

**BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**SUNG SUK CHO, L.Ac.
P.O. Box 7197
Big Bear Lake, CA 92315**

Acupuncturist License No. AC 5469,

Respondent.

Case No. 1A-2019-161

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Acupuncture Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 14, 2021.

It is so ORDERED June 14, 2021.

Original Signature on File with Board
FOR THE ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS

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9 **BEFORE THE**
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11 **DEPARTMENT OF CONSUMER AFFAIRS**
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13 In the Matter of the Accusation Against:

Case No. 1A-2019-161

14 **SUNG SUK CHO, L.Ac.**
15 **P.O. Box 7197**
Big Bear Lake, CA 92315

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 **Acupuncturist License No. AC 5469,**
17 Respondent.

18
19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Benjamin Bodea (Complainant) is the Executive Officer of the Acupuncture Board
23 (Board). He brought this action solely in his official capacity and is represented in this matter by
24 Xavier Becerra, Attorney General of the State of California, by Wendy Widlus, Deputy Attorney
25 General.

26 2. Respondent Sung Suk Cho, L.Ac. (Respondent) is represented in this proceeding by
27 attorney Robert F. Hahn, whose address is: Gould, Hahn, & Reinhardt, PLC, 2550 Ninth Street,
28 Suite 101, Berkeley, CA 94710.

1 10. Respondent agrees that if she ever petitions for early termination or modification of
2 probation, or if the Board ever petitions for revocation of probation, all of the charges and
3 allegations contained in Accusation No. 1A-2019-161 shall be deemed true, correct and fully
4 admitted by Respondent for purposes of that proceeding or any other licensing proceeding
5 involving Respondent in the State of California.

6 11. Respondent agrees the Disciplinary Order below, requiring the disclosure of
7 probation pursuant to Business and Professions Code section 4962, serves to protect the public
8 interest.

9 12. Respondent agrees that her Acupuncturist License is subject to discipline and she
10 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

11 **CONTINGENCY**

12 13. This stipulation shall be subject to approval by the Acupuncture Board. Respondent
13 understands and agrees that counsel for Complainant and the staff of the Acupuncture Board may
14 communicate directly with the Board regarding this stipulation and settlement, without notice to
15 or participation by Respondent or her counsel. By signing the stipulation, Respondent
16 understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation
17 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
18 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
19 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
20 and the Board shall not be disqualified from further action by having considered this matter.

21 14. The parties understand and agree that Portable Document Format (PDF) and facsimile
22 copies of this Stipulated Settlement and Disciplinary Order shall have the same force and effect as
23 the originals.

24 15. In consideration of the foregoing admissions and stipulations, the parties agree that
25 the Board may, without further notice or formal proceeding, issue and enter the following
26 Disciplinary Order:

27 **DISCIPLINARY ORDER**

28 16. **IT IS HEREBY ORDERED** that Acupuncturist License No. AC 5469 issued to

1 Respondent Sung Suk Cho, L.Ac. is revoked. However, the revocation is stayed and Respondent
2 is placed on probation for three (3) years on the following terms and conditions:

3 1. NO SOLO PRACTICE Respondent is prohibited from engaging in the solo practice
4 of acupuncture. Prohibited solo practice includes, but is not limited to, a practice where: 1)
5 Respondent merely shares office space with another licensed practitioner, but is not affiliated for
6 the purpose of providing patient care, or 2) Respondent is the sole licensed practitioner at that
7 location. If Respondent fails to establish a practice with another licensed practitioner or secure
8 employment in an appropriate practice setting within sixty (60) days of the effective date of this
9 Decision, Respondent shall receive notification from the Board or its designee to cease the
10 practice of acupuncture within three (3) days after being so notified. The Respondent shall not
11 resume practice until an appropriate practice setting is established. If, during the course of the
12 probation, the Respondent's practice setting changes and the Respondent is no longer practicing
13 in a setting compliant with this Decision, the Respondent shall notify the Board or its designee
14 within five (5) days of the practice setting change. If Respondent fails to establish a practice with
15 another licensed practitioner or secure employment in an appropriate practice setting within sixty
16 (60) days of the practice setting change, Respondent shall receive a notification from the Board or
17 its designee to cease the practice of acupuncture within three (3) days after being so notified. The
18 Respondent shall not resume practice until an appropriate practice setting is established.

19 2. NOTIFICATION OF NAME, ADDRESS, TELEPHONE NUMBER OR E-MAIL
20 ADDRESS CHANGES Respondent shall notify the assigned probation monitor, in writing
21 within ten (10) days, of any and all name, address, telephone and/or e-mail address changes.

22 3. PATIENT DISCLOSURE APPROVAL Within ten (10) days of the effective date of
23 this Decision, Respondent shall submit a proposed written disclosure to provide to all patients or
24 a patient's guardian or health care surrogate to the Board for prior approval. The written
25 disclosure shall include the following:

- 26 (1) Respondent's probation status;
- 27 (2) Length of probation;
- 28 (3) Probation end date;

1 (4) All practice restrictions imposed by the probation order;
2 (5) The Board's telephone number;
3 (6) Explanation of how the patient can find further information on Respondent's probation
4 by running a license verification on the Board's web site. Once the Board approves Respondent's
5 written disclosure, Respondent shall obtain from the patient, or the patient's guardian or health
6 care surrogate, a separate, signed copy of the written disclosure.

