| 1 | XAVIER BECERRA | | |
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| 2 | Attorney General of California JUDITH T. ALVARADO | | |
| 3 | Supervising Deputy Attorney General State Bar No. 155307 | | |
| 4 | California Department of Justice 300 South Spring Street, Suite 1702 | | |
| 5 | Los Angeles, CA 90013 Telephone: (213) 269-6453 | | |
| 6 | Facsimile: (916) 731-2117 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 Long Beach, CA 90814 | DEFAULT DECISION | |
| 14 | Acupuncturist License No. AC 16491, | AND ORDER | |
| 15 | Respondent. | [Gov. Code, §11520] | |
| 16 | | | |
| 17 | | | |
| 18 | <u>FINDINGS</u> | | |
| 19 | | ainant Benjamin Bodea, in his official capacity | |
| 20 | as the Executive Officer of the Acupuncture Boar | | |
| 21 | Accusation No. 1A-2019-83 against LING QIAN, L.Ac. (Respondent) before the Acupuncture | | |
| 22 | Board. | | |
| 23 | | uncture Board (Board) issued Acupuncturist | |
| 24 | License No. AC 16491 to Respondent. The Acupuncturist License was in full force and effect at | | |
| 25 | all times relevant to the charges brought herein and will expire on October 31, 2020, unless | | |
| 26 | renewed. A true and correct copy of said Acupuncturist License is attached hereto as Exhibit | | |
| 27 | "A", and are incorporated herein by reference. | | |
| 28 | | | |
| | 1 | | |
| | I (LING QIAN, L | AC.) DEFAULT DECISION & ORDER (1A-2019-83) | |

| 1 | 3. On or about February 4, 2020, Kristen Borges, an employee of the Board, served by | | |
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| 2 | Certified and First Class Mail a copy of the Accusation No. 1A-2019-83, Statement to | | |
| 3 | Respondent, Request for Discovery, and Government Code sections 11507.5, 11507.6, and | | |
| 4 | 11507.7 to Respondent's address of record with the Board, which was and is 5704 Miguel Way | | |
| 5 | Long Beach, CA 90814. A copy of the Accusation, the related documents, and Declaration of | | |
| 6 | Service are attached as exhibit "B", and are incorporated herein by reference. | | |
| 7 | 4. Service of the Accusation was effective as a matter of law under the provisions of | | |
| 8 | Government Code section 11505, subdivision (c). | | |
| 9 | 5. Government Code section 11506 states, in pertinent part: | | |
| 10 | (c) The respondent shall be entitled to a hearing on the merits if the respondent | | |
| 11 | constitute a waiver of respondent's right to a hearing, but the agency in its discretion | | |
| 12 | | | |
| 13 | 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of | | |
| 14 | the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 1A- | | |
| 15 | 2019-83. | | |
| 16 | 7. On February 28, 2020, Cristina Gomez, an employee of the Office of the Attorney | | |
| 17 | General, served by First Class Mail a Courtesy Notice of Default and a copy of Accusation 1A- | | |
| 18 | 2019-83 and Notice of Defense to Respondent's address of record with the Board. A true and | | |
| 19 | correct copy of the Courtesy Notice of Default, Accusation and Notice of Defense are attached | | |
| 20 | hereto as Exhibit "C", and incorporated herein by reference. | | |
| 21 | 8. California Government Code section 11520 states, in pertinent part: | | |
| 22 | (a) If the respondent either fails to file a notice of defense or to appear at the | | |
| 23 | hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to | | |
| 24 | respondent.9. Pursuant to its authority under Government Code section 11520, the Board finds | | |
| 25 | Respondent is in default. The Board will take action without further hearing and, based on | | |
| 26 | | | |
| 27 | Respondent's express admissions by way of default and the evidence before it, contained in | | |
| 28 | exhibits A, B C, and D, finds that the allegations in Accusation No. 1A-2019-83 are true. | | |
| | 2 | | |
| | (LING QIAN, L.AC.) DEFAULT DECISION & ORDER (1A-2019-83) | | |

