



**ACUPUNCTURE BOARD**

444 North 3<sup>rd</sup> Street, Suite 260, Sacramento, CA 95814  
Phone: (916) 445-3021 Fax: (916) 445-3015 [www.acupuncture.ca.gov](http://www.acupuncture.ca.gov)

July 12, 2010

Christopher James Rasmussen  
2251 Kinsely St.  
Santa Cruz, CA 95062

Re: **Case No. D2-2003-72**  
**Stipulated Surrender of License and Order**

Dear Mr. Rasmussen:

Enclosed is a copy of the **Stipulated Surrender of License and Order** in the matter of the Accusation and Petition to Revoke Probation filed against you. Please note the effective date of the Decision is August 11, 2010.

The stipulation entered into by you surrenders your acupuncture license. Your original wall license, all duplicate wall licenses, and pocket license must be returned to the Board at the address listed above post-marked no later than the effective date of the Decision.

Please be advised you may petition the Board for reinstatement of your acupuncture license no sooner than three (3) years from the effective date of this Decision.

Sincerely,

  
JANELLE WEDGE  
Executive Officer

Enclosures

cc: Russell Lee, DAG, DOJ  
Jose Guerrero, SDAG, DOJ  
Case Intake Unit, DOI

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

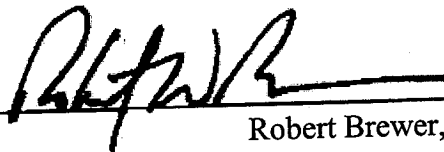
In the Matter of the Accusation and ) Case No. D2-2003-72  
Petition to Revoke Probation Against: )  
)  
CHRISTOPHER JAMES RASMUSSEN )  
2251 Kinsely St. )  
Santa Cruz, CA 95062 )  
)  
Acupuncture License No. AC 10334 )  
)  
Respondent. )  
\_\_\_\_\_ )

**DECISION AND ORDER**

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

This Decision shall become effective on                     **AUG 11 2010**                    .

It is so ORDERED                     **JUL 12 2010**                    .

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

1 EDMUND G. BROWN JR.  
 Attorney General of California  
 2 JOSE R. GUERRERO  
 Supervising Deputy Attorney General  
 3 RUSSELL W. LEE  
 Deputy Attorney General  
 4 State Bar No. 94106  
 1515 Clay Street, 20th Floor  
 5 P.O. Box 70550  
 Oakland, CA 94612-0550  
 6 Telephone: (510) 622-2217  
 Facsimile: (510) 622-2121  
 7

8 *Attorneys for Complainant*

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

11  
 12 In the Matter of the Accusation and Petition to  
 Revoke Probation Against,

Case No. D2-2003-72

13 **CHRISTOPHER JAMES RASMUSSEN**

**STIPULATION FOR  
 SURRENDER OF LICENSE**

14 **2251 Kinsely St.**  
 15 **Santa Cruz, CA 95062**

16 **License No. AC 10334**

17 Respondent.

18  
 19 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
 20 proceeding that the following matters are true:

21 PARTIES

- 22 1. Janelle Wedge (complainant) is the Executive Officer of the Acupuncture Board,  
 23 Department of Consumer Affairs, and is represented in this matter by Edmund G. Brown Jr.,  
 24 Attorney General of the State of California, by Russell W. Lee, Deputy Attorney General.  
 25 Complainant brought this action solely in her official capacity Executive Director of the Board.  
 26 2. Christopher James Rasmussen ("respondent") has elected to represent himself in this  
 27 matter.  
 28



CULPABILITY

1  
2 8. For the purposes of settlement, respondent does not contest that, at an administrative  
3 hearing, complainant could establish a prima facie case with respect to the charges and allegations  
4 contained in Accusation and Petition To Revoke Probation No. D2-2003-72 and that he has  
5 thereby subjected his license to revocation of probation.

6 9. For the purpose of resolving the Accusation and Petition To Revoke Probation  
7 without the expense and uncertainty of an administrative hearing, respondent agrees to surrender  
8 his Acupuncture License No. AC 10334 to the Acupuncture Board.