7 Within five (5) days prior to a patient's first visit following the effective date of the Board's
8 Decision, Respondent shall provide the written disclosure to all patients or a patient's guardian or
9 health care surrogate except when any of the following applies:

10 (1) The patient is unconscious or otherwise unable to comprehend the disclosure and sign
11 the copy of the disclosure pursuant to subdivision (b) and a guardian or health care surrogate is
12 unavailable to comprehend the disclosure and sign the copy.

13 (2) The visit occurs in an emergency room or an urgent care facility or the visit is
14 unscheduled, including consultations in inpatient facilities.

15 (3) The licensee who will be treating the patient during the visit is not known to the patient
16 until immediately prior to the start of the visit.

17 (4) The licensee does not have a direct treatment relationship with the patient.

18 Respondent shall make all records available for immediate inspection and copying on the
19 premises by the Board or its designee at all times during business hours and shall retain the
20 records for the entire term of probation.

21 4. MAINTENANCE OF CLEAR AND ACTIVE LICENSE Respondent shall, at all
22 times, maintain a clear and active current license with the Board, including any period of
23 suspension or tolled probation. If an initial license must be issued (Statement of Issues) or a
24 license is reinstated, probation shall not commence until a license is issued by the Board.
25 Respondent must complete the licensure process within two (2) years from the effective date of
26 the Board's Decision. Should Respondent's license expire, by operation of law or otherwise,
27 upon renewal or reinstatement, Respondent's license shall be subject to any and all conditions of
28 this probation not previously satisfied.

1 5. PROBATION MONITORING COSTS Respondent shall pay the costs associated
2 with probation monitoring each and every year of probation, as designated by the Board or its
3 designee, which may be adjusted on an annual basis. Such costs shall be payable to the Board on
4 a schedule as directed by the Board or its designee. Failure to pay such costs by the deadline(s)
5 as directed shall be considered a violation of probation.

6 6. COURSEWORK Respondent, at her own expense, shall enroll and successfully
7 complete the following twelve hours coursework, which is substantially related to the
8 violation(s): 4 hours of coursework in Ethics in each of the following years: 2021, 2022, and
9 2023. The classes must be taken in-person or live webinar. The coursework shall be in addition
10 to that required for license renewal. The Board or its designee shall notify Respondent of the
11 course content and number of hours required. Within thirty (30) days of the Board's written
12 notification of assigned coursework, Respondent shall submit a written plan to comply with this
13 requirement to the Board or its designee. The Board or its designee shall approve such a plan
14 prior to enrollment in any course of study. Upon successful completion of the coursework,
15 Respondent shall submit original completion certificates to the Board within thirty (30) days of
16 course completion.

17 7. OBEY ALL LAWS Respondent shall obey all federal, state and local laws, remain
18 in full compliance with any court ordered criminal probation terms, payments, and/or other
19 orders, and all regulations governing the practice of acupuncture in California. A full and
20 detailed account of any and all violations of law shall be reported by the Respondent to the Board
21 or its designee in writing within seventy-two (72) hours of occurrence. This condition applies to
22 any jurisdiction with authority over the Respondent, whether inside or outside California.

23 8. QUARTERLY REPORTS Respondent shall submit quarterly reports under penalty
24 of perjury on forms provided by the Board or its designee, stating whether there has been
25 compliance with all the conditions of probation. If the final probation report is not submitted as
26 directed, probation shall be extended automatically until such time as the final report is submitted
27 and accepted by the Board or its designee.

28 9. SURVEILLANCE PROGRAM Respondent shall comply with the Board's probation

1 monitoring program and shall, upon reasonable notice, report to the assigned probation monitor.
2 Respondent shall contact the assigned probation monitor regarding any questions specific to the
3 probation order. Unless the Respondent obtains prior approval from his or her assigned Board
4 probation monitor to allow for contact, Respondent shall not have any contact with (1) victims,
5 witnesses, and/or complainants associated with the case; (2) Board members and/or members of
6 its staff; (3) persons serving the Board as subject matter experts; and/or (4) persons who
7 previously rendered expert opinions on behalf of the Board in Respondent's disciplinary
8 proceeding.

9 10. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent shall appear in
10 person for interviews with the Board or its designee upon request at various intervals and with or
11 without prior notice throughout the term of probation.

12 11. CHANGES OF EMPLOYMENT Respondent shall notify the Board in writing,
13 through the assigned probation monitor of any and all changes of employment, location and
14 employment address within thirty (30) days of such change.

