

**FILED**

**NOV 14 2008**

**ACUPUNCTURE BOARD**

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9 **BEFORE THE**  
**ACUPUNCTURE BOARD**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 1A-2005-148 and 1A-2005-174

13 DAVID HONGJUNE JEON, L.Ac.  
3405 Kenyon St., #201  
14 San Diego, CA 92110

**ACCUSATION**

15 Acupuncturist License No. AC-6314

16 Respondent.  
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18 Complainant alleges:

19 **PARTIES**

20 1. Janelle Wedge (Complainant) brings this Accusation solely in her official  
21 capacity as the Executive Officer of the Acupuncture Board.

22 2. On or about May 31, 1998, the Acupuncture Board (Board) issued  
23 Acupuncturist License Number AC-6314 to David Hongjune Jeon, L.Ac (Respondent). The  
24 Acupuncturist License was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on May 31, 2009, unless renewed.

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1 **JURISDICTION**

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

5 4. Section 4955 of the Code states:

6 “The board may deny, suspend, or revoke, or impose probationary  
7 conditions upon, the license of any acupuncturist if he or she is guilty of  
8 unprofessional conduct.

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

11 “...

12 “(d) Aiding or abetting in, or violating or conspiring in, directly or  
13 indirectly, the violation of the terms of this chapter or any regulation adopted by  
14 the board pursuant to this chapter.

15 “...”

16 5. Section 4955.2 of the Code states:

17 “The board may deny, suspend, revoke, or impose probationary conditions  
18 upon the license of any acupuncturist if he or she is guilty of committing any of  
19 the following:

20 “(a) Gross negligence.

21 “(b) Repeated negligent acts.

22 “(c) Incompetence.”

23 6. California Code of Regulations, title 16, section 1399.451, subdivision (e),  
24 states:

25 “Any complication, including but not limited to, hematoma, peritonitis or  
26 pneumothorax arising out of acupuncture treatment shall be referred immediately  
27 to a physician or dentist or podiatrist, if appropriate, if immediate medical  
28 treatment is required. ”



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

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

### 7 **FIRST CAUSE FOR DISCIPLINE**

#### 8 **(Sexual Misconduct with Patients)**

9 9. Respondent is subject to disciplinary action under sections 4955 and 726  
10 of the Code, in that he has engaged in sexual misconduct, and/or has had a sexual relations with a  
11 patient. The circumstances are as follows:

#### 12 **Patient G.Z.**

13 (a) Beginning on or about January 9, 2002, Respondent provided  
14 acupuncture treatment to patient G.Z. Respondent continued to provide  
15 acupuncture treatment to patient G.Z. until 2004.

16 (b) Between January 2002 and 2004, Respondent remained in the exam room  
17 while patient G.Z. disrobed. Between January 2002 and 2004, Respondent failed  
18 to “drape”<sup>1/</sup> patient G.Z. and provided treatment to patient G.Z. while she was  
19 only dressed in a bra and thong underwear.

20 (c) Between January 2002 and 2003, Respondent pressed his clothed penis  
21 against patient G.Z. In 2003, Respondent kissed patient G.Z.’s shoulder and hand.  
22 In 2003, Respondent slapped patient G.Z.’s buttocks on multiple occasions.

23 (d) In 2004, Respondent removed cotton balls from patient G.Z.’s vaginal area  
24 and made contact with her vagina.

#### 25 **Patient J.M.**

26 (e) In 2003, Respondent treated patient J.M. in her underwear.  
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28 1. Draping is the practice by which an Acupuncturist covers a patient for privacy.

1                   **Patient M.C.**

2                   (f)     On or about May 12, 2005, Respondent provided treatment to patient M.C.  
3                   On or about May 12, 2005, Respondent hugged patient M.C., laid on the exam  
4                   table with patient M.C., and placed his hands on her abdomen.

5                   **Patient S.R.**

6                   (g)     In or about the Summer of 2004, Respondent treated patient S.R. for a  
7                   cold. During treatment, Respondent kissed patient S.R. on the mouth and  
8                   abdomen.

9                   (h)     In or about the Summer of 2004, Respondent attempted to needle patient  
10                  S.R. in the Ren1<sup>2/</sup> area. This treatment is not indicated for a cold.

