

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


In the Matter of the Accusation Against:	)	Case No. 1A-2005-139
	)	
TRACY STEVENSON, L.AC.	)	OAH No. 2010071222
2595 Atlanta Ave., #75	)	
Riverside, CA 92507	)	
	)	
Acupuncture License No. AC 6200	)	
	)	
Respondent.	)	
_____	)	

**DECISION AND ORDER**

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

This Decision shall become effective on                     **MAR 17 2011**                    .

It is so ORDERED                     **FEB 15 2011**                    .

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

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 GLORIA L. CASTRO  
Supervising Deputy Attorney General  
3 EDWARD K. KIM  
Deputy Attorney General  
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*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-2005-139

12 **TRACY STEVENSON, L.AC.**  
13 **2595 Atlanta Avenue, #75**  
**Riverside, CA 92507**

OAH No. 2010071222

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

14 **Acupuncture License No. AC 6200**

15 Respondent.  
16

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
18 proceeding that the following matters are true:

19 PARTIES

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

24 2. Tracy Stevenson, L.Ac. (Respondent) is representing herself in this proceeding and  
25 has chosen not to exercise her right to be represented by counsel.

26 3. On or about May 11, 1998, the Acupuncture Board issued Acupuncture License  
27 No. AC 6200 to Tracy Stevenson, L.Ac. (Respondent). The Acupuncture License was in full  
28 force and effect at all times relevant to the charges brought in Accusation No. 1A-2005-139 and

1 will expire on September 30, 2011, unless renewed.

2 JURISDICTION

3 4. Accusation No. 1A-2005-139 was filed before the Acupuncture Board, Department of  
4 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other  
5 statutorily required documents were properly served on Respondent on July 6, 2010. Respondent  
6 timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 1A-  
7 2005-139 is attached as Exhibit A and incorporated by reference.

8 ADVISEMENT AND WAIVERS

9 5. Respondent has carefully read, and understands the charges and allegations in  
10 Accusation No. 1A-2005-139. Respondent also has carefully read, and understands the effects of  
11 this Stipulated Surrender of License and Order.

12 6. Respondent is fully aware of her legal rights in this matter, including the right to a  
13 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at  
14 her own expense; the right to confront and cross-examine the witnesses against her; the right to  
15 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to  
16 compel the attendance of witnesses and the production of documents; the right to reconsideration  
17 and court review of an adverse decision; and all other rights accorded by the California  
18 Administrative Procedure Act and other applicable laws.

19 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
20 every right set forth above.

21 CULPABILITY

22 8. Respondent admits the truth of each and every charge and allegation in Accusation  
23 No. 1A-2005-139, agrees that cause exists for discipline and hereby surrenders her Acupuncture  
24 License No. AC 6200 for the Board's formal acceptance.

25 9. Respondent understands that by signing this stipulation she enables the Board to issue  
26 an order accepting the surrender of her Acupuncture License without further process.

27 CONTINGENCY

28 10. This stipulation shall be subject to approval by the Acupuncture Board. Respondent

1 understands and agrees that counsel for Complainant and the staff of the Acupuncture Board may  
2 communicate directly with the Board regarding this stipulation and surrender, without notice to or  
3 participation by Respondent. By signing the stipulation, Respondent understands and agrees that  
4 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board  
5 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,  
6 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this  
7 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
8 be disqualified from further action by having considered this matter.

9 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of  
10 License and Order, including facsimile signatures thereto, shall have the same force and effect as  
11 the originals.

12 12. In consideration of the foregoing admissions and stipulations, the parties agree that  
13 the Board may, without further notice or formal proceeding, issue and enter the following Order:

14 **ORDER**

15 IT IS HEREBY ORDERED that Acupuncture License No. AC 6200, issued to Respondent  
16 Tracy Stevenson, L.Ac., is surrendered and accepted by the Acupuncture Board.

