

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

In the Matter of the Statement of Issues
Against:

LIJIN DENG
2929 N. MACARTHUR DR., SPACE 30
TRACY, CA 95376

Applicant..

Case No. 1A-2017-266

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 September 26, 2018.

It is so ORDERED August 27, 2018.



FOR THE ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS

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

13 In the Matter of the Statement of Issues
14 Against:

Case No. 1A-2017-266

15 **LIJIN DENG**
2929 N. MACARTHUR DR., SPACE 30
16 TRACY, CA 95376

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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18 Applicant.

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

22 **PARTIES**

23 1. Benjamin Bodea (“Complainant”) is the Executive Officer of the Acupuncture Board
24 (“Board”). He brought this action solely in his official capacity and is represented in this matter
25 by Xavier Becerra, Attorney General of the State of California, by John S. Gatschet, Deputy
26 Attorney General.

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1 2. Applicant Lijin Deng (“Applicant”) is representing herself in this proceeding and has
2 chosen not to exercise her right to be represented by counsel.

3 3. On or about May 21, 2018, Applicant filed an application dated May 19, 2018, with
4 the Board to obtain an Acupuncture License. On or about June 6, 2018, the Board denied
5 Applicant’s application for licensure.

6 **JURISDICTION**

7 4. Statement of Issues No. 1A-2017-266 was filed before the Board, and is currently
8 pending against Applicant. The Statement of Issues and all other statutorily required documents
9 were properly served on Applicant on July 18, 2018.

10 5. A copy of Statement of Issues No. 1A-2017-266 is attached as exhibit A and
11 incorporated herein by reference.

12 **ADVISEMENT AND WAIVERS**

13 6. Applicant has carefully read, and understands the charges and allegations in
14 Statement of Issues No. 1A-2017-266. Applicant has also carefully read, and understands the
15 effects of this Stipulated Settlement and Disciplinary Order.

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

23 8. Applicant voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 **CULPABILITY**

26 9. Applicant admits the truth of each and every charge and allegation in Statement of
27 Issues No. 1A-2017-266.

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2 10. Applicant agrees that her Acupuncture License application is subject to denial and she
3 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
4 below.

5 **CONTINGENCY**

6 11. This stipulation shall be subject to approval by the Acupuncture Board. Applicant
7 understands and agrees that counsel for Complainant and the staff of the Acupuncture Board may
8 communicate directly with the Board regarding this stipulation and settlement, without notice to
9 or participation by Applicant. By signing the stipulation, Applicant understands and agrees that
10 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board
11 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
12 the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this
13 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
14 be disqualified from further action by having considered this matter.

15 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
16 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
17 signatures thereto, shall have the same force and effect as the originals.

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

21 **DISCIPLINARY ORDER**

22 IT IS HEREBY ORDERED that Applicant Lijin Deng will be issued an Acupuncture
23 License and that license shall be immediately revoked. The revocation will be stayed and the
24 Applicant placed on three (3) years' probation on the following terms and conditions.

25 1. **PRACTICE MONITOR** Within 90 days of the effective date of this decision,
26 Applicant shall submit to the Board for its prior approval, the name and qualifications of one or
27 more California licensed acupuncturists whose license is clear (no record of complaints) and
28 current and who has agreed to serve as a practice monitor. Once approved, the monitor shall

1 submit to the Board a plan by which Applicant's practice shall be monitored. The monitor's
2 education and experience shall be in the same field of practice as that of the Applicant. The
3 monitor shall submit written reports to the Board on a quarterly basis verifying that monitoring
4 has taken place and providing an evaluation of Applicant's performance. It shall be Applicant's
5 responsibility to assure that the required reports are filed in a timely fashion. The Applicant shall
6 provide access to the monitor of Applicant's fiscal and client records and shall be permitted to
7 make direct contact with patients. Further, the monitor shall have no prior business, professional,
8 personal or other relationship with Applicant. Applicant shall execute a release authorizing the
9 monitor to divulge any information that the Board may request.

10 Applicant shall notify all current and potential patients of any term or condition of
11 probation which will affect their treatment or the confidentiality of their records (such as this
12 condition which requires a practice monitor). Such notification shall be signed by each patient
13 prior to continuing or commencing treatment.