9 10. Respondent understands that by signing this Stipulation For Surrender of License, he  
10 is enabling the Acupuncture Board to issue its order accepting the surrender of his license without  
11 further process.

CONTINGENCY

12  
13 11. This Stipulation For Surrender of License shall be subject to approval by the  
14 Acupuncture Board. Respondent understands and agrees that counsel for complainant and the  
15 staff of the Acupuncture Board may communicate directly with the Acupuncture Board regarding  
16 this Stipulation for Surrender of License, without notice to or participation by respondent or his  
17 counsel. By signing the Stipulation for Surrender of License, respondent understands and agrees  
18 that he may not withdraw his agreement or seek to rescind the Stipulation for Surrender of  
19 License prior to the time the Acupuncture Board considers and acts upon it. If the Acupuncture  
20 Board fails to adopt this Stipulation For Surrender of License as its Decision and Order, the  
21 Stipulation for Surrender of License shall be of no force or effect, except for this paragraph, it  
22 shall be inadmissible in any legal action between the parties, and the Acupuncture Board shall not  
23 be disqualified from further action by having considered this matter.

24 12. The parties understand and agree that facsimile copies of this Stipulation for  
25 Surrender of License, including facsimile signatures thereto, shall have the same force and effect  
26 as the originals.

27 13. Upon acceptance of the Stipulation for Surrender of License by the Acupuncture  
28 Board, respondent understands that he will no longer be permitted to practice

1 Acupuncture/Oriental Medicine in California, and also agrees to surrender and cause to be  
2 delivered to the Acupuncture Board both his license and wallet certificate before the effective  
3 date of the decision.

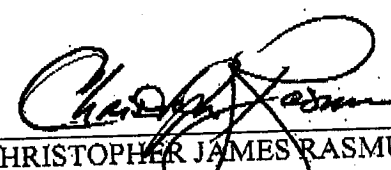
4 14. Respondent has been advised and is aware that pursuant to Board of Acupuncture  
5 Laws and Regulations, the Acupuncture Board may and will withdraw its approval of a  
6 continuing education provider if the provider has had a license revoked, suspended, placed on  
7 probation, voluntarily surrendered or otherwise disciplined by the Acupuncture Board.

8 15. Respondent fully understands and agrees that if he ever files an application for  
9 relicensure or reinstatement in the State of California, the Acupuncture Board shall treat it as a  
10 petition for reinstatement, the respondent must comply with all the laws, regulations and  
11 procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all  
12 of the charges and allegations contained in Accusation and Petition To Revoke Probation No. D2-  
13 2003-72 will be deemed to be true, correct and admitted by respondent when the Acupuncture  
14 Board determines whether to grant or deny the petition.

15 ACCEPTANCE

16 I have carefully read the above Stipulation for Surrender of License. I understand the  
17 Stipulation for Surrender of License and the effect it will have on my license to practice  
18 Acupuncture/Oriental Medicine. I enter into this Stipulation for Surrender of License voluntarily,  
19 knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
20 Acupuncture Board of California.

21  
22 DATED: June 22, 2010

  
CHRISTOPHER JAMES RASMUSSEN  
Respondent

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ENDORSEMENT

The foregoing Stipulation Surrender of License is hereby respectfully submitted for consideration by the Acupuncture Board of California of the Department of Consumer Affairs.

Dated: *JUNE 22*, 2010

Respectfully submitted,

EDMUND G. BROWN JR.  
Attorney General of California  
Jose R. Guerrero  
Supervising Deputy Attorney General

*Russell W. Lee*  
RUSSELL W. LEE  
Deputy Attorney General  
*Attorneys for Complainant*





**FILED**

JAN 25 2010

**ACUPUNCTURE BOARD**

1 EDMUND G. BROWN JR.  
 Attorney General of California  
 2 JOSE R. GUERRERO  
 Supervising Deputy Attorney General  
 3 RUSSELL W. LEE  
 Deputy Attorney General  
 4 State Bar No. 94106  
 1515 Clay Street, 20th Floor  
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*Attorneys for Complainant*

8  
 9 **BEFORE THE**  
**ACUPUNCTURE BOARD**  
 10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**  
 11

12 ~~In the Matter of the Accusation and Petition to~~  
 Revoke Probation Against,

Case No. D2-2003-72

**CHRISTOPHER JAMES RASMUSSEN**

ACCUSATION AND PETITION TO  
REVOKE PROBATION

2251 Kinsely St.  
Santa Cruz, CA 95062

License No. AC 10334

Respondent.