17 13. The surrender of Respondent's Acupuncture License and the acceptance of the  
18 surrendered license by the Board shall constitute the imposition of discipline against Respondent.  
19 This stipulation constitutes a record of the discipline and shall become a part of Respondent's  
20 license history with the Board.

21 14. Respondent shall lose all rights and privileges as an acupuncturist in California as of  
22 the effective date of the Board's Decision and Order.

23 15. Respondent shall cause to be delivered to the Board her wall license certificate and, if  
24 one was issued, her pocket license on or before the effective date of the Decision and Order.

25 16. If Respondent ever files an application for licensure or a petition for reinstatement in  
26 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
27 comply with all the laws, regulations and procedures for reinstatement of a revoked license in  
28 effect at the time the petition is filed, and all of the charges and allegations contained in

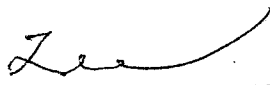
1 Accusation No. 1A-2005-139 shall be deemed to be true, correct and admitted by Respondent  
2 when the Board determines whether to grant or deny the petition.

3 17. If Respondent should ever apply or reapply for a new license or certification, or  
4 petition for reinstatement of a license, by any other health care licensing agency in the State of  
5 California, all of the charges and allegations contained in Accusation, No. 1A-2005-139 shall be  
6 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
7 Issues or any other proceeding seeking to deny or restrict licensure.

8 18. Respondent shall pay the Board its costs of investigation and enforcement in the  
9 amount of \$18,500 in full upon the effective date of her new or reinstated license.

10 ACCEPTANCE

11 I have carefully read the Stipulated Surrender of License and Order. I understand the  
12 stipulation and the effect it will have on my Acupuncture License. I enter into this Stipulated  
13 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound  
14 by the Decision and Order of the Acupuncture Board.

15  
16 DATED: 1/11/11   
17 TRACY STEVENSON, L.A.C.  
Respondent

18 ENDORSEMENT

19 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
20 for consideration by the Acupuncture Board of the Department of Consumer Affairs.

21 Dated: \_\_\_\_\_ Respectfully submitted,  
22 EDMUND G. BROWN JR.  
23 Attorney General of California  
24 GLORIA L. CASTRO  
Supervising Deputy Attorney General  
25  
26 EDWARD K. KIM  
27 Deputy Attorney General  
Attorneys for Complainant  
28

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2 when the Board determines whether to grant or deny the petition.

3 17. If Respondent should ever apply or reapply for a new license or certification, or  
4 petition for reinstatement of a license, by any other health care licensing agency in the State of  
5 California, all of the charges and allegations contained in Accusation, No. 1A-2005-139 shall be  
6 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
7 Issues or any other proceeding seeking to deny or restrict licensure.

8 18. Respondent shall pay the Board its costs of investigation and enforcement in the  
9 amount of \$18,500 in full upon the effective date of her new or reinstated license.

10 ACCEPTANCE

11 I have carefully read the Stipulated Surrender of License and Order. I understand the  
12 stipulation and the effect it will have on my Acupuncture License. I enter into this Stipulated  
13 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound  
14 by the Decision and Order of the Acupuncture Board.

15  
16 DATED: \_\_\_\_\_

17 TRACY STEVENSON, L.A.C.  
18 Respondent

18 ENDORSEMENT

19 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
20 for consideration by the Acupuncture Board of the Department of Consumer Affairs.