15 12. TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE If Respondent
16 leaves California to reside or practice outside this state, or for any reason, unless by Board order,
17 should Respondent stop practicing acupuncture in California, Respondent must notify the Board
18 in writing of the dates of departure and return or the dates of non-practice within 10 days of
19 departure or return. Non-practice is defined as any period of time exceeding 30 days in which
20 Respondent is not engaging in the practice of acupuncture or any time the license is inactive or in
21 cancelled status. Periods of temporary residency or practice outside the state or of non-practice
22 within the state shall not apply to reduction of the probationary period. It shall be a violation of
23 probation for Respondent's probation to remain tolled pursuant to the provisions of this condition
24 for a period exceeding a total, consecutive period of two years. For purposes of this condition, a
25 Board ordered suspension or non-practice in compliance with any other condition of probation
26 shall not be tolled. Any order for payment of cost recovery shall remain in effect whether or not
27 probation is tolled. All provisions of probation shall recommence on the effective date of
28 resumption of practice in California, and the term of probation shall be extended for the period of

1 time Respondent was out of state or in state and not practicing.

2 13. RESTRICTION ON EMPLOYING AND SUPERVISION OF TRAINEES

3 Respondent shall not employ or supervise or apply to employ or supervise acupuncture trainees
4 during the course of this probation. Respondent shall terminate any such supervisory
5 relationship in existence on the effective date of this probation. Respondent shall not teach at any
6 Board approved training program or continuing education courses during the course of this
7 probation.

8 14. COST RECOVERY Respondent shall pay to the Board its costs of investigation and
9 enforcement in the amount of \$6,500.00. Respondent shall be permitted to pay these costs in a
10 payment plan approved by the Board or its designee, with payments to be completed no later than
11 three months prior to the end of the probation term. Cost recovery will not be tolled. At
12 Respondent's request, if Respondent has not complied with this condition during the probationary
13 term, and Respondent has presented sufficient documentation of her good faith efforts to comply
14 with this condition, and if no other conditions have been violated, the Board or its designee, in its
15 discretion, may grant an extension of Respondent's probation period up to two (2) years without
16 further hearing in order to comply with this condition. During the two (2) years extension, all
17 original conditions of probation will apply. The filing of bankruptcy by Respondent shall not
18 relieve Respondent of her responsibility to reimburse the Board for its investigation and
19 prosecution costs.

20 15. VIOLATION OF PROBATION If Respondent violates probation in any respect, the
21 Board may, after giving Respondent notice and the opportunity to be heard, revoke probation and
22 carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is
23 filed against Respondent during probation, the Board shall have continuing jurisdiction until the
24 matter is final, and the period of probation shall be extended until the matter is final. No petition
25 for modification or termination of probation shall be considered while there is an accusation or
26 petition to revoke probation pending against Respondent. If Respondent has not complied with
27 any term or condition of probation, the Board shall have continuing jurisdiction over Respondent,
28 and probation shall automatically be extended until all terms and conditions have been satisfied or

1 the Board has taken other action as deemed appropriate to treat the failure to comply as a
2 violation of probation, to terminate probation, and to impose the penalty which was stayed.

3 16. LICENSE SURRENDER Following the effective date of this Decision, if
4 Respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy
5 the terms and conditions of probation, Respondent may request the voluntary surrender of his or
6 her license or registration. The Board or its designee reserves the right to evaluate Respondent's
7 request and to exercise its discretion whether or not to grant the request, or to take any other
8 action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of
9 the surrender, Respondent shall, within fifteen (15) days, deliver Respondent's pocket and/or wall
10 certificate to the Board or its designee and Respondent shall no longer practice acupuncture.
11 Upon formal acceptance of the tendered license, Respondent will no longer be subject to the
12 terms and conditions of probation. Voluntary surrender of Respondent's license shall be
13 considered disciplinary action and shall become a part of Respondent's license history with the
14 Board. If Respondent reapplies for an acupuncture license, the application shall be treated as a
15 petition for reinstatement of a revoked or surrendered license.

16 17. SEVERABILITY CLAUSE Each condition of probation is a separate and distinct
17 condition. If any condition of this Decision and Order, or any application thereof, is declared
18 unenforceable in whole, in part, or to any extent, the remainder of this Decision and Order, and all
19 other applications thereof, shall not be affected. Each condition of this Decision and Order shall
20 separately be valid and enforceable to the fullest extent permitted by law.

21 18. COMPLETION OF PROBATION Upon successful completion of probation,
22 respondent's license will be fully restored.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Robert F. Hahn. I understand the stipulation and the effect it will have on my Acupuncturist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Acupuncture Board.

DATED: 03/23/21 Original Signature on File with Board
SUNG SUK CHO, L.Ac.
Respondent

I have read and fully discussed with Respondent Sung Suk Cho, L.Ac. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 3/23/21 Original Signature on File with Board
ROBERT F. HAHN
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Acupuncture Board.

DATED: 3/23/21 Respectfully submitted,
XAVIER BECERRA
Attorney General of California
E. A. JONES III
Supervising Deputy Attorney General

Original Signature on File with Board
WENDY WIDLUS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 1A-2019-161