

FILED

NOV 14 2008

ACUPUNCTURE BOARD

1 EDMUND G. BROWN JR.,
Attorney General of the State of California
2 THOMAS S. LAZAR
Supervising Deputy Attorney General
3 MATTHEW M. DAVIS State Bar No. 202766
Deputy Attorney General
4 110 West "A" Street, Suite 1100
San Diego, CA 92101

5 P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2074
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

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.
17

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.

26 ///

27 ///

28 ///

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 **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^{2/} 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.

25 ///

26 ///

27 _____
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.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

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.^{3/} 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”^{4/} 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.

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 _____
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

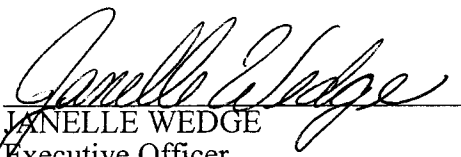
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board issue a decision:

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.
10

11 DATED: NOV 14 2008

12
13 
14 LYNELLE WEDGE
15 Executive Officer
16 Acupuncture Board
17 State of California
18 Complainant

19 SD2008801658
20
21
22
23
24
25
26
27
28