21 Dated: 1/18/11

22 Respectfully submitted,

23 EDMUND G. BROWN JR.  
24 Attorney General of California  
25 GLORIA L. CASTRO  
26 Supervising Deputy Attorney General

27 

28 EDWARD K. KIM  
Deputy Attorney General  
*Attorneys for Complainant*

**Exhibit A**

**Accusation No. 1A-2005-139**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 PAUL C. AMENT  
Supervising Deputy Attorney General  
3 CHRIS LEONG  
Deputy Attorney General  
4 State Bar No. 141079  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
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E-mail: chris.leong@doj.ca.gov  
7 *Attorneys for Complainant*

**FILED**

JUL 6 2010

**ACUPUNCTURE BOARD**

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

11 In the Matter of the Accusation Against:  
12 **TRACY STEVENSON, L.Ac.**  
13 **aka Yang Hong Cui**  
14 **2595 Atlanta Avenue, #75**  
15 **Riverside, CA 92507**  
16 **Acupuncture License No. AC 6200**  
17 **Respondent.**

Case No. 1A-2005-139

**ACCUSATION**

18 Complainant alleges:

19 **PARTIES**

- 20 1. Janelle Wedge (Complainant) brings this Accusation solely in her official capacity as  
21 the Executive Officer of the California Acupuncture Board (Board).  
22 2. On or about May 11, 1998, the Board issued Acupuncture License Number AC 6200  
23 to Tracy Stevenson, L.Ac., aka Yang Hong Cui (Respondent). This license was in full force and  
24 effect at all times relevant to the charges brought herein and will expire on September 30, 2011,  
25 unless renewed.

26 **JURISDICTION**

- 27 3. This Accusation is brought before the Board under the authority of the following  
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.



1 4. Section 4955 of the Code states:

2 "The board may deny, suspend, or revoke, or impose probationary conditions upon, the  
3 license of any acupuncturist if he or she is guilty of unprofessional conduct.

4 "Unprofessional conduct shall include, but not be limited to, the following:

5 "(a) Using or possessing any controlled substance as defined in Division 10  
6 (commencing with Section 11000) of the Health and Safety Code, or dangerous drug  
7 or alcoholic beverage to an extent or in a manner dangerous to himself or herself, or  
8 to any other person, or to the public, and to an extent that the use impairs his or her  
9 ability to engage in the practice of acupuncture with safety to the public.

10 "(b) Conviction of a crime substantially related to the qualifications, functions,  
11 or duties of an acupuncturist, the record of conviction being conclusive evidence  
12 thereof.

13 "(c) False or misleading advertising.

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

17 "(e) Except for good cause, the knowing failure to protect patients by failing to  
18 follow infection control guidelines of the board, thereby risking transmission of  
19 blood-borne infectious diseases from licensee to patient, from patient to patient, and  
20 from patient to licensee. In administering this subdivision, the board shall consider  
21 referencing the standards, regulations, and guidelines of the State Department of  
22 Health Services developed pursuant to Section 1250.11 of the Health and Safety Code  
23 and the standards, regulations, and guidelines pursuant to the California Occupational  
24 Safety and Health Act of 1973 (Part 1 (commencing with Section 6300) of Division 5  
25 of the Labor Code) for preventing the transmission of HIV, hepatitis B, and other  
26 blood-borne pathogens in health care settings. As necessary, the board shall consult  
27 with the Medical Board of California, the California Board of Podiatric Medicine, the  
28 Dental Board of California, the Board of Registered Nursing, and the Board of

1 Vocational Nursing and Psychiatric Technicians, to encourage appropriate  
2 consistency in the implementation of this subdivision.

3 "The board shall seek to ensure that licensees are informed of the responsibility  
4 of licensees and others to follow infection control guidelines, and of the most recent  
5 scientifically recognized safeguards for minimizing the risk of transmission of  
6 blood-borne infectious diseases.

7 "(f) The use of threats or harassment against any patient or licensee for  
8 providing evidence in a disciplinary action, other legal action, or in an investigation  
9 contemplating a disciplinary action or other legal action.

10 "(g) Discharging an employee primarily for attempting to comply with the  
11 terms of this chapter.

12 "(h) Disciplinary action taken by any public agency for any act substantially  
13 related to the qualifications, functions, or duties of an acupuncturist or any  
14 professional health care licensee.

15 "(i) Any action or conduct that would have warranted the denial of the  
16 acupuncture license.

