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ACUPUNCTURE BOARD

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

11 In the Matter of the First Amended
12 Accusation/Petition to Revoke Probation
13 Against:

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

15 **Acupuncture License No. AC 15197,**

16 Respondent.

Case No. D1-2016-178

**FIRST AMENDED ACCUSATION AND
PETITION TO REVOKE PROBATION**

18
19 **PARTIES**

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

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

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27 September 17, 2020, in which Respondent's License was revoked.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

1 stayed, and Respondent's License was placed on probation for a period of five years with certain
2 terms and conditions. A true and correct copy of the Board's Decision and Order is attached as
3 Exhibit A and incorporated by reference.

4 JURISDICTION

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

8 5. Section 4928.2 of the Code states:

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

13 6. Section 4955 of the Code states:

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

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

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

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

26 (c) False or misleading advertising.

27 (d) Aiding or abetting in, or violating or conspiring in, directly or indirectly, the
28 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

1 with healing arts boards within this division, including, but not limited to, the Medical
2 Board of California, the California Board of Podiatric Medicine, the Dental Board of
3 California, the Board of Registered Nursing, and the Board of Vocational Nursing
4 and Psychiatric Technicians, to encourage appropriate consistency in the
5 implementation of this subdivision.

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

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

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

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

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

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

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

(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.

7. 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:

(a) Securing a license by fraud or deceit.

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

(c) Committing any act involving dishonesty or corruption with respect to the
qualifications, functions or duties of an acupuncturist.

(d) Altering or modifying the medical record of any person, with fraudulent
intent, or creating any false record.

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

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

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

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

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

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

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

22 (c) Failure to cooperate and participate in any board investigation pending
23 against the licensee. This subsection shall not be construed to deprive a licensee of
24 any privilege guaranteed by the Fifth Amendment to the Constitution of the United
25 States, or any other constitutional or statutory privileges. This subsection shall not be
26 construed to require a licensee to cooperate with a request that would require the
27 licensee to waive any constitutional or statutory privilege or to comply with a request
28 for information or other matters within an unreasonable period of time in light of the
time constraints of the licensee's practice. Any exercise by a licensee of any
constitutional or statutory privilege shall not be used against the licensee in a
regulatory or disciplinary proceeding against the licensee.

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

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

(2) The arrest of the licensee.

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

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

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

1 **COST RECOVERY**

2 9. Section 4959 of the Code states:

3 (a) The board may request the administrative law judge, under his or her
4 proposed decision in resolution of a disciplinary proceeding before the board, to
5 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.

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
administrative law judge shall not increase the amount of any costs assessed in the
proposed decision.

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

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

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

16 **FACTUAL ALLEGATIONS**

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

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

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

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

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

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

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

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

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

25 Probation Term 14: Disclosure of Probation Status. Within ten (10) days of the
26 effective date of this Decision, Respondent shall submit a proposed written disclosure
27 to provide to all patients or a patient's guardian or health care surrogate to the Board
28 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 successfully complete the following forty-five hours coursework, which is substantially related to the violation(s): 5 hours of coursework in Ethics in each of the following years, 2021, 2023, and 2025; and 30 live in-person or live webinar hours of Billing to be completed within the first three years of probation. The coursework shall be in addition to that required for license renewal. Within thirty (30) days of the Effective date of the Decision, Respondent shall submit a written plan to comply with this requirement to the Board or its designee. The Board or its designee shall review such a plan and notify Respondent if the plan is approved. Respondent must await the approval of the Board or its designee prior to enrollment in any course of study intended to satisfy the coursework requirements of this paragraph. Upon successful completion of the coursework, Respondent shall submit original completion certificates to the Board within thirty (30) days of course completion.

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

Probation Term 19: Practice and Billing Monitor. Within ninety (90) days of the effective date of this Decision, Respondent shall submit to the Board or its designee for prior approval as a practice and billing monitor (monitor), the name and qualifications of one or more California licensed acupuncturists whose license is clear and active, in good standing and not disciplined by the Board. Prior to seeking the Board's approval for an individual to serve as practice and billing monitor, 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

13. 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.

