

1 XAVIER BECERRA  
Attorney General of California  
2 E. A. JONES III  
Supervising Deputy Attorney General  
3 WENDY WIDLUS  
Deputy Attorney General  
4 State Bar No. 82958  
California Department of Justice  
5 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
6 Telephone: (213) 269-6457  
Facsimile: (916) 731-2117  
7 E-mail: Wendy.Widlus@doj.ca.gov  
*Attorneys for Complainant*  
8

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

13 In the Matter of the Accusation Against:

Case No. 1A-2019-207

14 **SUSAN LYNN KOLLER, L.Ac.**  
15 **6110 Canterbury Drive, Apt. 325**  
16 **Culver City, CA 90230**  
17 **Acupuncturist License No. AC 12023,**

**ACCUSATION**

Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Benjamin Bodea (Complainant) brings this Accusation solely in his official capacity  
22 as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs.

23 2. On or about October 18, 2007, the Acupuncture Board issued Acupuncturist License  
24 Number AC 12023 to Susan Lynn Koller, L.Ac. (Respondent). The Acupuncturist License was  
25 in full force and effect at all times relevant to the charges brought herein and will expire on  
26 January 31, 2021, unless renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Acupuncture Board (Board), under the

1 authority of the following laws. All section references are to the Business and Professions Code  
2 (Code) unless otherwise indicated.

3 4. Section 4928.1 of the Code states:

4 Protection of the public shall be the highest priority for the Acupuncture Board  
5 in exercising its licensing, regulatory, and disciplinary functions. Whenever the  
6 protection of the public is inconsistent with other interests sought to be promoted, the  
7 protection of the public shall be paramount.

8 5. Section 4927, of the Code states:

9 As used in this chapter, unless the context otherwise requires:

10 ...

11 (d) "Acupuncture" means the stimulation of a certain point or points on or near  
12 the surface of the body by the insertion of needles to prevent or modify the perception  
13 of pain or to normalize physiological functions, including pain control for the  
14 treatment of certain diseases or dysfunctions of the body and includes the techniques  
15 of electroacupuncture, cupping, and moxibustion.

16 6. Section 4937 of the Code states:

17 An acupuncturist's license authorizes the holder thereof:

18 (a) To engage in the practice of acupuncture.

19 (b) To perform or prescribe the use of Asian massage, acupressure, breathing  
20 techniques, exercise, heat, cold, magnets, nutrition, diet, herbs, plant, animal, and  
21 mineral products, and dietary supplements to promote, maintain, and restore health.  
22 Nothing in this section prohibits any person who does not possess an acupuncturist's  
23 license or another license as a healing arts practitioner from performing, or  
24 prescribing the use of any modality listed in this subdivision.

25 (c) For purposes of this section, a "magnet" means a mineral or metal that  
26 produces a magnetic field without the application of an electric current.

27 (d) For purposes of this section, "plant, animal, and mineral products" means  
28 naturally occurring substances of plant, animal, or mineral origin, except that it does  
not include synthetic compounds, controlled substances or dangerous drugs as  
defined in Sections 4021 and 4022, or a controlled substance listed in Chapter 2  
(commencing with Section 11053) of Division 10 of the Health and Safety Code.

(e) For purposes of this section, "dietary supplement" has the same meaning as  
defined in subsection (ff) of Section 321 of Title 21 of the United States Code, except  
that dietary supplement does not include controlled substances or dangerous drugs as  
defined in Section 4021 or 4022, or a controlled substances listed in Chapter 2  
(commencing with Section 11053) of Division 10 of the Health and Safety Code.

//

//

//

1 7. Section 4955 of the Code states in pertinent part:

2 The board may deny, suspend, or revoke, or impose probationary conditions  
3 upon, the 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 . . .

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

9 (i) Any action or conduct that would have warranted the denial of the  
10 acupuncture license.

11 . . .

### 12 COSTS

13 8. 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.

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

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

### 25 PRIOR DISCIPLINE

26 9. In a prior disciplinary action brought by Board of Registered Nursing, entitled *In the*  
27 *Matter of the Accusation Against Susan L. Koller*, Case No.2019-787, the Board of Registered  
28 Nursing issued a decision, effective November 1, 2019, in which Respondent’s Registered Nurse

1 License, No. 536926 was revoked. However, the revocation was stayed and Respondent was  
2 placed on probation for a period of three (3) years with certain terms and conditions. A true copy  
3 of that decision and order is attached hereto as Exhibit A and incorporated by reference as if fully  
4 set forth herein. Respondent remains on probation with the Board of Registered Nursing.

### 5 **FACTUAL ALLEGATIONS**

6 10. On or about April 15, 2017, while working in the Intensive Care Unit at a local health  
7 center, Respondent failed to clamp intravenous tubing from Patient<sup>1</sup>'s Cordis line, which caused  
8 Patient 1 to lose a significant amount of blood. Patient 1's lab results indicated a drop in  
9 hemoglobin and hematocrit, resulting in the need for a blood transfusion. Thereafter, Patient 1's  
10 hemoglobin and hematocrit levels improved.

11 11. On April 23, 2019, the Board of Registered Nursing filed Accusation No. 2019-787,  
12 which alleged Incompetence, Gross Negligence, and Unprofessional Conduct based on the April  
13 15, 2017, incident.

14 12. On August 5, 2019, Respondent signed a Stipulated Settlement and Disciplinary  
15 Order in which she admitted the truth of each and every charge and allegation in Accusation No.  
16 2018-826.

### 17 **FIRST CAUSE FOR DISCIPLINE**

#### 18 **(Disciplinary Action Taken by the California Board of Registered Nursing)**

19 13. Respondent is subject to disciplinary action under section 4955, subdivision (h), of  
20 the Code in that she has incurred disciplinary action by any public agency for acts substantially  
21 related to the qualifications, functions or duties of an acupuncturist or any professional health care  
22 licensee. The circumstances are as follows:

23 14. Complainant refers to and, by this reference, incorporates paragraphs 9 through 12,  
24 above, as though set forth fully herein.

25 15. Respondent's acts and/or omissions as set forth in paragraphs 9 through 12, above,  
26 whether proven individually, jointly, or in any combination thereof, constitute disciplinary action  
27 by the taken by any public agency for acts substantially related to the qualifications, functions or

28 <sup>1</sup> For privacy purposes, the patient in this Accusation is referred to as Patient 1.

1 duties of an acupuncturist or any professional health care licensee, pursuant to section 4955,  
2 subdivision (h), of the Code. Therefore, cause for discipline exists.

3 **PRAYER**

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

6 1. Revoking or suspending Acupuncturist License Number AC 12023, issued to Susan  
7 Lynn Koller, L.Ac.;

8 2. Ordering Susan Lynn Koller, L.Ac. to pay the Acupuncture Board the reasonable  
9 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
10 Code section 4959;

11 3. If placed on probation, ordering her to pay to the Acupuncture Board the costs of  
12 probation monitoring; and

13 4. Taking such other and further action as deemed necessary and proper.

14 DATED: September 22, 2020

Original Signature on File

BENJAMIN BODEA  
Executive Officer  
Acupuncture Board  
Department of Consumer Affairs  
State of California  
*Complainant*

15  
16  
17  
18  
19 LA2020600838  
20 63575200.docx  
21  
22  
23  
24  
25  
26  
27  
28