17 "(j) The violation of any law or local ordinance on an acupuncturist's business  
18 premises by an acupuncturist's employee or a person who is working under the  
19 acupuncturist's professional license or business permit, that is substantially related to  
20 the qualifications, functions, or duties of an acupuncturist. These violations shall  
21 subject the acupuncturist who employed the individuals, or under whose  
22 acupuncturist license the employee is working, to disciplinary action.

23 "(k) The abandonment of a patient by the licentiate without written notice to the  
24 patient that treatment is to be discontinued and before the patient has had a reasonable  
25 opportunity to secure the services of another practitioner.

26 "(l) the failure to notify the board of the use of any false, assumed, or fictitious  
27 name other than the name under which he or she is licensed as an individual to  
28 practice acupuncture."

1           5.    Section 4955.1 of the Code states:

2           "The board may deny, suspend, revoke, or impose probationary conditions upon the license  
3 of any acupuncturist if he or she is guilty of committing a fraudulent act including, but not be  
4 limited to, any of the following:

5                 "(a) Securing a license by fraud or deceit.

6                 "(b) Committing a fraudulent or dishonest act as an acupuncturist.

7                 "(c) Committing any act involving dishonesty or corruption with respect to the  
8 qualifications, functions, or duties of an acupuncturist.

9                 "(d) Altering or modifying the medical record of any person, with fraudulent  
10 intent, or creating any false medical record.

11                 "(e) Failing to maintain adequate and accurate records relating to the provision  
12 of services to their patients."

13           6.    Section 4959 of the Code states:

14                 "(a) The board may request the administrative law judge, under his or her  
15 proposed decision in resolution of a disciplinary proceeding before the board, to  
16 direct any licensee found guilty of unprofessional conduct to pay to the board a sum  
17 not to exceed actual and reasonable costs of the investigation and prosecution of the  
18 case.

19                 "(b) The costs to be assessed shall be fixed by the administrative law judge and  
20 shall not in any event be increased by the board. When the board does not adopt a  
21 proposed decision and remands the case to an administrative law judge, the  
22 administrative law judge shall not increase the amount of any costs assessed in the  
23 proposed decision.

24                 "(c) When the payment directed in the board's order for payment of costs is not  
25 made by the licensee, the board may enforce the order for payment in the superior  
26 court in the county where the administrative hearing was held. This right of  
27 enforcement shall be in addition to any other rights the board may have as to any  
28 licensee directed to pay costs.

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 reimbursement  
5 for costs incurred and shall be deposited in the Acupuncture Fund."

6       7. Section 4961 of the Code states:

7           "(a) Every person who is now or hereafter licensed to practice acupuncture in this state  
8 shall register, on forms prescribed by the Acupuncture Board, his or her place of practice, or, if he  
9 or she has more than one place of practice, all of the places of practice. If the licensee has no  
10 place of practice, he or she shall notify the board of that fact. A person licensed by the board  
11 shall register within 30 days after the date of his or her licensure.

12           "(b) An acupuncturist licensee shall post his or her license in a conspicuous location in his  
13 or her place of practice at all times. If an acupuncturist has more than one place of practice, he or  
14 she shall obtain from the board a duplicate license for each additional location and post the  
15 duplicate license at each location.

16           "(c) Any licensee that changes the location of his or her place of practice shall register each  
17 change within 30 days of making that change. In the event a licensee fails to notify the board of  
18 any change in the address of a place of practice within the time prescribed by this section, the  
19 board may deny renewal of licensure. An applicant for renewal of licensure shall specify in his or  
20 her application whether or not there has been a change in the location of his or her place of  
21 practice and, if so, the date of that change. The board may accept that statement as evidence of  
22 the change of address."

23       8. Section 4956 of the Code states:

24           AA plea or verdict of guilty or a conviction following a plea of nolo contendere made to a  
25 charge which is substantially related to the qualifications, functions, or duties of an acupuncturist  
26 is deemed to be a conviction within the meaning of this chapter.