14. There was no report made by or on behalf of Respondent to the Board regarding her

1 March 28, 2024, arrest.

2 15. On April 2, 2024, the Board received an arrest notification from the Santa Clara
3 District Attorney's Office. The Board also received the quarterly report for January 1 to March
4 31, 2024, from Respondent, in which she falsely responded, "No," to the inquiry as to whether
5 she had been arrested, charged, or convicted of any federal or state statute or city or county
6 ordinance. Respondent also signed this report under the penalty of perjury on March 30, 2024.

7 16. In her quarterly reports for April 1 to June 30, 2024, and July 1 to September 30,
8 2024, Respondent again falsely responded, "No," to the inquiry as to whether she had been
9 arrested, charged, or convicted of any federal or state statute or city or county ordinance.

10 **Respondent's Probation Violations**

11 17. On October 8, 2020, the Board sent Respondent a Quarterly Compliance Review for
12 July 1 to September 30, 2020, indicating that Respondent was in violation of Probation Term 8.
13 Respondent did not submit her written payment plan due to the Board for approval by September
14 28, 2020.

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

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

28 20. On July 22, 2021, the Board sent Respondent a Notice of Probation Violations,

1 indicating that Respondent was in violation of Probation Terms 2, 8, 17, and 19. Respondent's
2 quarterly report for April 1 to June 30, 2021, was untimely, as it was postmarked on July 6, 2021,
3 and the Board received it on July 8, 2021. Respondent also needed to complete the field for
4 community service and mark the fields for the psychological evaluation, abstaining from alcohol,
5 biological fluid testing, group therapy, anger management program, psychotherapy, solo practice
6 prohibition, and third-party chaperone as non-applicable. On April 20, 2021, the Board received
7 an incorrect course completion certificate, as it did not match the Board's continuing education
8 course content. The practice and billing monitor quarterly report for April 1 to June 20, 2021,
9 was postmarked on July 6, 2021, and received by the Board on July 8, 2021. On July 8, 2021,
10 Respondent issued three untimely checks for \$500.00 each and dated May 1, June 1, and July 1,
11 2021.

12 21. On October 21, 2021, the Board sent Respondent a Quarterly Compliance Review for
13 July 1 to September 30, 2021, indicating that Respondent was in violation of Probation Terms 2,
14 8, and 19.¹ Respondent had not submitted her quarterly report and practice billing and
15 monitoring reports for July 1 to September 30, 2021, and she failed to make any cost recovery
16 payments from August to October 2021. Respondent did not submit certificates of completion for
17 ethics coursework due by September 17, 2021.

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

24 23. On January 20, 2022, the Board sent Respondent a sample Disclosure of Probation
25 Status form by e-mail. This correspondence followed the e-mail exchanges between the Board
26 and Respondent from October 27, 2021, to January 18, 2022, regarding Respondent's insufficient
27 compliance with Probation Term 14. Specifically, Respondent had not provided the correct

28 ¹ The Quarterly Compliance Review refers to Probation Term 19 as Probation Term 1.

1 Disclosure of Probation Status form and her proposed language did not fulfill the requirements of
2 Probation Term 14.

3 24. On May 24, 2022, the Board sent Respondent a Quarterly Compliance Review,
4 indicating that Respondent was in violation of Probation Terms 2 and 19.² Respondent's
5 quarterly report and practice and billing monitor quarterly report for January 1 to March 31, 2022,
6 were untimely because they were postmarked on May 5, 2022, and the Board received them on
7 May 9, 2022.

8 25. On December 30, 2022, the Board sent Respondent a Quarterly Compliance Review,
9 indicating that Respondent was in violation of Probation Terms 2, 8, 10, 18, and 19. Respondent
10 had not submitted her quarterly reports for April 1 to June 30 and July 1 to September 30, 2022.
11 Respondent failed to make cost recovery payments from July to December 2022, pay her
12 probation monitoring costs, complete seven hours of community service for her second year of
13 probation, and submit a practice and billing monitoring quarterly report for April 1 to June 30 and
14 July 1 to September 30, 2022.