Complainant alleges:

PARTIES

21 1. Janelle Wedge (Complainant) brings this Accusation and Petition to Revoke  
 22 Probation solely in her official capacity as the Executive Officer of the Acupuncture Board,  
 23 Department of Consumer Affairs.

24 2. Effective July 7, 2005, pursuant to a Stipulated Settlement and Decision, the  
 25 Acupuncture Board issued an Order providing that respondent Christopher James Rasmussen  
 26 ("respondent") shall be issued a license to practice Acupuncture/Oriental Medicine. Respondent  
 27 was subsequently issued License No. AC 10334 on July 14, 2005; however, said license was  
 28 revoked upon issuance, the revocation is stayed, and respondent was placed on probation for 5

1 (five) years on the terms and conditions set forth in greater detail further below in this Accusation  
2 and Petition To Revoke Probation. At all times herein, said License was in full force and effect  
3 and is due to expire October 31, 2010, unless renewed

#### 4 JURISDICTION

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

8 4. Section 480 of the Code states:

9 "(a) A board may deny a license regulated by this code on the grounds that the applicant has  
10 one of the following:

11 ....  
12 "(2) Done any act involving dishonesty, fraud, or deceit with the intent to  
13 substantially benefit himself or herself or another, or substantially injure another.

14 "(3)

15 "(A) Done any act that if done by a licentiate of the business or profession in  
16 question, would be grounds for suspension or revocation of license.

17 "(B) The board may deny a license pursuant to this subdivision only if the  
18 crime or act is substantially related to the qualifications, functions, or duties of the  
19 business or profession for which application is made.

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

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

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

24 ....

25 "(d) Aiding or abetting in, or violating or conspiring in, directly or indirectly,  
26 the violation of the terms of this chapter or any regulation adopted by the board  
27 pursuant to this chapter.

28 ....

1           "(i) Any action or conduct that would have warranted the denial of the  
2           acupuncture license.

3           6.     Section 4955.1 of the Code states, in pertinent part, that:

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

7           "         (a) Securing a license by fraud or deceit.

8           "         (b) Committing a fraudulent or dishonest act as an acupuncturist.

9           "         (c) Committing any act involving dishonesty or corruption with respect to the  
10          qualifications, functions, or duties of an acupuncturist.

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

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

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

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

27          ...  
28          ...



1 Physician and Surgeon's Certificate was subjected to disciplinary action pursuant to sections 141,  
2 2305, 2239, 4081, and 2238 of the Code, in conjunction with Health and Safety Code sections  
3 11170 and 11173. Respondent's license to practice medicine was revoked, with the revocation  
4 stayed and respondent was placed on probation for five (5) years subject to several terms and  
5 conditions, including but not limited to, "Drugs & Abstain From Use, Biological Fluid Testing,  
6 Diversion Program, Controlled Drugs Partial Restriction, Controlled Drug Maintain Records,  
7 Monitoring, Spex Exam," and Standard Terms and Conditions.

8 11. Respondent probation period with the Medical Board was thereafter tolled since the  
9 effective date of the decision, due to respondent practicing and residing outside California (in  
10 Wisconsin).

11 12. On or about August 23, 2004, the State of Wisconsin, Medical Examining Board,  
12 suspended respondent's medical license based upon respondent's decision to discontinue  
13 compliance with the Wisconsin Medical Examining Board's disciplinary order of August 25,  
14 1999. More specifically, by a letter dated June 24, 2004, respondent advised the Wisconsin  
15 Medical Examining Board that he was moving from the state of Wisconsin to California to  
16 practice acupuncture and/or medicine, and that respondent did not intend to continue his random  
17 drug screens in Wisconsin.