27           AThe board may order a license suspended or revoked, or may deny a license, or may  
28 impose probationary conditions upon a license, when the time for appeal has elapsed, or the

1 judgment of conviction has been affirmed on appeal, or when an order granting probation is made  
2 suspending the imposition of sentence irrespective of a subsequent order under the provisions of  
3 Section 1203.4 of the Penal Code allowing the person to withdraw his or her pleas of guilty and to  
4 enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,  
5 complaint, information, or indictment.@

6 9. Section 490 of the Code states:

7 "(a) In addition to any other action that a board is permitted to take against a licensee, a  
8 board may suspend or revoke a license on the ground that the licensee has been convicted of a  
9 crime, if the crime is substantially related to the qualifications, functions, or duties of the business  
10 or profession for which the license was issued.

11 "(b) Notwithstanding any other provision of law, a board may exercise any authority to  
12 discipline a licensee for conviction of a crime that is independent of the authority granted under  
13 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties  
14 of the business or profession for which the licensee's license was issued.

15 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
16 conviction following a plea of nolo contendere. Any action that a board is permitted to take  
17 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
18 the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
19 made suspending the imposition of sentence, irrespective of a subsequent order under the  
20 provisions of Section 1203.4 of the Penal Code.

21 "(d) The Legislature hereby finds and declares that the application of this section has been  
22 made unclear by the holding in *Petropoulos v. Department of Real Estate* (2006) 142 Cal.App.4th  
23 554, and that the holding in that case has placed a significant number of statutes and regulations  
24 in question, resulting in potential harm to the consumers of California from licensees who have  
25 been convicted of crimes. Therefore, the Legislature finds and declares that this section  
26 establishes an independent basis for a board to impose discipline upon a licensee, and that the  
27 amendments to this section made by Senate Bill 797 of the 2007 -08 Regular Session do not  
28 constitute a change to, but rather are declaratory of, existing law."



1 Respondent, an estimated overpayment for the random sample was \$142, 748.67. Respondent  
2 billed as follows:

- 3 a) Patient #1, A.A.,<sup>1</sup> an approximately 100-year-old female: Medi-Cal was billed by  
4 Respondent for 29 acupuncture treatments for this patient between December 14, 2001,  
5 and January 21, 2003. In fact, A.A., never received any acupuncture treatment from  
6 Respondent.
- 7 b) Patient #2, J.M., an approximately 62-year-old male: Medi-Cal was billed by  
8 Respondent for 6 acupuncture treatments for this patient between January 20, 2004, and  
9 March 6, 2004. The dates of treatment used for billing were: January 20, 2004;  
10 January 24, 2004; February 26, 2004; February 26, 2004; February 28, 2004; March 1,  
11 2001; and March 6, 2004. Medical records dated September 20, 2004, for J.M. from the  
12 Klingerman Medical Clinic (KMC) are false. In fact, J.M. never received any  
13 acupuncture treatment from Respondent or KMC.
- 14 c) Patient #3, P.T., an approximately 83-year-old male: Medi-Cal was billed by  
15 Respondent for 21 acupuncture treatments for this patient between April 26, 2003, and  
16 May 17, 2004. The dates of treatment used for billing included: July 14, 2003; July 17,  
17 2003; August 4, 2003; August 6, 2003; September 15, 2003; September 17, 2003;  
18 October 1, 2003; December 22, 2003; January 7, 2004; January 9, 2004; March 2, 2004;  
19 March 5, 2004; April 6, 2004; May 12, 2004 and May 17, 2004. Medical records  
20 including those dated: October 1, 2004; December 22, 2003; January 7, 2004;  
21 January 9, 2004; March 8, 2004; March 5, 2004; April 6, 2004; May 12, 2004; and  
22 May 17, 2004, for P.T. from KMC, are false. In fact, P.T. never received any  
23 acupuncture treatment from Respondent or KMC.
- 24 d) Patient #4, K.H., an approximately 35-year-old female: Medi-Cal was billed by  
25 Respondent for 11 acupuncture treatments for this patient between November 17, 2003,  
26 and April 10, 2004. The dates of treatment used for billing included: November 17,

27  
28 <sup>1</sup> Patients are referred to by their initials to protect confidentiality.

