BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

WEI XIA XUE, L.A.C.

6254 Main Branch Road
San Ramon CA 94582
Acupuncturist License No. AC 16192

Respondent.

ACUSATION

PARTIES

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

2. On or about September 25, 2014, the Acupuncture Board issued Acupuncturist License Number AC 16192 to WEI XIA XUE, L.Ac. (Respondent). The Acupuncturist License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2020, unless renewed.
JURISDICTION

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

4. Section 4928 provides that the Board shall administer and enforce the laws pertaining to licensing acupuncturists in California.

5. Section 4928.1 makes protection of the public the Board’s highest priority.

6. Section 4955 empowers the Board to deny, suspend, revoke, or impose probationary conditions upon, the license of an acupuncturist guilty of unprofessional conduct, which includes, pursuant to subsection (d), “Aiding or abetting in, or violating or conspiring in, directly or indirectly, the violation of the terms of this chapter or any regulations adopted by the board pursuant to this chapter.” (Chapter 12, Division 2 of the Code.)

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 medical record.

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

8. Section 4959 of the Code allows the Board to request that the proposed decision of an administrative law judge in resolution of any disciplinary proceeding before the Board include a direction that the licensee found guilty of unprofessional conduct pay the Board the actual and reasonable costs of investigation and prosecution of the case.

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FIRST CAUSE FOR DISCIPLINE  
(Obtaining License by Fraud)

9. Respondent is subject to disciplinary action under Code section 4955.1 in that she procured her acupuncture license by means of knowingly submitting false and fraudulent documents. The circumstances are as follows:

10. On April 17, 2014, the Board received an application for examination from Respondent Wei Xia Xue, as the necessary precursor to granting an acupuncture license to an applicant who graduated from a foreign educational institution. The application, signed by Respondent on April 5, 2014, attested to the facts asserted in the application, including documents evidently supporting both Respondent’s claim that she graduated from Heilongjiang University of Chinese Medicine and her claim that the credentials she presented certifying her satisfaction of the Cardio-Pulmonary Resuscitation and Clean Needle Technique training requirements were valid.

11. Based on the representations in Respondent’s application, the Board issued Acupuncture License No. AC 16192 to Respondent on September 25, 2014.

12. After receiving a complaint alleging Respondent had not actually fulfilled the preliminary requirements for licensure as she had alleged in her application, the Board requested an investigation of the matter by the Division of Investigation of the Department of Consumer Affairs. The Board also undertook a comprehensive review of the validity of the documents Respondent has provided in support of her application.

13. The Board’s review included corresponding directly with the entities which purportedly issued the certifications to Respondent attesting to her completion of the Cardio-Pulmonary Resuscitation and Clean Needle Technique requirements. The Board’s review revealed that the certificates Respondent had submitted to satisfy these requirements were fraudulent.

14. The investigation conducted by the Division of Investigation, assisted by the U.S. State Department, established that Respondent had not graduated, nor even attended, Heilongjiang University of Chinese Medicine.
15. Although Respondent was aware that her license had been issued based on the
Board’s reliance on the falsified information provided in her application, Respondent billed and
was paid by Blue Shield for claimed acupuncture treatments Respondent provided to patients in
2015-2016.

16. Respondent has subjected her license to disciplinary action under Code section
4955.1(a) in that she secured her license by fraudulently submitting false documents on her
application.

SECOND CAUSE FOR DISCIPLINE
(Unprofessional Conduct)

17. The allegations of paragraphs 10 through 15 above are incorporated by reference as if
set out in full. Respondent has subjected her license to disciplinary action for unprofessional
conduct, in that her submission of insurance claims for acupuncture treatments she provided
under the guise of holding a license Respondent knew had been issued based on falsified
documents was a dishonest act directly pertaining to the qualifications of an acupuncturist, in
violation of Code section 4955.1(c).

THIRD CAUSE FOR DISCIPLINE
(Unprofessional Conduct)

18. The allegations of paragraphs 10 through 15 above are incorporated by reference as if
set out in full. Respondent has subjected her license to disciplinary action for unprofessional
conduct, in that her knowing presentation of fraudulent documents to obtain her acupuncture
license was a violation of the statutes administered and enforced by the Acupuncture Board
(Chapter 12, Division 2 of the Code), in violation of Code section 4955(d).

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 Acupuncturist License Number AC 16192, issued to WEI
XIA XUE, L.Ac.;
2. Ordering Respondent to pay the actual and reasonable costs of investigation and prosecution of this case, pursuant to Code section 4959; and

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

DATED: 10/11/2019

Original Signature on File

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

Complainant