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

23 27. On August 29, 2023, the Board sent Respondent a Comprehensive Compliance
24 Probation Review, indicating that Respondent was in violation of Probation Terms 2, 5, 8, 9, and
25 14. Respondent had submitted erroneous quarterly reports for April 1 to June 30, 2022; October
26 1 to December 31, 2022; January 1 to March 31, 2023; and April 1 to June 30, 2023. On May 9,
27 2022, the Board had received a quarterly report, indicating that Respondent's business address

28 ² The Quarterly Compliance Review refers to Probation Term 19 as Probation Term 1.

1 had changed and coincided with Respondent's residence, but on the last six quarterly reports,
2 Respondent continued to mark "no" in response to the inquiry on changes of employment.
3 Respondent had also failed to complete a Notification of Change of Address of Record, despite
4 being instructed by e-mail on October 21, 2021, to do so. Three checks that Respondent had
5 issued in the amount of \$1,500 each were returned as unacceptable because they exceeded 90
6 days from the issued dates of June 1, September 30, and December 1, 2022. The Board noted that
7 it had sent nine noncompliance notifications to Respondent with 28 separate violations to date,
8 with the instant letter identifying five violations.³ Respondent was required to disclose her
9 probation status to all patients or guardians, but a January 20, 2022, e-mail indicated a disclosure
10 form was still not approved.

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

20 29. On November 9, 2023, the Board sent Respondent an updated Comprehensive
21 Compliance Probation Review, indicating that Respondent was in violation of Probation Terms 5,
22 9, and 14. Respondent had not submitted an accurate declaration explaining the changes that had
23 occurred when she moved from her previous practice location, including the date of occurrence
24 and the steps Respondent had taken to move her practice. The Board noted that it had sent 11
25

26
27 ³ While the Board's letter states that this was Respondent's ninth noncompliance
notification, it was actually the eleventh.

28 ⁴ While the Board's letter states that this was Respondent's tenth noncompliance letter, it
was actually the twelfth.

1 noncompliance notifications with 31 separate violations to date.⁵ Additionally, Respondent had
2 not provided documentation confirming that all necessary edits were made to the Disclosure of
3 Probation Status form, agreed to use the edited version, submitted a completed version to the
4 Board, and had received the Board's approval to use that form.

5 30. On December 19, 2023, the Board sent Respondent a Notice of Probation Violations,
6 indicating that Respondent was in violation of Probation Terms 5, 8, 9, and 14. Respondent had
7 not submitted a declaration page required by the Board by November 17, 2023, to explain the
8 changes in Respondent's employment location, date of occurrence, and the steps taken to move
9 her practice. Respondent did not make her monthly cost recovery payment for December 2023.
10 The Board noted that it had sent 12 noncompliance notifications to date.⁶ Also, the Board had
11 inquired by e-mail about any documentation confirming that Respondent had made all necessary
12 edits to the Disclosure of Probation Status form, agreed to use the edited version, submitted a
13 completed version to the Board, and had received the Board's approval to use that form, but
14 Respondent did not provide this information.

15 31. On February 7, 2024, the Board sent Respondent a Comprehensive Compliance
16 Probation Review – Quarterly Report for October-December 2023, indicating that Respondent
17 was in violation of Probation Terms 5, 9, and 14. Respondent had provided inconsistent
18 statements about changes in her employment, initially stating that she had not changed her
19 employment even though her address had changed, but then claiming that a change had occurred.
20 She also stated that her practice had relocated to another address in October 2022, though she had
21 indicated in a quarterly report received by the Board on May 9, 2022, that she had a new business
22 address. The Board noted it had sent 14 noncompliance notifications to date. In addition, the
23 Board had instructed that Respondent provide by November 17, 2023, additional documentation
24 of a finalized and approved version of the Disclosure of Probation Status form with all necessary
25 edits and showing the timeline that the Board approved it and when Respondent began using it.