11                                           **SECOND CAUSE FOR DISCIPLINE**

12                                           **(Gross Negligence)**

13                   10.     Respondent is further subject to disciplinary action under section 4955.2,  
14                  subdivision (a) of the Code, in that he has committed acts of gross negligence in the practice of  
15                  acupuncture. The circumstances are as follows:

16                   11.     Paragraph 9 above, is hereby incorporated by reference and realleged as if  
17                  fully set forth herein.

18                                           **THIRD CAUSE FOR DISCIPLINE**

19                                           **(Repeated Negligent Acts)**

20                   12.     Respondent is further subject to disciplinary action under section 4955.2,  
21                  subdivision (b) of the Code, in that he has committed repeated acts of negligence in the practice  
22                  of acupuncture. The circumstances are as follows:

23                   13.     Paragraph 9, is hereby incorporated by reference and realleged as if fully  
24                  set forth herein.

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28                  2. Ren 1 is the area between the vagina and the anus.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Incompetence)**

3 14. Respondent is further subject to disciplinary action under section 4955.2,  
4 subdivision (d) of the Code, and section 1399.451, subdivision (e) of Title 16 of the California  
5 Code of Regulations, in that he has demonstrated incompetence by failing to immediately refer  
6 patient M.C. to a physician when complications arose during the provision of acupuncture  
7 treatment. The circumstances are as follows:

8 **Patient M.C.**

9 (a) On or about May 12, 2005, Respondent provided treatment to patient M.C.  
10 Patient M.C. began to experience severe temperature swings, vomited and  
11 hallucinated during the treatment. Respondent did not call for help and allowed  
12 patient M.C. to remain at his clinic for over 6 hours. Respondent allowed patient  
13 M.C. to drive herself home.

14 **FIFTH CAUSE FOR DISCIPLINE**

15 **(Violation of Acupuncture Licensure Act or Regulation)**

16 15. Respondent is further subject to disciplinary action under section 4955, as  
17 defined by section 4955, subdivision (d), of the Code, in that he has violated the terms of the  
18 Acupuncture Licensure Act, or a regulation adopted by the Board pursuant to the Acupuncture  
19 Licensure Act. The circumstances are as follows:

20 16. Paragraphs 9, 10, 11, 12, 13 and 14, above, are hereby incorporated by  
21 reference and realleged as if fully set forth herein.

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1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 17. Respondent is further subject to disciplinary action under section 4955 of  
4 the Code, in that he has engaged in unprofessional conduct by breaching the rules or ethical code  
5 of conduct of the profession of acupuncture, or by engaging in conduct unbecoming to an  
6 acupuncturist in good standing in the profession and which demonstrates an unfitness to practice  
7 acupuncture.<sup>3/</sup> The circumstances are as follows:

8 18. Paragraphs 9, 10, 11, 12, 13 and 14, above, are hereby incorporated by  
9 reference and realleged as if fully set forth herein.

10 **PCOM Students J.C. and G.B.**

11 (a) In Spring 2004, Respondent worked as an instructor at the Pacific College  
12 of Oriental medicine. Respondent provided “tuina”<sup>4/</sup> demonstrations on student  
13 J.C. and student G.B. wherein Respondent lifted student J.C. and student G.B.  
14 from behind, draped student J.C.’s and student G.B.’s buttocks and lower backs  
15 across his groin area, and swung student J.C. and student G.B. from side to side.

16 **PCOM Students**

17 (b) In 2003, Respondent threatened to fail his acupuncture students at Pacific  
18 College of Oriental Medicine if they did not participate in needling  
19 demonstrations around the genital area.

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27 3. See *Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.

28 4. An adjustment technique used in acupuncture.

1 PRAYER

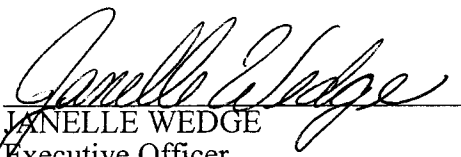
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Board issue a decision:

4 1. Revoking or suspending Acupuncturist License Number AC-6314, issued  
5 to David Hongjune Jeon, L.Ac.;

6 2. Ordering David Hongjune Jeon, L.Ac. to pay the Board the reasonable  
7 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
8 Code section 4959; and

9 3. Taking such other and further action as deemed necessary and proper.  
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11 DATED: NOV 14 2008

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13   
14 LYNELLE WEDGE  
15 Executive Officer  
16 Acupuncture Board  
17 State of California  
18 Complainant

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