

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

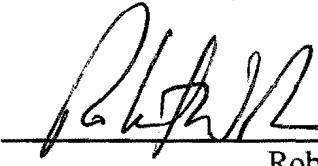
In the Matter of the First Amended	)	Case No. 1A-2007-31
Accusation Against:	)	
	)	OAH No. L-2008090487
HENRY DAVID LEE, L.AC.	)	
8878 Warner Avenue	)	
Fountain Valley, CA 92708	)	
	)	
Acupuncture License No. AC 8254	)	
	)	
Respondent.	)	
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**DECISION AND ORDER**

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

This Decision shall become effective on           MAY 28 2009          .

It is so ORDERED           APR 28 2009          .

  
\_\_\_\_\_  
Robert Brewer, Chair  
Acupuncture Board  
Department of Consumer Affairs  
State of California

1 EDMUND G. BROWN JR.,  
Attorney General of the State of California  
2 THOMAS S. LAZAR  
Supervising Deputy Attorney General  
3 MICHAEL S. COCHRANE, State Bar No. 185730  
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8 Attorneys for Complainant

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

12 In the Matter of the First Amended Accusation  
Against:

Case No. 1A-2007-31

13 HENRY DAVID LEE, L.Ac.  
14 8878 Warner Avenue  
Fountain Valley, CA 92708

OAH No. L2008090487

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Acupuncturist License No. AC-8254,

16 Respondent.  
17

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

20 PARTIES

21 1. Janelle Wedge (Complainant) is the Executive Officer of the Acupuncture  
22 Board. She brought this action solely in her official capacity and is represented in this matter by  
23 Edmund G. Brown, Jr., Attorney General of the State of California, by Michael S. Cochrane,  
24 Deputy Attorney General.

25 2. Respondent Henry David Lee, L.Ac. (Respondent) is represented in this  
26 proceeding by attorney Edward O. Lear, Esq., whose address is 5200 W. Century Boulevard,  
27 Suite 940, Los Angeles, CA 90045.

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1 the exception of this paragraph, it shall not become effective, shall be of no evidentiary value  
2 whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party  
3 hereto. Respondent further agrees that should the Board reject this Stipulated Settlement and  
4 Disciplinary Order for any reason, respondent will assert no claim that the Board, or any member  
5 thereof, was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated  
6 Settlement and Disciplinary Order or of any matter or matters related hereto.

7 **ADDITIONAL PROVISIONS**

8 13. This Stipulated Settlement and Disciplinary Order is intended by the  
9 parties herein to be an integrated writing representing the complete, final and exclusive  
10 embodiment of the agreements of the parties in the above-entitled matter.

11 14. The parties agree that facsimile copies of this Stipulated Settlement and  
12 Disciplinary Order, including facsimile signatures of the parties, may be used in lieu of original  
13 documents and signatures and, further, that facsimile copies shall have the same force and effect  
14 as originals.

15 15. In consideration of the foregoing admissions and stipulations, the parties  
16 agree that the Board may, without further notice to or opportunity to be heard by respondent,  
17 issue and enter the following Order:

18 **DISCIPLINARY ORDER**

19 IT IS HEREBY ORDERED that Acupuncturist License No. AC-8254 issued to  
20 Respondent Henry David Lee, L.Ac. (Respondent) is revoked. However, the revocation is  
21 stayed and Respondent is placed on probation for three (3) years from the effective date of this  
22 Decision on the following terms and conditions.

23 1. **REIMBURSEMENT FOR PROBATION SURVEILLANCE**

24 **MONITORING**

25 Respondent shall reimburse the Board for probation monitoring costs it incurs in  
26 monitoring the probation to ensure compliance for the duration of the probation period, not to  
27 exceed \$500 per year.

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1           2.     **PROFESSIONAL BOUNDARIES PROGRAM**

2                     Within sixty (60) calendar days of the effective date of this Decision, respondent  
3 shall enroll in a professional boundaries program, at respondent's expense, equivalent to the  
4 Professional Boundaries Program, Physician Assessment and Clinical Evaluation (PACE)  
5 Program at the University of California, San Diego School of Medicine ("Program").  
6 Respondent, at the Program's discretion, shall undergo and complete the Program's assessment  
7 of respondent's competency, mental health and/or neuropsychological performance, at a  
8 minimum, a 24 hour program of interactive education and training in the area of boundaries,  
9 which takes into account data obtained from the assessment and the Decision, First Amended  
10 Accusation, and any other information that the Board or its designee deems relevant. The  
11 Program shall evaluate respondent at the end of the training and the Program shall provide any  
12 data from the assessment and training as well as the results of the evaluation to the Board or its  
13 designee.

14                     Failure to compete the entire Program not later than six months after respondent's  
15 initial enrollment shall constitute a violation of probation unless the Board or its designee agrees  
16 in writing to a later time for completion. Based on respondent's performance in and evaluations  
17 from the assessment, education, and training, the Program shall advise the Board or its designee  
18 of its recommendation(s) for additional education, training, psychotherapy and other measures  
19 necessary to ensure that respondent can practice medicine safely. Respondent shall comply with  
20 Program recommendations. At the completion of the Program, respondent shall submit to a final  
21 evaluation. The Program shall provide the results of the evaluation to the Board or its designee.

22           3.     **MEDICAL RECORD KEEPING COURSE**

23                     Within sixty (60) calendar days of the effective date of this Decision, respondent  
24 shall enroll in a course in medical record keeping, at respondent's expense, approved in advance  
25 by the Board or its designee. Failure to successfully complete the course during the first six  
26 months of probation is a violation of probation.