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27 ⁵ While the Board's letter states that this was Respondent's eleventh noncompliance letter,
it was actually the thirteenth.

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

1 However, on January 3, 2024, Respondent provided previously submitted information, namely a
2 draft version of the Disclosure of Probation Status form that still required edits and inaccurate
3 handwritten statements that all necessary edits had been made and that she had been using a
4 statement of probation status since January 21, 2022.

5 32. On February 8, 2024, the Board sent Respondent a Notice of Probation Violations,
6 indicating that Respondent was in violation of Probation Terms 5, 9, and 14. This Notice
7 reflected the violations noted in the Board's February 7, 2024 correspondence with Respondent,
8 and it further stated that it had sent Respondent 14 noncompliance notifications to date.⁷

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

17 34. On July 2, 2024, the Board sent Respondent a Notice of Probation Violations,
18 indicating that Respondent was in violation of Probation Terms 9 and 14. The Board noted that it
19 had sent Respondent 17 noncompliance notifications to date.⁹ In order to determine whether
20 Respondent was in compliance with Probation Term 14, the Board had requested that by July 1,
21 2024, Respondent provide a list of patients Respondent had treated in 2022 and 2023, the first
22 date she had provided treatment to each patient from 2020 to 2024, and a copy of the Disclosure
23 of Probation Status signed by each patient, but Respondent did not do so.

24 35. On October 16, 2024, the Board sent Respondent a Notice of Probation Violations,

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26 ⁷ While the Board's letter states that this was Respondent's fourteenth noncompliance
letter, it was actually the sixteenth.

27 ⁸ While the Board's letter states that this was Respondent's fifteenth noncompliance letter,
it was actually the seventeenth.

28 ⁹ While the Board's letter states that this was Respondent's seventeenth noncompliance
letter, it was actually the eighteenth.

1 indicating that Respondent was in violation of Probation Terms 2, 8, 9, and 19. Respondent
2 failed to provide a corrected response regarding her March 28, 2024 arrest and verifiable
3 information confirming the dates of her travel to South Korea on her quarterly reports for January
4 1 to March 31, and for April 1 to June 30, 2024, and she did not submit her quarterly report for
5 July 1 to September 30, 2024, to the Board. She also did not submit her monthly payment due by
6 October 5, 2024. Additionally, the Board had sent her 18 noncompliance notifications to date.¹⁰
7 Respondent further failed to submit her quarterly practice and billing monitor evaluation for July
8 1 to September 30, 2024.

9 36. On January 28, 2025, the Board sent Respondent a Notice of Probation Violations,
10 indicating that Respondent was in violation of Probation Terms 2, 8, 9, and 19. Respondent's
11 quarterly report for October 1 to December 31, 2024, was due on January 5, 2025, but the Board
12 received it on January 11, 2025. Respondent's monthly payments for October through December
13 2024 and for January 2025 were untimely. The Board had sent her 19 noncompliance
14 notifications to date with 55 separate violations of specific terms.¹¹ Respondent's quarterly
15 practice and billing monitor evaluations for October through December 2024 were due on January
16 5, 2025, but Respondent sent them by e-mail on January 11, 2025.

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

22 38. On May 27, 2025, the Board sent Respondent a Notice of Probation Violations,
23 indicating that Respondent was in violation of Term 8. Respondent's monthly May 2025
24 payment was untimely and was postmarked on May 15, 2025.

25 39. On August 7, 2025, the Board sent Respondent a Notice of Probation Violations,

26 ¹⁰ While the Board's letter states that this was Respondent's eighteenth noncompliance
27 letter, it was actually the nineteenth.

28 ¹¹ While the Board's letter states that this was Respondent's nineteenth noncompliance
letter, it was actually the twentieth.

1 indicating that Respondent was in violation of Terms 2 and 19. Respondent's approved practice
2 and billing monitor only performed a portion of the expected duties from April to May 2021. The
3 Notice further indicated that 23 out of 24 quarterly reports that Respondent submitted contained
4 false information relating to her probation and billing monitor.

