

BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:) Case No. 1A-2010-56
)
)
JANE DONG REN, L.AC.)
6029 Monterey Ave.)
Richmond, CA 94805)
)
Acupuncture License No. AC 12543)
)
Respondent.)
_____)

DECISION AND ORDER

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

This Decision shall become effective on **DEC 05 2010**.

It is so ORDERED **NOV 05 2010**.



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

1 EDMUND G. BROWN JR.
Attorney General of California
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State Bar No. 97276
3 Supervising Deputy Attorney General
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7
8 **BEFORE THE**
ACUPUNCTURE BOARD
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 1A-2010-56

11 **JANE DONG REN**
12 **6029 Monterey Ave.**
13 **Richmond, CA 94805**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 **Acupuncture License No. AC 12543**

15 Respondent.

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

18 PARTIES

19 1. Janelle Wedge(Complainant) is the Executive Officer of the Acupuncture Board. She
20 brought this action solely in her official capacity and is represented in this matter by Edmund G.
21 Brown Jr., Attorney General of the State of California, by Catherine E. Santillan, Senior Legal
22 Analyst.

23 2. Respondent Jane Dong Ren (Respondent) is representing herself in this proceeding
24 and has chosen not to exercise her right to be represented by counsel.

25 3. On or about September 5, 2008, the Acupuncture Board issued Acupuncture License
26 No. AC 12543 to Respondent. The Acupuncture License was in full force and effect at all times
27 relevant to the charges brought in Accusation No. 1A-2010-56 and will expire on January 31,
28 2012, unless renewed.

1 JURISDICTION

2 4. Accusation No. 1A-2010-56 was filed before the Acupuncture Board (Board),
3 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
4 and all other statutorily required documents were properly served on Respondent on September 1,
5 2010. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
6 Accusation No. 1A-2010-56 is attached as exhibit A and incorporated herein by reference.

7 ADVISEMENT AND WAIVERS

8 5. Respondent has carefully read, and understands the charges and allegations in
9 Accusation No. 1A-2010-56. Respondent has also carefully read, and understands the effects of
10 this Stipulated Settlement and Disciplinary Order.

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

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

20 CULPABILITY

21 8. Respondent admits the truth of each and every charge and allegation in Accusation
22 No. 1A-2010-56.

23 9. Respondent agrees that her Acupuncture License is subject to discipline and she
24 agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order
25 below.

26 CONTINGENCY

27 10. This stipulation shall be subject to approval by the Acupuncture Board. Respondent
28 understands and agrees that counsel for Complainant and the staff of the Acupuncture Board may

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

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

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

14 **DISCIPLINARY ORDER**

15 IT IS HEREBY ORDERED that Acupuncture License No. AC 12543 issued to Respondent
16 Jane Dong Ren (Respondent) is revoked. However, the revocation is stayed and Respondent is
17 placed on probation for two (2) years on the following terms and conditions.

18 1. **REIMBURSEMENT FOR PROBATION SURVEILLANCE MONITORING**

19 Respondent shall reimburse the AC for the hourly costs it incurs in monitoring the probation to
20 ensure compliance for the duration of the probation period.

21 2. **OBEY ALL LAWS** Respondent shall obey all federal, state and local laws and all

22 regulations governing the practice of acupuncture in California. A full and detailed account of
23 any and all violations of law shall be reported by the respondent to the AC in writing within
24 seventy-two (72) hours of occurrence.

25 3. **QUARTERLY REPORTS** Respondent shall submit quarterly declarations under

26 penalty of perjury on forms provided by the AC, stating whether there has been compliance with
27 all the conditions of probation.

28 4. **SURVEILLANCE PROGRAM** Respondent shall comply with the AC's probation

1 surveillance program and shall, upon reasonable notice, report to the assigned investigative
2 district office. Respondent shall contact the assigned probation surveillance monitor regarding
3 any questions specific to the probation order. Respondent shall not have any unsolicited or
4 unapproved contact with 1) victims or complainants associated with the case; 2) AC members or
5 members of its staff; or 3) persons serving the AC as expert examiners.

6 5. INTERVIEW WITH THE AC OR ITS DESIGNEE Respondent shall appear in
7 person for interviews with the AC or its designee upon request at various intervals and with
8 reasonable notice.

9 6. CHANGES OF EMPLOYMENT Respondent shall notify the AC in writing,
10 through the assigned probation surveillance compliance officer of any and all changes of
11 employment, location and address within 30 days of such change.

12 7. TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE In the event
13 respondent should leave California to reside or to practice outside the State, respondent must
14 notify the AC in writing of the dates of departure and return. Periods of residency or practice
15 outside California will not apply to the reduction of this probationary period.

16 8. EMPLOYMENT AND SUPERVISION OF TRAINEES Respondent shall not
17 employ or supervise or apply to employ or supervise acupuncture trainees during the course of
18 this probation. Respondent shall terminate any such supervisorial relationship in existence on the
19 effective date of this probation.

