

1 XAVIER BECERRA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 State Bar No. 155307
California Department of Justice
4 300 South Spring Street, Suite 1702
Los Angeles, California 90013
5 Telephone: (213) 269-6453
Facsimile: (916) 731-2117
6 *Attorneys for Complainant*

7
8 **BEFORE THE**
ACUPUNCTURE BOARD
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10
11 In the Matter of the Accusation Against:

Case No. 1A-2019-83

12 **LING QIAN, L.Ac.**
13 **5704 Miguel Way**
14 **Long Beach, CA 90814**
Acupuncturist License No. AC 16491,

ACCUSATION

15 Respondent.

16
17 **PARTIES**

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

20 2. On or about April 17, 2015, the Acupuncture Board issued Acupuncturist License
21 Number AC 16491 to LING QIAN, L.Ac. (Respondent). The Acupuncturist License was in full
22 force and effect at all times relevant to the charges brought herein and will expire on October 31,
23 2020, unless renewed.

24 **JURISDICTION**

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

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1 **STATUTORY PROVISIONS**

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

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

6 6. Section 4955 of the Code empowers the Board to deny, suspend, revoke, or impose
7 probationary conditions upon, the license of an acupuncturist guilty of unprofessional conduct,
8 which includes, pursuant to subdivision (d), “Aiding or abetting in, or violating or conspiring in,
9 directly or indirectly, the violation of the terms of this chapter or any regulations adopted by the
10 board pursuant to this chapter” and subdivision (i), “Any action or conduct that would have
11 warranted the denial of the acupuncture license.” (Chapter 12, Division 2 of the Code.)

12 7. Section 4955.1 of the Code states:

13 “The board may deny, suspend, revoke, or impose probationary conditions
14 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:

15 “(a) Securing a license by fraud or deceit.

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

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

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

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

22 **GENERAL STATUTES OR REGULATIONS**

23 8. Section 498 of the Code states:

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

26 **COST RECOVERY**

27 9. Section 4959 of the Code states:

28 “(a) The board may request the administrative law judge, under his or her

1 proposed decision in resolution of a disciplinary proceeding before the board, to
2 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.

3 “(b) The costs to be assessed shall be fixed by the administrative law judge and
4 shall not in any event be increased by the board. When the board does not adopt a
5 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.

6 “(c) When the payment directed in the board’s order for payment of costs is not
7 made by the licensee, the board may enforce the order for payment in the superior
8 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.

9 “(d) In any judicial action for the recovery of costs, proof of the board’s
10 decision shall be conclusive proof of the validity of the order of payment and the
terms for payment.

11 “(e) All costs recovered under this section shall be considered a reimbursement
12 for costs incurred and shall be deposited in the Acupuncture Fund.”

13 **FIRST CAUSE FOR DISCIPLINE**

14 (Obtaining License by Fraud)

15 10. Respondent is subject to disciplinary action under Code sections 498 and 4955.1,
16 subdivision (a), in that she procured her acupuncture license by means of knowingly submitting
17 false and fraudulent documents. The circumstances are as follows:

18 11. On April 17, 2014, the Board received an application for examination from
19 Respondent Ling Qian, as the necessary precursor to granting an acupuncture license to an
20 applicant who graduated from a foreign educational institution. The application, signed by
21 Respondent on April 8, 2014, attested to the facts asserted in the application, including
22 Respondent’s claim that she graduated from Heilongjiang University of Chinese Medicine and
23 that the credentials she presented certifying her satisfaction of the Cardio-Pulmonary
24 Resuscitation and Clean Needle Technique training requirements were valid.

25 12. Based on the representations in Respondent’s application, the Board issued
26 Acupuncture License No. AC 15491 to Respondent on April 17, 2015.

27 13. After receiving a complaint alleging Respondent had not actually fulfilled the
28 preliminary requirements for licensure as she had alleged in her application, the Board requested

1 an investigation of the matter by the Division of Investigation of the Department of Consumer
2 Affairs. The Board also undertook a comprehensive review of the validity of the documents
3 Respondent provided in support of her application.

4 14. The Board's review included correspondence with the entities which purportedly
5 issued the certifications to Respondent attesting to her completion of the Cardio-Pulmonary
6 Resuscitation and Clean Needle Technique requirements. The Board's review revealed that the
7 certificates Respondent had submitted to satisfy these requirements were fraudulent.

8 15. The investigation conducted by the Division of Investigation, assisted by the U.S.
9 State Department, established that Respondent had not graduated, nor even attended,
10 Heilongjiang University of Chinese Medicine.

11 16. During her interview with an investigator with the Division of Investigation on
12 September 20, 2019, Respondent admitted that she did not attend Heilongjiang University of
13 Chinese Medicine, that she fraudulently obtained her diploma from Heilongjiang University of
14 Chinese Medicine and caused it to be submitted to the Board with her application.

15 17. Although Respondent was aware that her license had been issued based on the
16 Board's reliance on the falsified information provided in her application, Respondent billed and
17 was paid by Blue Cross and Blue Shield Health Insurance Companies for claimed acupuncture
18 treatments Respondent provided to patients in 2016 through 2019.

19 18. Respondent has subjected her license to disciplinary action under Code sections 498
20 and 4955.1, subdivision (a), in that she secured her license by fraudulently submitting false
21 documents with her application

22 **SECOND CAUSE FOR DISCIPLINE**

23 (Dishonest and Corrupt Acts)

24 19. The allegations of paragraphs 10 through 18, above, are incorporated by reference as
25 if set out in full. Respondent has subjected her license to disciplinary action for dishonest and
26 corrupt acts, in that her submission of health insurance claims for acupuncture treatments, which
27 treatments she provided under the guise of holding a license Respondent knew had been issued
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1 based on falsified documents, were dishonest acts directly pertaining to the qualifications of an
2 acupuncturist, in violation of Code sections 4955.1, subdivisions (b) and (c).

3 **THIRD CAUSE FOR DISCIPLINE**

4 (Unprofessional Conduct)

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

10
11 **PRAYER**

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

14 1. Revoking or suspending Acupuncturist License Number AC 16491, issued to LING
15 QIAN, L.Ac.;

16 2. Ordering Respondent to pay the Acupuncture Board the reasonable costs of the
17 investigation and enforcement of this case, pursuant to Business and Professions Code section
18 4959;

19 3. If placed on probation, ordering Respondent to pay the Acupuncture Board the costs
20 of probation monitoring; and,

21 4. Taking such other and further action as deemed necessary and proper.

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23
24 DATED: February 4, 2020

Original Signature on File

25 BENJAMIN BODEA
26 Executive Officer
27 Acupuncture Board
28 Department of Consumer Affairs
State of California
Complainant