5 **Respondent's False Representation of Her Practice and Billing Monitor**

6 40. Between April 2021 and July 2025, Respondent submitted 17 quarterly evaluations,
7 which stated that Acupuncturist 1¹² was her practice and billing monitor. These evaluations bore
8 Acupuncturist 1's signature. However, Acupuncturist 1 never signed these evaluations or served
9 as Respondent's practice and billing monitor.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Failure to Report Arrest)**

12 41. Paragraphs 10 through 40 are incorporated by reference as if fully set forth therein.

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

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Commission of Fraudulent or Dishonest Acts)**

20 43. Paragraphs 10 through 40 are incorporated by reference as if fully set forth therein.

21 44. Respondent is subject to disciplinary action under Code sections 4955.1(b) and (c)
22 because she falsely represented on her quarterly probation reports that Acupuncturist 1 was her
23 practice and billing monitor, even though he had never served in such a capacity, and that
24 Acupuncturist 1 had submitted quarterly evaluation reports.

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27 _____
28 ¹² The Acupuncturist's name is not used in this Accusation to protect their privacy. The
Acupuncturist's identity is known to Respondent.

1 **FIRST CAUSE FOR REVOCATION OF PROBATION**

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

3 45. Paragraphs 10 through 40 are incorporated by reference as if fully set forth therein.

4 46. Respondent's probation is subject to revocation because she failed to comply with
5 Probation Term 1, mentioned above. Specifically, Respondent did not report her March 28, 2024,
6 arrest to the Board. Also, in her quarterly reports for January 1 to March 31, 2024; April 1 to
7 June 30, 2024; and July 1 to September 30, 2024, Respondent falsely responded, "No," to the
8 inquiry as to whether she had been arrested, charged, or convicted of any federal or state statute
9 or city or county ordinance. Additionally, Respondent falsely represented in her quarterly
10 probation reports that Acupuncturist 1 was her practice and billing monitor and had submitted
11 quarterly evaluation reports.

12 **SECOND CAUSE FOR REVOCATION OF PROBATION**

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

14 47. Paragraphs 10 through 40 are incorporated by reference as if fully set forth therein.

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

19 **THIRD CAUSE FOR REVOCATION OF PROBATION**

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

21 49. Paragraphs 10 through 40 are incorporated by reference as if fully set forth therein.

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

26 **FOURTH CAUSE FOR REVOCATION OF PROBATION**

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

28 51. Paragraphs 10 through 40 are incorporated by reference as if fully set forth therein.

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

5 **FIFTH CAUSE FOR REVOCATION OF PROBATION**

6 **(Violations of Probation)**

7 52. Paragraphs 10 through 40 are incorporated by reference as if fully set forth therein.

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

13 **SIXTH CAUSE FOR REVOCATION OF PROBATION**

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

15 54. Paragraphs 10 through 40 are incorporated by reference as if fully set forth therein.

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

20 **SEVENTH CAUSE FOR REVOCATION OF PROBATION**

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

22 56. Paragraphs 10 through 40 are incorporated by reference as if fully set forth therein.

23 57. Respondent's probation is subject to revocation because she failed to comply with
24 Probation Condition 19, mentioned above. Between July 22, 2021, and April 7, 2025,
25 Respondent either failed to submit timely quarterly practice and billing monitor evaluations or did
26 not submit them at all for the time periods of April 1 to June 30, 2021; July 1 to September 30,
27 2021; January 1 to March 31, 2022; April 1 to June 30, 2022; July 1 to September 30, 2022;
28 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)

58. Paragraphs 10 through 40 are incorporated by reference as if fully set forth therein.

59. 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

60. 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 Respondent Ashley Ro, AKA Hee Ro Kyung, L.AC.

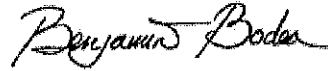
2. Ordering Respondent Ashley Ro, AKA Hee Ro Kyung, L.AC. to pay the Acupuncture Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 4959 and if placed on probation, the costs of probation monitoring; and

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

DATED: 8/7/2025



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