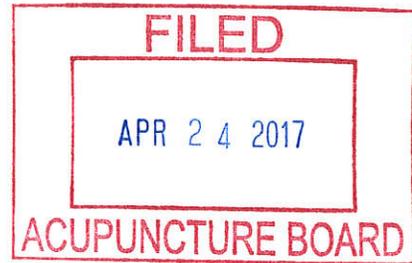


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9
10 **BEFORE THE**
11 **ACUPUNCTURE BOARD**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 1A-2016-100

14 **XIPING WU**
15 **32322 S. Coast Highway, Suite C**
Laguna Beach, CA 92651

A C C U S A T I O N

16 **Acupuncture License No. AC 7840**

17 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 (Board).
23 2. On or about March 15, 2001, the Acupuncture Board issued Acupuncture License No.
24 AC 7840 to XiPing Wu (respondent). The Acupuncture License was in full force and effect at all
25 times relevant to the charges brought herein and will expire on May 31, 2018, unless renewed.

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27 ///

28 ///

JURISDICTION

1
2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise
4 indicated.

5 4. Section 4955 of the Code states, in pertinent part:

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 “(c) False or misleading advertising.

11 “(d) Aiding or abetting in, or violating or conspiring in, directly or indirectly, the
12 violation of the terms of this chapter or any regulation adopted by the board pursuant to this
13 chapter.

14 “...

15 “(l) The failure to notify the board of the use of any false, assumed, or fictitious
16 name other than the name under which he or she is licensed as an individual to
17 practice acupuncture.”

18 5. Section 4955.1 of the Code states, in pertinent part:

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

22 “...

23 “(c) Committing any act involving dishonesty or corruption with respect to the
24 qualifications, functions, or duties of an acupuncturist.

25 “...”

26 6. Section 4955.2 of the Code states, in pertinent part:

27 “The board may deny, suspend, revoke, or impose probationary conditions upon the
28 license of any acupuncturist if he or she is guilty of committing any one of the following:

1 “(a) Gross negligence.

2 “...”

3 “(c) Incompetence.”

4 7. Section 4978 of the Code states:

5 “The name of an acupuncture corporation and any name or names under which it may
6 render professional services shall contain the words “acupuncture” or “acupuncturist” and
7 wording or abbreviations denoting corporate existence.”

8 8. Section 4979 of the Code states:

9 “The board may adopt and reinforce regulations to carry out the purposes and
10 objectives of this article, including, but not limited to, regulations requiring

11 9. California Code of Regulations, title 16, section 1399.455, states, in pertinent part:

12 “(a) A licensed acupuncturist may advertise the provision of any acupuncture
13 services authorized to be provided by such licensure in a manner authorized by Section 651
14 of the code so long as such advertising does not promote the excessive or unnecessary use
15 of such services.

16 “...”

17 10. Section 651 states, in pertinent part:

18 “(a) It is unlawful for any person licensed under this division or under any initiative
19 act referred to in this division to disseminate or cause to be disseminated any form of public
20 communication containing a false, fraudulent, misleading, or deceptive statement, claim, or
21 image for the purpose of or likely to induce, directly or indirectly, the rendering of
22 professional services or furnishing of products in connection with the professional practice
23 or business for which he or she is licensed. A ‘public communication’ as used in this
24 section includes, but is not limited to, communication by means of mail, television, radio,
25 motion picture, newspaper, book, list or directory of healing arts practitioners, Internet, or
26 other electronic communication.

27 “(b) A false, fraudulent, misleading, or deceptive statement, claim, or image includes
28 a statement or claim that does any of the following:

1 “(1) Contains a misrepresentation of fact.

2 “(2) Is likely to mislead or deceive because of a failure to disclose material
3 facts.

4 “...

5 “(5) Contains other representations or implications that in reasonable
6 probability will cause an ordinarily prudent person to misunderstand or be deceived.

7 “...

8 “(e) Any person so licensed may not use any professional card, professional
9 announcement card, office sign, letterhead, telephone directory listing, medical list, medical
10 directory listing, or a similar professional notice or device if it includes a statement or claim
11 that is false, fraudulent, misleading, or deceptive within the meaning of subdivision (b).

