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FILED

JUL 28 2011

ACUPUNCTURE BOARD

8
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-2010-112

13 **YUE LING EILEEN HAN, L.AC.**
236 Red Oak Drive, East #J
14 Sunnyvale, CA 94086

A C C U S A T I O N

15 Acupuncture License No. AC 10825

16 Respondent.

17
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 Acupuncture Board, Department of Consumer Affairs, State of
22 California.

23 2. On or about December 13, 2005, the Acupuncture Board issued Acupuncture License
24 Number AC 10825 to Yue Ling Eileen Han, L.AC. (Respondent). The Acupuncture License was
25 in full force and effect at all relevant times and will expire on July 31, 2013, unless renewed.

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JURISDICTION

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

5 4. Section 4955 of the Code states:

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

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

9 "...

10 "(d) ... [V]iolating ... the terms of this chapter or any regulation adopted by the
11 board ..."

12 5. Section 4955.1 of the Code states:

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

16 "...

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

19 6. California Code of Regulations, title 19, section 1399.453, states:

20 "An acupuncturist shall keep complete and accurate records on each patient who is
21 given acupuncture treatment, including but not limited to, treatments given and progress
22 made as a result of the acupuncture treatments"

23 7. Section 4959 of the Code states, in pertinent part:

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

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1 15. Respondent committed unprofessional conduct by failing to maintain adequate and
2 accurate records relating to the services she provided to patient SF, as follows:

3 A. Respondent failed to record an initial history and physical exam when she first
4 saw patient SF.

5 B. Respondent failed to any record problem-focused physical findings for the
6 follow-up visits between April 3, 2010 and May 26, 2010.

7 C. Respondent failed to record the herbal remedies she provided for patient SF on
8 May 19 and 24, 2010.

9 **SECOND CAUSE FOR DISCIPLINE**

10 (Unprofessional Conduct)

11 16. Respondent is further subject to disciplinary action under section 4955, as defined by
12 section 4955, subdivision (d), and California Code of Regulations, title 16, section 1399.453, in
13 that she committed unprofessional conduct by failing to keep complete and accurate records in
14 her care and treatment of patient S.F., as set forth in paragraphs 9 through 15 above.

15 **PRAYER**

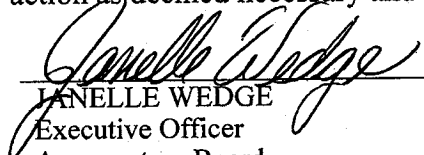
16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
17 and that following the hearing, the Acupuncture Board issue a decision:

18 1. Revoking, suspending, imposing probationary conditions or other discipline on
19 Acupuncture License Number AC 10825, issued to Respondent Yue Ling Eileen Han, L.Ac.;

20 2. Ordering Respondent Yue Ling Eileen Han, L.Ac., to pay the Acupuncture Board the
21 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
22 Professions Code sections 4959 and 125.3, subdivision (i); and,

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

24 DATED: **JUL 28 2011**


25 JANELLE WEDGE
26 Executive Officer
27 Acupuncture Board
28 Department of Consumer Affairs
State of California
Complainant