9 through 36 are incorporated by reference as if fully set forth therein.

51. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 19, mentioned above. Between July 22, 2021, and April 7, 2025, Respondent either failed to submit timely quarterly practice and billing monitor evaluations or did not submit them at all for the time periods of April 1 to June 30, 2021; July 1 to September 30, 2021; January 1 to March 31, 2022; April 1 to June 30, 2022; July 1 to September 30, 2022; October 1 to December 31, 2022; July 1 to September 30, 2024; and October 1 to December 31, 2024.

**EIGHTH CAUSE FOR REVOCATION**

**(Failure to Comply with Coursework Requirements)**

52. Paragraphs 9 through 19 are incorporated by reference as if fully set forth therein.

53. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 17, mentioned above. On February 1, 2021, the Board received a course completion certificate for Respondent, but that certificate did not match the Board's continuing education course content or hours and did not state the provider and provider number. On April 20, 2021, the Board received an incorrect course completion certificate.

#### DISCIPLINE CONSIDERATIONS

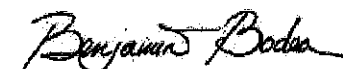
54. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about November 21, 2019, in a prior disciplinary action titled *In the Matter of the Accusation Against Ashley Ro AKA Hee Ro Kyung*, case number 1A-2016-178, Respondent's License was revoked, but the revocation was stayed, and Respondent was placed on five years of probation for unprofessional conduct based on a criminal conviction, making false insurance claims, billing insurance for treatments unsupported by medical records, and failing to adequately document patient care provided. The probation imposed in the Accusation constitutes discipline against Respondent's License and is incorporated herein. (See Exhibit A.)

#### PRAYER

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

1. Revoking or suspending Acupuncture License Number AC 15197, issued to ASHLEY RO, L.AC.
2. Ordering Ashley Ro AKA Hee Ro Kyung to pay the Acupuncture Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 4959 and if placed on probation, the costs of probation monitoring; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 4/23/2025



BENJAMIN BODEA  
Executive Officer  
Acupuncture Board  
Department of Consumer Affairs  
State of California  
*Complainant*