12 “...

13 “(g) Any violation of this section by a person so licensed shall constitute good cause
14 for revocation or suspension of his or her license or other disciplinary action.

15 “...”

16 **COST RECOVERY**

17 11. Section 4959 of the Code states, in pertinent part:

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

23 “...”

24 **FIRST CAUSE FOR DISCIPLINE**

25 **(Gross Negligence)**

26 12. Respondent has subjected her Acupuncture License No. AC 7840 to disciplinary
27 action under section 4955.2, subdivision (a), of the Code, in that respondent committed gross
28 negligence in her care and treatment of patient L.B., as more particularly alleged hereinafter:

1 13. In or around 2001, respondent published a book entitled, "PingLongevity: The
2 Complete Way of Life for Young, Healthy and Long Lasting Spirit and Body." Respondent's co-
3 authored name on the book is listed as "Ping Wu, M.D., Ph.D."

4 14. In or around 2003, respondent published a book entitled, "Asian Longevity Secrets:
5 Seven Breakthrough Steps to Youthful Health and Vitality." Respondent's co-authored name on
6 the book is listed as "Ping Wu, M.D."

7 15. On or about June 26, 2005, respondent obtained a Doctor of Philosophy (Ph.D.) in
8 Oriental Medicine from American Liberty University, in Montgomery, Alabama.¹

9 16. In or around 2011, respondent published a book entitled, "Be Young and Beyond, a
10 Lifelong Journey to Vibrant Health and Longevity." Respondent's co-authored name on the book
11 is listed as "Ping Wu, M.D."

12 17. On or about November 9, 2015, respondent registered a corporation with the
13 California Secretary of State, entitled, "Ping Clinic, Inc." This business was designated as a
14 "Health Clinic."

15 18. In or around 2016, respondent operated a private medical clinic entitled, "Ping
16 Clinic," in Laguna Beach, CA. During that time period, the website affiliated with Ping Clinic
17 lists respondent's name as, "Dr. Ping Wu, MD, Ph.D., OMD, MS, Lac (CA, NCCA), Elected
18 Member of Advisory Board of American Academy of Anti-Aging Medicine." In the "About Dr.
19 Ping," section of the website, the cover of the book "Be Young and Beyond," was displayed, as
20 well as a list of various other publications, including but not limited to, "Ping Longevity," and
21 "Asian Longevity Secrets."

22 19. In or around 2016, respondent's name was listed on her Ping Clinic business card as,
23 "Ping Wu, M.D. (China), O.M.D., M.S., Ph.D. L.Ac. (CA, NCCA)."

24 20. In or around 2016, the door to Ping Clinic listed respondent's name as, "Dr. Ping Wu,
25 Licensed Acupuncturist, M.D. (China), O.M.D., M.S., Ph.D., Lac. (CA, NCCA)."

26 ///

27 _____
28 ¹ American Liberty University has never offered a Doctor of Oriental Medicine (O.M.D.) degree.

1 21. On or about February 11, 2016, patient L.B., a then seventy-one (71) year old female,
2 presented to respondent for treatment with complaints of tinnitus, allergies, type II diabetes,
3 obesity, and a sleep disorder. After an initial review of the patient’s medical history, respondent’s
4 recommendation for the patient included, among other things, allergy testing and acupuncture.
5 Respondent’s recommendations for the patient were listed in the patient’s chart, as well as on a
6 “Prescription Pad” that listed respondent’s name as, “Dr. Ping Wu, MD China, OMD, MS, PhD,
7 LicAc (CA, NCCAOM).”

8 22. At that same visit, respondent escorted patient L.B. into another room, and then
9 placed acupuncture needles into the patient’s abdomen, head, and legs. Respondent also placed a
10 heat lamp over the patient, and then left the room. Several minutes later, patient L.B. became
11 uncomfortable from the heat and called out for help. Another person then entered the room,
12 changed the angle of the heat lamp, and then left the room.

13 23. On or about February 12, 2016, patient L.B. noticed a burn to her abdomen that began
14 to blister.