20 9. COST RECOVERY Respondent shall pay to the AC its costs of investigation and
21 enforcement in the amount of \$1,080.00, payable in full within two years from the effective date
22 of the decision and order.


23 10. VIOLATION OF PROBATION If respondent violates probation in any respect, the
24 AC may, after giving respondent notice and the opportunity to be heard, revoke probation and
25 carry out the disciplinary order that was stated. If an accusation or petition to revoke probation is
26 filed against respondent during probation, the AC shall have continuing jurisdiction until the
27 matter is final, and the period of probation shall be extended until the matter is final. No petition
28 for modification or termination of probation shall be considered while there is an accusation or

1 petition to revoke probation pending against respondent.

2 11. COMPLETION OF PROBATION Upon successful completion of probation,
3 respondent's license will be fully restored.

4 ACCEPTANCE

5 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
6 stipulation and the effect it will have on my Acupuncture License. I enter into this Stipulated
7 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
8 bound by the Decision and Order of the Acupuncture Board.

9
10 DATED: 10-20-2010 
11 JANE DONG REN
Respondent

12
13 ENDORSEMENT

14 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
15 submitted for consideration by the Acupuncture Board of the Department of Consumer Affairs.

16 Dated: _____ Respectfully Submitted,
17
18 EDMUND G. BROWN JR.
Attorney General of California
19 JOSE R. GUERRERO
Supervising Deputy Attorney General

20
21 CATHERINE E. SANTILLAN
Senior Legal Analyst
22 *Attorneys for Complainant*

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1 petition to revoke probation pending against respondent.

2 11. COMPLETION OF PROBATION Upon successful completion of probation,
3 respondent's license will be fully restored.

4 ACCEPTANCE

5 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
6 stipulation and the effect it will have on my Acupuncture License. I enter into this Stipulated
7 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
8 bound by the Decision and Order of the Acupuncture Board.

9
10 DATED: _____

JANE DONG REN
Respondent

11
12
13 ENDORSEMENT

14 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
15 submitted for consideration by the Acupuncture Board of the Department of Consumer Affairs.

16 Dated: October 20, 2010

17 Respectfully Submitted,

18 EDMUND G. BROWN JR.
Attorney General of California
19 JOSE R. GUERRERO
Supervising Deputy Attorney General

20 

21 CATHERINE E. SANTILLAN
22 Senior Legal Analyst
23 *Attorneys for Complainant*

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Exhibit A

Accusation No. 1A-2010-56

FILED

SEP 1 2010

ACUPUNCTURE BOARD

1 EDMUND G. BROWN JR.
Attorney General of California
2 JOSE R. GUERRERO
State Bar No. 97276
3 Supervising Deputy Attorney General
CATHERINE E. SANTILLAN
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10 In the Matter of the Accusation Against:

Case No. 1A-2010-56

11 **JANE DONG REN**
12 **6029 Monterey Ave.**
13 **Richmond, CA 94805**

ACCUSATION

14 **Acupuncture License No. AC 12543**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Janelle Wedge (Complainant) brings this Accusation solely in her official capacity as
20 the Executive Officer of the Acupuncture Board, Department of Consumer Affairs.

21 2. On or about September 5, 2008, the Acupuncture Board issued Acupuncture License
22 Number AC 12543 to Jane Dong Ren (Respondent). The Acupuncture License was in full force
23 and effect at all times relevant to the charges brought herein and will expire on January 31, 2012,
24 unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Acupuncture Board (Board), Department of
27 Consumer Affairs, under the authority of the following laws. All section references are to the
28 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 "(h) Disciplinary action taken by any public agency for any act substantially
6 related to the qualifications, functions, or duties of an acupuncturist or any
7 professional health care licensee."

8 5. Section 4959 of the Code states:

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

14 "(b) The costs to be assessed shall be fixed by the administrative law judge and
15 shall not in any event be increased by the board. When the board does not adopt a
16 proposed decision and remands the case to an administrative law judge, the
17 administrative law judge shall not increase the amount of any costs assessed in the
18 proposed decision.

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

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

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

1 FIRST CAUSE FOR DISCIPLINE

2 (Disciplinary action by another licensing board)

3 6. Respondent is subject to disciplinary action under code section 4955(h) [disciplinary
4 action by another healthcare agency] in that respondent's license to work as a registered nurse
5 (hereinafter "RN") was disciplined by the California Board of Registered Nursing (hereinafter
6 "RN Board.")

7 7. Respondent entered into a stipulation which placed her RN license on probation for
8 three years subject to terms and conditions. Respondent admitted the truth of each and every
9 charge and allegation in Accusation no. 2008-266 filed March 18, 2008. A true and correct copy
10 of the Decision and Order in RN Case no. 2008-266 is attached hereto as Exhibit 1. The
11 circumstances are as follows:

12 8. On or about October 24, 1995, the RN Board issued RN License number 517162 to
13 Respondent. On or about March 18, 2008, the RN Board filed Accusation no. 2008-266 against
14 Respondent's license.