1 2003; November 19, 2003; December 1, 2003; December 4, 2003; January 7, 2004;  
2 January 8, 2004; February 13, 2004; March 13, 2004; March 15, 2004; April 8, 2004;  
3 and April 10, 2004. Medical records including those dated: January 7, 2004, for K.H.  
4 from KMC, are false. In fact, K.H. never received any acupuncture treatment from  
5 Respondent or KMC.

6 e) Patient #5, S.L., an approximately 88-year-old female: Medi-Cal was billed by  
7 Respondent for 47 acupuncture treatments for this patient between November 7, 2001,  
8 and May 21, 2004. The dates of treatment used for billing included: July 10, 2003;  
9 July 16, 2003; August 9, 2003; August 14, 2003; October 7, 2003; November 1, 2003;  
10 November 3, 2003; December 4, 2003; December 6, 2003; March 24, 2004; March 27,  
11 2004; April 15, 2004; April 20, 2004; May 18, 2004; and May 21, 2004. In fact, S.L.  
12 never received any acupuncture treatment from Respondent or KMC.

13 f) Patient #6, E.A., an approximately 54-year-old male: Medi-Cal was billed by  
14 Respondent for 9 acupuncture treatments for this patient between October 22, 2003, and  
15 May 21, 2004. The dates of treatment used for billing included: October 22, 2003;  
16 October 25, 2003; November 18, 2003; November 22, 2003; December 20, 2003;  
17 December 23, 2003; March 24, 2004; March 25, 2004; April 21, 2004; April 23, 2004;  
18 May 19, 2004; and May 21, 2004. Medical records including those dated: October 22,  
19 2003, for E.A.. from KMC, are false. In fact, E.A. never received any acupuncture  
20 treatment from Respondent or KMC.

21 g) Patient #7, C.G., an approximately 42-year-old female: Medi-Cal was billed by  
22 Respondent for 36 acupuncture treatments for this patient between December 12, 2001,  
23 and September 24, 2003. The dates of treatment used for billing included: July 21,  
24 2003; July 24, 2003; August 29, 2003; August 30, 2003; September 22, 2003; and  
25 September 24, 2003. In fact, C.G. never received any acupuncture treatment from  
26 Respondent or KMC.

27 h) Patient #8, S.Z., an approximately 68-year-old female: Medi-Cal was billed by  
28 Respondent for 25 acupuncture treatments for this patient between October 7, 2004, and



1 about September 14, 2005. The dates of treatment used for billing included:  
2 January 3, 2004; January 8, 2004; February 5, 2004; February 10, 2004; and March 8,  
3 2004. Medical records including those dated: January 3, 2004; January 8, 2004;  
4 February 5, 2004; February 10, 2004 and March 8, 2004, for S.Z. from KMC, are false.  
5 In fact, S.Z. never received any acupuncture treatment from Respondent or KMC.

6 i) Patient #9, A.G., an approximately 74-year-old female: Medi-Cal was billed by  
7 Respondent for 6 acupuncture treatments for this patient between January 24, 2004, and  
8 March 4, 2004. The dates of treatment used for billing included: January 24, 2004;  
9 January 26, 2004; February 3, 2004; February 5, 2004; March 2, 2004; and March 4,  
10 2004. Medical records including those dated January 24, 2004, for A.G. from KMC,  
11 are false. In fact, A.G. never received any acupuncture treatment from Respondent or  
12 KMC.