15 24. On or about February 25, 2016, patient L.B. presented to her primary care physician
16 with complaints of a burn to her abdomen from the acupuncture, with current and increasing
17 redness and pain. After a physical examination, patient L.B. was diagnosed with cellulitis² of the
18 abdominal wall, and prescribed an oral antibiotic.

19 25. On or about August 23, 2016, respondent submitted a written response to the Board
20 regarding her medical training, and care and treatment of patient L.B. In that letter, respondent
21 admitted, among other things, that she is not a California licensed physician, but claims to have
22 graduated from Beijing University Medical School. For that reason, respondent claims she has
23 included a qualification of “China” next to the letters “MD” on her business card and the door to
24 her office. Respondent further stated that her website and books are for “general readers, rather
25 than to practice medicine or recruit patients.” Respondent denied that she sells the books, but

26 ² Cellulitis is a common skin infection that occurs when bacteria spread through the skin to deeper
27 tissues. Most cases are mild and last several days to a couple of weeks. Cellulitis can sometimes progress
28 to a more serious infection, causing severe illness that affects the whole body (sepsis) or other dangerous
problems. Treatment is needed to help control the infection and reduce symptoms.

1 rather, gives her books to patients as gifts. As to the treatment of patient L.B., respondent
2 claimed the patient had a “very rare skin condition,” which she did not disclose before or during
3 her treatment.

4 26. Respondent committed gross negligence in her care and treatment of patient L.B.,
5 which included, but was not limited to, utilizing heat treatment on a diabetic patient for the first
6 time, without continuous monitoring.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Incompetence)**

9 27. Respondent has further subjected her Acupuncture License No. AC 7840 to
10 disciplinary action under section 4955.2, subdivision (c), of the Code, in that respondent was
11 incompetent in her care and treatment of patient L.B., as more particularly alleged in paragraphs
12 12 through 26, above, which are hereby incorporated by reference and realleged as if fully set
13 forth herein.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(False or Misleading Advertising)**

16 28. Respondent has further subjected her Acupuncture License No. AC 7840 to
17 disciplinary action under section 4955, subdivision (c), of the Code, and section 4955, subdivision
18 (d), as defined by California Code of Regulations, title 16, section 1399.455, subdivision (a), and
19 section 651, of the Code, in that respondent engaged in false or misleading advertising, as more
20 particularly alleged in paragraphs 12 through 26, above, which are hereby incorporated by
21 reference and realleged as if fully set forth herein.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Failure to Notify Board of False Name)**

24 29. Respondent has further subjected her Acupuncture License No. AC 7840 to
25 disciplinary action under section 4955, subdivision (l), of the Code, in that she failed to notify the
26 Board of her use of a false, assumed, or fictitious name, other than the name under which she is
27 licensed as an individual with the Board, as more particularly alleged in paragraphs 12 through
28 26, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Dishonest or Corrupt Act)**

3 30. Respondent has further subjected her Acupuncture License No. AC 7840 to
4 disciplinary action under section 4955.1, subdivision (c), of the Code, in that she committed an
5 act involving dishonesty or corruption with respect to her qualifications, functions, or duties of an
6 acupuncturist, as more particularly alleged in paragraphs 12 through 26, above, which are hereby
7 incorporated by reference and realleged as if fully set forth herein.

8 **SIXTH CAUSE FOR DISCIPLINE**

9 **(Unlawful Corporate Name)**

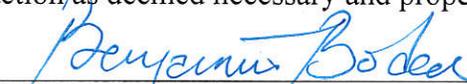
10 31. Respondent has further subjected her Acupuncture License No. AC 7840 to
11 disciplinary action under section 4955, subdivision (d), as defined by section 4978, of the Code,
12 in that she maintained a corporation rendering acupuncture services, which did not contain the
13 words "acupuncture" or "acupuncturist," as more particularly alleged in paragraphs 12 through
14 26, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

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 or suspending Acupuncture License Number AC 7840, issued to
19 respondent XiPing Wu;
- 20 2. Ordering respondent XiPing Wu to pay the Acupuncture Board the reasonable costs
21 of the investigation and enforcement of this case, pursuant to Business and Professions Code
22 section 4959; and,
- 23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: APR 24 2017


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

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