15 9. On or about December 30, 2008, the RN Board issued a Decision and Order in case
16 no. 2008-266 with an effective date of January 29, 2009. Respondent's license was revoked,
17 revocation stayed, and her license was placed on three years probation subject to terms and
18 conditions.

19 10. Accusation no. 2008-266 alleged that on July 7, 2004, while respondent was working
20 as a registered nurse in the General Acute Care Unit (GACU) at Sonoma Developmental Center
21 (SDC) in Eldridge, California, Respondent administered the wrong medication to a 23-year old
22 patient by improper means, failed to properly document her medication errors, and failed to
23 recognize and appropriately respond to the signs and symptoms of the patient's illness.

24 A. The patient, Patient A¹, was a life long resident at SDC with a diagnosis including
25 cerebral palsy, seizure disorder, and episodic pneumonia secondary to severe dysphagia
26 (swallowing syndrome). During the 18 months prior to his death, he had developed an

27 _____
28 ¹ Initial "A" is used to protect patient privacy.

1 increasing number of pneumonias. On or about July 5, 2004, he developed a fever with
2 respiratory distress and dangerously abnormal vital signs; he was thereafter transferred to the
3 GACU to receive a higher level of nursing and medical care. Respondent did not recognize the
4 gross abnormality of the patient's vital signs, and did not properly assess, track and document his
5 status.

6 B. At approximately 8:00 p.m. on July 7, 2004, Patient A. was scheduled to receive his
7 standing 60 milligram (mg) dose of Phenobarbital². Instead, Respondent administered 60 mg of
8 morphine sulfate.³ Patient A. had a brief seizure approximately two hours after missing his
9 Phenobarbital.

10 C. The morphine sulfate was an extended release preparation. Extended release tablets
11 should be administered whole and intact and not broken or crushed.⁴ Respondent crushed the
12 morphine sulfate extended release tablets and administered them through Patient A.'s
13 gastrostomy tube.

14 11. Respondent's medication errors were not recognized until a routine medication count
15 was performed during the evening shift change, approximately three hours later. Upon learning
16 of her errors, Respondent did not correct the medical record, as required by facility procedures, to
17 reflect that Patient A. received morphine sulfate extended-release tablets, crushed through his
18 gastrostomy tube, rather than his regular phenobarbital dose.

19 12. Accusation no. 2008-266 charged respondent with gross negligence in that she
20 administered the wrong medication to Patient A.; incompetence in that she crushed and
21 administered medication that should only have been administered intact and unbroken;
22 incompetence in that she failed to recognize that the patient's vital signs were grossly abnormal
23

24 ² Phenobarbital is an anticonvulsant, commonly used in the management of seizure
25 disorders.

26 ³ Morphine sulfate is a powerful analgesic used for preoperative sedation, as a supplement
27 to anesthesia, or to relieve severe pain. Respiratory depression is the chief hazard of all morphine
28 preparations. Respiratory depression occurs most frequently in elderly and debilitated patients,
and those already suffering from respiratory ailments.

⁴ Intake of broken or crushed morphine sulfate extended release tablets may result in too
rapid a release of the drug and absorption of a potentially toxic dose of morphine sulfate.

1 and failed to respond accordingly; unprofessional conduct in that she failed to follow the facility's
2 medication administration documentation procedures; and general unprofessional conduct.

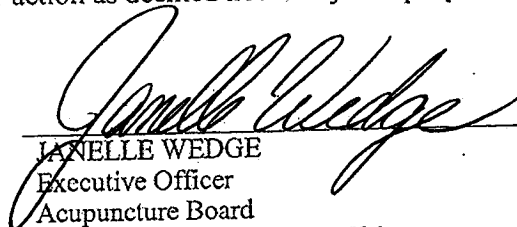
3 13. Therefore, Respondent's acupuncture license is subject to discipline pursuant to code
4 section 4955(h) in that the California Registered Nursing Board's discipline of her license to
5 practice as a registered nurse constitutes grounds for discipline of her acupuncture license.

6 PRAYER

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

- 9 1. Revoking or suspending Acupuncture License Number AC 12543, issued to Jane
10 Dong Ren;
11 2. Ordering Jane Dong Ren to pay to the Acupuncture Board the reasonable costs of the
12 investigation and enforcement of this case, pursuant to Business and Professions Code section
13 4959;
14 3. Taking such other and further action as deemed necessary and proper.

15 DATED: **SEP 01 2010**

16 
17 JANELLE WEDGE
18 Executive Officer
19 Acupuncture Board
20 Department of Consumer Affairs
21 State of California
22 Complainant

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