27                     Respondent shall submit a certification of successful completion to the Board or  
28 its designee not later than fifteen (15) calendar days after successfully completing the course, or

1 not later than fifteen (15) calendar days after the effective date of the Decision, whichever is  
2 later.

3           **4       COMMUNITY SERVICE**

4                       Respondent shall submit a plan to complete community service within sixty (60)  
5 days of the effective date of this Decision, respondent shall submit to the Board for its prior  
6 approval a community service program in which respondent shall provide services to a  
7 community or charitable facility or agency for at least twelve (12) hours per quarter for the first  
8 year of probation (totaling at least 48 hours).

9           **5       OBEY ALL LAWS**

10                      Respondent shall obey all federal, state and local laws and all regulations  
11 governing the practice of acupuncture in California. A full and detailed account of any and all  
12 violations of law shall be reported by the respondent to the Board in writing within seventy-two  
13 (72) hours of occurrence.

14           **6       QUARTERLY REPORTS**

15                      Respondent shall submit quarterly declarations under penalty of perjury on forms  
16 provided by the Board, stating whether there has been compliance with all the conditions of  
17 probation.

18           **7.       SURVEILLANCE PROGRAM**

19                      Respondent shall comply with the Board's probation surveillance program and  
20 shall, upon reasonable notice, report to the assigned investigative district office. Respondent  
21 shall contact the assigned probation surveillance monitor regarding any questions specific to the  
22 probation order. Respondent shall not have any unsolicited or unapproved contact with 1)  
23 victims or complainants associated with the case; 2) Board members or members of its staff; or  
24 3) persons serving the Board as expert examiners.

25           **8.       INTERVIEW WITH THE BOARD OR ITS DESIGNEE**

26                      Respondent shall appear in person for interviews with the Board or its designee  
27 upon request at various intervals and with reasonable notice.

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1           **9.     CHANGES OF EMPLOYMENT**

2                     Respondent shall notify the Board in writing, through the assigned probation  
3 surveillance compliance officer of any and all changes of employment, location and address  
4 within thirty (30) days of such change.

5           **10.   TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE**

6                     In the event respondent should leave California to reside or to practice outside the  
7 State, respondent must notify the Board in writing of the dates of departure and return. Periods  
8 of residency or practice outside California will not apply to the reduction of this probationary  
9 period.

10           **12.   EMPLOYMENT AND SUPERVISION OF TRAINEES**

11                    Respondent shall not employ or supervise or apply to employ or supervise  
12 acupuncture trainees during the course of this probation. Respondent shall terminate any such  
13 supervisorial relationship in existence on the effective date of this Decision..

14           **13.   COST RECOVERY**

15                    Respondent shall pay to the Board its costs of investigation and enforcement in  
16 the amount of \$3,000.00.

17           **14.   VIOLATION OF PROBATION**

18                    If respondent violates probation in any respect, the Board may, after giving  
19 respondent notice and the opportunity to be heard, revoke probation and carry out the  
20 disciplinary order that was stated. If an accusation or petition to revoke probation is filed against  
21 respondent during probation, the Board shall have continuing jurisdiction until the matter is  
22 final, and the period of probation shall be extended until the matter is final. No petition for  
23 modification or termination of probation shall be considered while there is an accusation or  
24 petition to revoke probation pending against respondent.

25           **15.   COMPLETION OF PROBATION**

26                    Upon successful completion of probation, respondent's license will be fully  
27 restored.

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ENDORSEMENT

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

DATED: 01/08/09

EDMUND G. BROWN JR.,  
Attorney General of the State of California

THOMAS S. LAZAR  
Supervising Deputy Attorney General



MICHAEL S. COCHRANE  
Deputy Attorney General

Attorneys for Complainant

**Exhibit A**  
**Accusation No. 1A-2007-31**

1 EDMUND G. BROWN JR.,  
Attorney General of the State of California  
2 THOMAS S. LAZAR  
Supervising Deputy Attorney General  
3 MICHAEL S. COCHRANE, State Bar No. 185730  
Deputy Attorney General  
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6 San Diego, CA 92186-5266  
Telephone: (619) 645-2074  
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

**FILED**

JAN 6 2009

**ACUPUNCTURE BOARD**

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

12 In the Matter of the First Amended Accusation  
Against:

13 HENRY DAVID LEE, L.Ac.  
14 8878 Warner Avenue  
Fountain Valley, CA 92708

15 Acupuncturist License No. AC-8254

16 Respondent.

Case No. 1A-2007-31

OAH No. L2008090487

**FIRST AMENDED ACCUSATION**

17  
18 Complainant alleges:

19 PARTIES

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

22 2. On or about March 20, 2002, the Acupuncture Board (Board) issued  
23 Acupuncturist License Number AC-8254 to Henry David Lee, 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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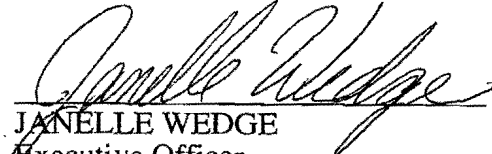
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PRAYER

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

1. Revoking or suspending Acupuncturist License Number AC-8254, issued to Henry David Lee, L.Ac.;
2. Ordering Henry David Lee, L.Ac., to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 4959;
3. Taking such other and further action as deemed necessary and proper.

DATED: JAN 6 2009

  
JANELLE WEDGE  
Executive Officer  
Acupuncture Board  
State of California  
Complainant