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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 Against:

Case No. 1A-2019-227

12 **SEN ZHUGE, L.Ac**
13 **1860 Northwest Cir.**
14 **San Jose, CA 95131**

ACCUSATION

14 **Acupuncture License No. 16002,**

15 Respondent.

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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.

22 2. On or about April 7, 2014, the Board issued Licensed Acupuncturist Number 16002
23 to SEN ZHUGE, L.Ac (Respondent). The Licensed Acupuncturist was in full force and effect at
24 all times relevant to the charges brought herein and will expire on January 31, 2028, unless
25 renewed.

26 **JURISDICTION**

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

1 indicated.

2 4. Section 498 of the Code states:

3 A board may revoke, suspend, or otherwise restrict a license on the ground that
4 the licensee secured the license by fraud, deceit, or knowing misrepresentation of a
5 material fact or by knowingly omitting to state a material fact.

6 5. Section 581 of the Code states:

7 No person, company, or association shall purchase or procure by barter or by
8 any unlawful means or method, or have in possession any diploma, certificate,
9 transcript, or any other writing with intent that it shall be used as evidence of the
10 holder's qualifications to practice as a physician and surgeon, osteopathic physician,
11 podiatrist, any other system or mode of treating the sick or afflicted, as provided in
12 the Medical Practice Act, Chapter 5 (commencing with Section 2000), or to practice
13 as any other licentiate under this division or in any fraud of the law regulating this
14 practice or, shall with fraudulent intent, alter in a material regard, any such diploma,
15 certificate, transcript, or any other writing.

16 6. Section 4928.2 of the Code states:

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

21 7. Section 4939 of the Code states:

22 (a) For purposes of this chapter, "approved credential evaluation service"
23 means an agency or organization that is approved by the board to evaluate education
24 completed outside the United States and identify the equivalency of that education to
25 education completed within the United States.

26 (b) If an applicant completes education outside of the United States, the
27 applicant shall do both of the following:

28 (1) Submit documentation of his or her education to a board-approved
credential evaluation service for evaluation.

(2) Have the results of the evaluation sent directly from the credential
evaluation service to the board.

(c) If the board receives the results of an applicant's evaluation pursuant to
subdivision (b), the board shall examine the results and determine whether the
applicant meets requirements for licensure. If the evaluated education is not sufficient
to meet the requirements for licensure, the board may offer the applicant additional
education, training, or standardized testing to satisfy the educational requirements.
The board shall not require the applicant to complete education, training, or testing
that is not otherwise required of applicants who complete education or training within
the United States.

(d) The board shall establish, by regulation, an application process, criteria, and
procedures for approval of credential evaluation services. The regulations shall, at a
minimum, require the credential evaluation service to meet all of the following

requirements:

(1) Furnish evaluations written in English directly to the board.

(2) Be a member of a nationally recognized foreign credential evaluation association, such as, but not limited to, the American Association of Collegiate Registrars and Admissions Officers or the National Association of Credential Evaluation Services.

(3) Undergo reevaluation by the board every five years.

(4) Certify to the board that the credential evaluation service maintains a complete set of reference materials as determined by the board.

(5) Base evaluations only upon verified authentic, official transcripts, and degrees.

(6) Have a written procedure for identifying fraudulent transcripts.

(7) Include in an evaluation report submitted to the board the specific method or methods of authentication for the transcripts, certification, degrees, and other education evaluated for the purposes of the report.

(8) Include in the evaluation report, for each degree held by the applicant, the equivalent degree offered in the United States, the date the degree was granted, the institution granting the degree, an English translation of the course titles, and the semester unit equivalence for each course.

(9) Have an appeal procedure for applicants.

(10) Provide information concerning the credential evaluation service to the board that includes, but is not limited to, resumes or curriculum vitae for each evaluator and translator, which includes biographical information, three letters of references from public or private agencies, statistical information on the number of applications processed annually for the past five years, and any other information the board may require to determine whether the credential evaluation service meets the standards under this subdivision and the board's regulations.

8. Section 4955 of the Code states:

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

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

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

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

1 (c) False or misleading advertising.

2 (d) Aiding or abetting in, or violating or conspiring in, directly or indirectly, the
3 violation of the terms of this chapter or any regulation adopted by the board pursuant
4 to this chapter.

5 (e) Except for good cause, the knowing failure to protect patients by failing to
6 follow infection control guidelines of the board, thereby risking transmission of
7 blood-borne infectious diseases from licensee to patient, from patient to patient, and
8 from patient to licensee. In administering this subdivision, the board shall consider
9 referencing the standards, regulations, and guidelines of the State Department of
10 Public Health developed pursuant to Section 1250.11 of the Health and Safety Code
11 and the standards, regulations, and guidelines pursuant to the California Occupational
12 Safety and Health Act of 1973 (Part 1 (commencing with Section 6300) of Division 5
13 of the Labor Code) for preventing the transmission of HIV, hepatitis B, and other
14 blood-borne pathogens in health care settings. As necessary, the board shall consult
15 with healing arts boards within this division, including, but not limited to, the Medical
16 Board of California, the California Board of Podiatric Medicine, the Dental Board of
17 California, the Board of Registered Nursing, and the Board of Vocational Nursing
18 and Psychiatric Technicians, to encourage appropriate consistency in the
19 implementation of this subdivision.

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

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

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

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

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

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

(k) The abandonment of a patient by the licensee without written notice to the
patient that treatment is to be discontinued and before the patient has had a reasonable
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.

1 the licensing examination and thus attempted to secure a license to practice acupuncture by fraud
2 or deceit.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct - Dishonest Acts)**

5 21. Paragraphs 11 through 16 are incorporated by reference as if fully set forth herein.

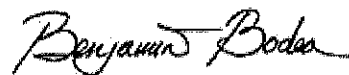
6 22. Respondent is subject to disciplinary action under Code sections 4955 (unprofessional
7 conduct) and 4955.1(c) (commission of dishonest acts) because she submitted falsified FIS
8 Reports to the Board as part of her application to take the licensing examination.

9 **PRAYER**

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

- 12 1. Revoking or suspending Licensed Acupuncturist Number 16002, issued to SEN
13 ZHUGE, L.Ac;
- 14 2. Ordering Sen Zhuge, L.Ac to pay the Acupuncture Board the reasonable costs of the
15 investigation and enforcement of this case, pursuant to Business and Professions Code section
16 4959 and if placed on probation, the costs of probation monitoring; and
- 17 3. Taking such other and further action as deemed necessary and proper.

18
19 DATED: 4/10/2026



20 BENJAMIN BODEA
21 Executive Officer
22 Acupuncture Board
23 Department of Consumer Affairs
24 State of California
25 *Complainant*

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