| 1 | 10. The Acupuncture Board further finds that pursuant to Business and Professions Code | |
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| 2 | section 4959, the costs of the investigation and enforcement of the case prayed for in the | |
| 3 | Accusation total \$12,688.25, based on the Certification of Costs contained in Exhibits E and F. | |
| 4 | DETERMINATION OF ISSUES | |
| 5 | 1. Based on the foregoing findings of fact, Respondent LING QIAN, L.Ac. has | |
| 6 | subjected her Acupuncturist License No. AC 16491 to discipline. | |
| 7 | 2. Pursuant to its authority under Government Code section 11520, and based on the | |
| 8 | evidence before it, the Board hereby finds that the charges and allegations contained in | |
| 9 | Accusation No. 1A-2019-83, and the Findings of Fact contained in paragraphs 1 through 10, | |
| 10 | above, and each of them, separately and severally are true. A true and correct copy of Accusation | |
| 11 | No. 1A-2019-83 and the related documents and Declaration of Service are attached as Exhibit | |
| 12 | "B". | |
| 13 | 3. The agency has jurisdiction to adjudicate this case by default. | |
| 14 | 4. The Acupuncture Board is authorized to revoke Respondent's Acupuncturist License | |
| 15 | based upon the following violations alleged in the Accusation: | |
| 16 | a. Obtaining License by Fraud: The Respondent's license is subject to disciplinary | |
| 17 | action pursuant to Business and Professions Code sections 498 and 4955.1, subdivision (a), in | |
| 18 | that she procured her acupuncture license by means of knowingly submitting false and fraudulent | |
| 19 | documents. See Exhibit "D". | |
| 20 | b. Dishonest and Corrupt Acts: The Respondent's license is subject to disciplinary | |
| 21 | action pursuant to Business and Professions Code section 4955.1, subdivisions (b) and (c), in that | |
| 22 | she procured her acupuncture license by means of knowingly submitting false and fraudulent | |
| 23 | documents and she submitted health insurance claims for acupuncture treatments, which | |
| 24 | treatments she provided under the guise of holding a license Respondent knew she had been | |
| 25 | issued based on falsified documents. See Exhibit "D". | |
| 26 | c. Unprofessional Conduct: The Respondent's license is subject to disciplinary | |
| 27 | action pursuant to Business and Professions Code section 4955, subdivisions (d) and (i), in that | |
| 28 | her knowing presentation of fraudulent documents to obtain her acupuncture license was a | |
| | 3 | |
| | (LING QIAN, L.AC.) DEFAULT DECISION & ORDER (1A-2019-83) | |

| 1 | violation of the statutes administered and enforced by the Acupuncture Board (Chapter 12, | | |
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| 2 | Division 2 of the Code). See Exhibit "D". | | |
| 3 | ORDER | | |
| 4 | IT IS SO ORDERED that Acupuncturist License No. AC 16491, heretofore issued to | | |
| 5 | Respondent LING QIAN, L.Ac., is revoked. | | |
| 6 | Respondent is ordered to reimburse the Acupuncture Board the amount of \$12,688.50, for | | |
| 7 | its investigative and enforcement costs. The filing of bankruptcy by Respondent shall not relieve | | |
| 8 | Respondent of her responsibility to reimburse the Board for its costs. Respondent's Acupuncture | | |
| 9 | License may not be renewed or reinstated unless all costs ordered under Business and Professions | | |
| 10 | code section 4959 have been paid. | | |
| 11 | If Respondent ever files an application for relicensure or reinstatement in the State of | | |
| 12 | California, the Board shall treat it as a petition for reinstatement. Respondent must comply with | | |
| 13 | all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time | | |
| 14 | the petition is filed. | | |
| 15 | Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a | | |
| 16 | written motion requesting that the Decision be vacated and stating the grounds relied on within | | |
| 17 | seven (7) days after service of the Decision on Respondent. The agency in its discretion may | | |
| 18 | vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute. | | |
| 19 | This Decision shall become effective on <u>July 16, 2020</u> . | | |
| 20 | It is an ORDERED I 16 2020 | | |
| 21 | It is so ORDERED | | |
| 22 | | | |
| 23 | Original Signature on File FOR THE ACUPUNCTURE BOARD | | |
| 24 | DEPARTMENT OF CONSUMER AFFAIRS | | |
| 25 | | | |
| 26 | | | |
| 27 | | | |
| 28 | LA2020500624 | | |
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| | (LING QIAN, L.AC.) DEFAULT DECISION & ORDER (1A-2019-83) | | |