18 13. On or about November 3, 2004, the Medical Board issued a full Out Of State  
19 Suspension Order pursuant to Business and Professions Code section 2310.

20 14. On or about December 21, 2004, respondent was interviewed by a Medical Board  
21 Investigator. Respondent indicated, inter alia, that his suspension in Wisconsin was due to the  
22 fact that, at the end of summer, he decided no longer to reside in Wisconsin and that he could no  
23 longer comply with the Wisconsin licensure requirements. Respondent felt that opportunities to  
24 practice alternative medicine in Wisconsin were limited. He moved to California and began the  
25 process of applying for licensure as an acupuncturist.

26 15. On or about January 25, 2005, the Medical Board of California filed an Accusation  
27 and Petition To Revoke Probation (Case No. D1-1999-103141) based upon said Out Of State  
28 Suspension Order.

1           16. Effective July 7, 2005, pursuant to a Stipulated Settlement and Disciplinary Order,  
2 the Medical Board issued a Decision and Order providing that the probationary status of  
3 Physician's and Surgeon's Certificate No. G 63075 issued to Christopher James Rasmussen,  
4 M.D., (previously imposed via the Decision and Order in Case No. 16-1999-103141, effective on  
5 October 23, 2000), is hereby revoked. However, the revocation was stayed and respondent was  
6 placed on probation for 5 (five) years on the following terms and conditions.

7                   1. Controlled Substances - Partial Restriction

8                   Respondent shall not order, prescribe, dispense, administer, or possess any  
9 controlled substances as defined by the California Uniform Controlled Substances Act,  
10 except for those drugs listed in Schedule(s) IV and V of the Act . . .

11                   2. Controlled Substances- Maintain Records and Access to Records and  
12 Inventories

13                   Respondent shall maintain a record of all controlled substances ordered,  
14 prescribed, dispensed, administered, or possessed by respondent . . .

15                   Respondent shall keep these records in a separate file or ledger, in  
16 chronological order. All records and any inventories of controlled substances shall be  
17 available for immediate inspection and copying on the premises by the Division or its  
18 designee at all times during business hours and shall be retained for the entire term of  
19 probation.

20                   Failure to maintain all records, to provide immediate access to the  
21 inventory, or to make all records available for immediate inspection and copying on the  
22 premises, is a violation of probation.

23                   3. Controlled Substances - Abstain From Use

24                   Respondent shall abstain completely from the personal use or possession of  
25 controlled substances as defined in the California Uniform Controlled Substances Act,  
26 dangerous drugs as defined by Business and Professions Code section 4022, and any drugs  
27 requiring a prescription. This prohibition does not apply to medications lawfully prescribed  
28 to respondent by another practitioner for a bona fide illness or condition . . .

1                   4. Alcohol - Abstain From Use

2                   Respondent shall abstain completely from the use of products or beverages  
3 containing alcohol.

4                   5. Biological Fluid Testing

5                   Respondent shall immediately submit to biological fluid testing, at  
6 respondent's expense, upon the request of the Division or its designee. A certified copy of  
7 any laboratory test results may be received in evidence in any proceedings between the  
8 Board and the respondent. Failure to submit to, or failure to complete the required  
9 biological fluid testing, is a violation of probation.

10                   6. Diversion Program

11                   Within 18 months from the effective date of this Decision, respondent shall  
12 enroll and participate in the Board's Diversion Program until the Diversion Program  
13 determines that further treatment and rehabilitation are no longer necessary. Respondent  
14 shall not engage in the practice of medicine until notified in writing by both the Diversion  
15 Program after enrollment and the Division or its designee of their determination that  
16 respondent is medically fit to practice safely . . .

1                   7. Oral and/or Written Examination  
2                    Within 18 months from the effective date of this Decision, respondent  
3 shall take and pass the SPEX examination . . . .

4                   8. Monitoring – Practice  
5                    Within 18 months from the effective date of this Decision, respondent shall  
6 submit to the Division or its designee for prior approval as a practice monitor(s), the name  
7 and qualifications of one or more licensed physicians and surgeons whose licenses are  
8 valid and in good standing, and who are preferably American Board of Medical Specialties  
9 (ABMS) certified . . . .