13 j) Patient #10, S.W., an approximately 18-year-old female: Medi-Cal was billed by  
14 Respondent for 33 acupuncture treatments for this patient between November 6, 2001,  
15 and October 18, 2003. The dates of treatment used for billing included: July 21, 2003;  
16 July 24, 2003; August 29, 2003; August 30, 2003; September 22, 2003; and  
17 September 24, 2003. In fact, S.W. never received any acupuncture treatment from  
18 Respondent or KMC.

19 k) Patient #11, L.P., an approximately 79-year-old female: Medi-Cal was billed by  
20 Respondent for 18 acupuncture treatments for this patient between May 10, 2003, and  
21 April 21, 2004. The dates of treatment used for billing included: July 12, 2003;  
22 July 21, 2003; September 22, 2003; September 24, 2003; October 6, 2003; October 8,  
23 2003; November 3, 2003; November 6, 2003; February 11, 2004; February 17, 2004;  
24 March 29, 2004; March 31, 2004; April 20, 2004; and April 23, 2004. Medical records  
25 including those dated September 22, 2003, for L.P. from KMC, are false. In fact, L.P.  
26 never received any acupuncture treatment from Respondent or KMC.

27 The case was referred for criminal prosecution.  
28

1           13. On or about October 16, 2008, in the case entitled *People of the State of California*  
2 *vs. Tracy Stevenson*, Superior Court of California, County of Los Angeles, Case No. GA074829,  
3 a complaint was filed against Respondent. The complaint charged three counts: Count one  
4 Welfare and Institutions Code (W&I Code ) section 14107, subdivision (b)(1), (Presenting False  
5 Medi-Cal Claims); count two, W&I Code section 14107, subdivision (b)(4)(A), (Scheme to  
6 Defraud Medi-Cal); count three, Penal Code (PC) section 487 (Grand Theft); all felonies. This  
7 complaint will hereinafter be referred to as "the complaint."

8           14. Specifically, Count Three of the complaint alleged, among other things:

9           "On or between January 1, 2001, to February 25, 2005, inclusive, in the County of Los  
10 Angeles, State of California, defendant YANG HONG CUI aka TRACY STEVENSON,  
11 unlawfully took from the State of California (Health Care Deposit Fund) property of a value  
12 in excess of four hundred dollars (\$400), in violation of section 487 of the Penal Code, a  
13 felony."

14           15. On or about March 12, 2009, Respondent pled guilty to Count Three of the  
15 complaint, which was a felony. The Court adjudicated the defendant guilty as charged and  
16 convicted and it was ordered among other things that Respondent: be placed on formal probation  
17 for five years; pay \$400.34 in fees; perform 200 hours of community service, within one year;  
18 obey all laws and orders of the court; obey all rules and regulations of the probation department;  
19 report to the probation officer within 48 hours; seek and maintain training, schooling or  
20 employment as approved; not drive a motor vehicle without a valid drivers license in her  
21 possession or without liability insurance; and make restitution to the victim.

22           16. Respondent's guilty plea on March 9, 2009, to one felony count of Grand Theft as  
23 alleged in the complaint, and the Court's adjudication of guilt, constituted a conviction of a crime  
24 that is substantially related to the qualifications, functions, or duties of an acupuncturist, within  
25 the meaning of sections 490, 4955, subdivision (b), and 4956 of the Code.

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PRAYER


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

1. Revoking or suspending Acupuncture Number AC 6200, issued to Tracy Stevenson, L.Ac., aka Yang Hong Cui.

2. Ordering Tracy Stevenson, L.Ac., aka Yang Hong Cui, to pay the Acupuncture Board the reasonable costs of the investigation and enforcement of this case, and, if placed on probation, the cost of probation monitoring; pursuant to Business and Professions Code section 4959.

3. Taking such other and further action as deemed necessary and proper.

DATED: JUL 06 2010

  
JANELLE WEDGE  
Executive Officer  
Acupuncture Board  
Department of Consumer Affairs  
State of California  
*Complainant*

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