14 If the monitor quits or is otherwise no longer available, Applicant shall not practice until a
15 new monitor has been approved by the Board. All costs of monitoring shall be borne by the
16 Applicant. Monitoring shall consist of at least one hour per week of individual face to face
17 meetings.

18 2. PRACTICE RESTRICTION During the period of probation, Applicant shall not
19 hire, supervise, or lease space to a licensed, certified, unlicensed, and/or unlicensed massage
20 therapist. During the period of probation, Applicant shall not permit, allow, advertise for, and/or
21 make available any part of her business premises to anyone who's primary occupation is as a
22 massage therapist. Furthermore, any competent evidence of possible prostitution occurring on
23 Applicant's business premises shall be considered unprofessional conduct and grounds for
24 revocation of her Acupuncture License.

25 3. REIMBURSEMENT FOR PROBATION SURVEILLANCE MONITORING
26 Applicant shall reimburse the Board for the hourly costs it incurs in monitoring the probation to
27 ensure compliance for the duration of the probation period.

28 4. COURSEWORK Applicant shall take and successfully complete not less than eight

1 (8) combined hours of coursework in Record Keeping and Ethics. The coursework shall be taken
2 as approved by the Board. Classroom attendance must be specifically required. Course content
3 shall be pertinent to the violation and all coursework must be completed within the first year of
4 probation. The required coursework must be in addition to any continuing education courses that
5 may be required for license renewal.

6 Within 90 days of the effective date of this decision, Applicant shall submit a plan for the
7 Board's prior approval for meeting the educational requirements. All costs of the coursework
8 shall be borne by the Applicant.

9 5. OBEY ALL LAWS Applicant shall obey all federal, state and local laws, including
10 ordinances, and all regulations governing the practice of acupuncture in California. A full and
11 detailed account of any and all violations of law shall be reported by the Applicant to the Board in
12 writing within seventy-two (72) hours of occurrence.

13 6. QUARTERLY REPORTS Applicant shall submit quarterly declarations under
14 penalty of perjury on forms provided by the Board, stating whether there has been compliance
15 with all the conditions of probation.

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

22 8. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Applicant shall appear in
23 person for interviews with the Board or its designee upon request at various intervals and with
24 reasonable notice.

25 9. CHANGES OF EMPLOYMENT Applicant shall notify the Board in writing,
26 through the assigned probation surveillance compliance officer of any and all changes of
27 employment, location and address within 30 days of such change.

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1 10. TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE In the event
2 Applicant should leave California to reside or to practice outside the State, Applicant must notify
3 the Board in writing of the dates of departure and return. Periods of residency or practice outside
4 California will not apply to the reduction of this probationary period.

5 11. EMPLOYMENT AND SUPERVISION OF TRAINEES Applicant shall not employ
6 or supervise or apply to employ or supervise acupuncture trainees during the course of this
7 probation. Applicant shall terminate any such supervisory relationship in existence on the
8 effective date of this probation.

9 12. VIOLATION OF PROBATION If Applicant violates probation in any respect, the
10 Board may, after giving Applicant notice and the opportunity to be heard, revoke probation and
11 carry out the disciplinary order that was stated. If an accusation or petition to revoke probation is
12 filed against Applicant during probation, the Board shall have continuing jurisdiction until the
13 matter is final, and the period of probation shall be extended until the matter is final. No petition
14 for modification or termination of probation shall be considered while there is an accusation or
15 petition to revoke probation pending against Applicant.

16 13. COMPLETION OF PROBATION Upon successful completion of probation,
17 Applicant's license will be free and clear, without restriction.

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ACCEPTANCE

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

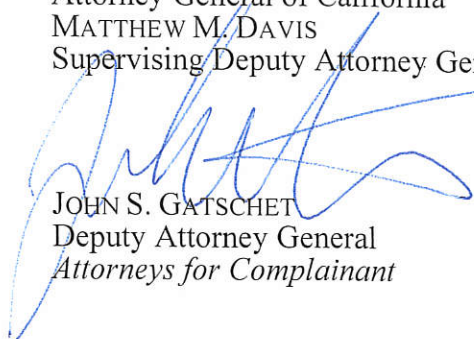
DATED: 07-23-2018 
LIJIN DENG
Applicant

ENDORSEMENT

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

Dated: 7-24-18

Respectfully submitted,
XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General


JOHN S. GATSCHET
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Statement of Issues No. 1A-2017-266