10                  9. Solo Practice  
11                  Respondent is prohibited from engaging in the solo practice of medicine.

12                  10. STANDARD CONDITIONS, including a provision for License Surrender,  
13 which provides, in pertinent part, that:

14                  Following the effective date of this Decision, if respondent ceases practicing  
15 due to retirement, health reasons or is otherwise unable to satisfy the terms and  
16 conditions of probation, respondent may request the voluntary surrender of  
17 respondent's license. The Division reserves the right to evaluate respondent's  
18 request and to exercise its discretion whether or not to grant the request, or to  
19 take any other action deemed appropriate and reasonable under the  
20 circumstances. ~~Upon formal acceptance of the surrender, respondent shall~~  
21 within 15 calendar days deliver respondent's wallet and wall certificate to the  
22 Division or its designee and respondent shall no longer practice medicine.  
23 Respondent will no longer be subject to the terms and conditions of probation  
24 and the surrender of respondent's license shall be deemed disciplinary action.  
25 If respondent re-applies for a medical license, the application shall be treated as  
26 a petition for reinstatement of a revoked certificate.

27                  17. Effective December 13, 2007, respondent elected to surrender his Physician and  
28 Surgeon's certificate to the Medical Board pursuant to the License Surrender provision of his  
probation.

#### RESPONDENT'S ACUPUNCTURE BOARD HISTORY

1                  18. On or about September 1, 2004, respondent submitted an Application for License to  
2 the Acupuncture Board.

3                  19. On or about September 2, 2004, the Acupuncture Board notified respondent that his  
4 application for licensure had been denied. On or about September 7, 2004, respondent submitted  
5 a letter requesting a hearing on the denial. On about September 10, 2004, respondent's attorney  
6 submitted a letter requesting the filing of a Statement of Issues and a hearing concerning the  
7 denial of respondent's application.

8                  20. On or about October 14, 2004, a Statement of Issues Case No. 1A-2003-72 was filed  
9 by the Acupuncture Board alleging that respondent had engaged in unprofessional conduct; had

1 been disciplined by another state for acts substantially related to the practice regulated by a  
2 California acupuncture license; and for use of a controlled substance.

3 21. Effective July 7, 2005, pursuant to a Stipulated Settlement and Decision, the  
4 Acupuncture Board issued an Order providing that respondent Christopher James Rasmussen  
5 shall be issued a license to practice Acupuncture/Oriental Medicine (respondent was subsequently  
6 issued License No. AC 10334); however, said license was revoked upon issuance, the revocation  
7 was stayed, and respondent was placed on probation for 5 (five) years on the following terms and  
8 conditions:

9 1. ABSTAIN FROM DRUGS AND ALCOHOL AND SUBMIT  
10 TO TESTS AND SAMPLES

11 Respondent shall abstain completely from the personal use or  
12 possession of controlled substances as defined in the California  
13 Uniform Controlled Substances Act (Division 10, commencing  
14 with section 11000, Health and Safety Code) and dangerous drugs  
15 as defined by Section 4211 of the Business and Professions Code,  
16 or any drugs requiring a prescription. Respondent shall abstain  
17 completely from the use of alcoholic beverages. Respondent shall  
18 undergo random, biological fluid testing as determined by the  
19 Board. Respondent shall bear all costs of such testing. The length  
20 of time and frequency will be determined by the Board. Any  
21 confirmed positive finding will be considered a violation of  
22 probation. This prohibition does not apply to medications lawfully  
23 prescribed to respondent by another practitioner for a bona fide  
24 illness or condition.

25 2. REIMBURSEMENT FOR PROBATION SURVEILLANCE  
26 MONITORING

27 Respondent shall reimburse the Board for the hourly costs it  
28 incurs in monitoring the probation to ensure compliance for the  
duration of the probation period, not to exceed \$500.00 annually.

3. OBEY ALL LAWS

Respondent shall obey all federal, state and local laws and all  
regulations governing the practice of acupuncture in California. A  
full and detailed account of any and all violations of law shall be  
reported by the respondent to the Board in writing within seventy-  
two (72) hours of occurrence.

4. QUARTERLY REPORTS

Respondent shall submit quarterly declarations under penalty  
of perjury on forms provided by the Board, stating whether there  
has been compliance with all the conditions of probation.

5. SURVEILLANCE PROGRAM

Respondent shall comply with the Board's probation  
surveillance program and shall, upon reasonable notice, report to  
the assigned investigative district office. Respondent shall contact



1 the assigned probation surveillance monitor regarding any questions  
2 specific to the probation order. Respondent shall not have any  
3 unsolicited or unapproved contact with 1) victims or complainants  
4 associated with the case; 2) Board members or members of its  
5 staff; or 3) persons serving the Board as expert examiners.

6 6. INTERVIEW WITH THE BOARD OR ITS DESIGNEE

7 Respondent shall appear in person for interviews with the  
8 Board or its designee upon request at various intervals and with  
9 reasonable notice.

10 7. CHANGES OF EMPLOYMENT

11 Respondent shall notify the Board in writing, through the  
12 assigned probation surveillance compliance officer of any and all  
13 changes of employment, location and address within 30 days of  
14 such change.

15 8. TOLLING FOR OUT-OF-STATE PRACTICE OR  
16 RESIDENCE

17 In the event respondent should leave California to reside or to  
18 practice outside the State, respondent must notify the Board in  
19 writing of the dates of departure and return. Periods of residency or  
20 practice outside California will not apply to the reduction of this  
21 probationary period.

22 9. EMPLOYMENT AND SUPERVISION OF TRAINEES

23 Respondent shall not employ or supervise or apply to employ  
24 or supervise acupuncture trainees during the course of this  
25 probation. Respondent shall terminate any such supervisorial  
26 relationship in existence on the effective date of this probation.

27 10. COST RECOVERY

28 Respondent shall pay to the Board its costs of investigation  
and enforcement in the amount of \$1200.00.

11 VIOLATION OF PROBATION

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

22 12. COMPLETION OF PROBATION

23 Upon successful completion of probation, respondent's  
24 license will be fully restored.

25 13. OPTION TO SURRENDER LICENSE

26 Following the effective date of this Decision, if respondent  
27 ceases practicing due to retirement, health reasons or is otherwise  
28 unable to satisfy the terms and conditions of probation, respondent  
may request the voluntary surrender of respondent's license. The

1 Board reserves the right to evaluate respondent's request and to  
2 exercise its discretion whether or not to grant the request, or to take  
3 any other action deemed appropriate and reasonable under the  
4 circumstances. Upon formal acceptance of the surrender,  
5 respondent shall within 15 calendar days deliver respondent's  
6 wallet and wall certificate to the Board or its designee and  
7 respondent shall no longer practice Acupuncture/Oriental Medicine  
8 under the authority of the license previously issued by the Board.  
9 Respondent will no longer be subject to the terms and conditions of  
10 probation and the surrender of respondent's license shall be deemed  
11 disciplinary action based upon the grounds and admission already  
12 set forth in this Stipulation. If respondent re-applies for a license to  
13 practice Acupuncture/Oriental Medicine, the application shall be  
14 treated as a petition for reinstatement of a revoked license.

#### 15 CAUSES FOR REVOCATION OF PROBATION

16 22. Respondent's probation under License No. AC 10334 previously issued by the  
17 Acupuncture Board is subject to revocation for violating the terms of his probation as hereinafter  
18 set forth.

#### 19 FIRST CAUSES FOR REVOCATION OF PROBATION

20 23. On or about March 25, 2009, Laura Campos, a Senior Investigator for the  
21 Department of Consumer Affairs, Division of Investigation, who was previously assigned to  
22 monitor respondent's probation with the Acupuncture Board, attempted to contact respondent by  
23 telephone at his work location, Five Branches University, in Santa Cruz, for the purpose of  
24 administering a random biological fluid test as required by respondent's probationary terms.  
25 Investigator Campos left a message for respondent to contact her immediately. Investigator  
26 Campos then telephoned respondent at his private telephone number and left a similar message.  
27 Investigator Campos then sent an e-mail to respondent requesting that he contact Investigator  
28 Campos immediately.

29 24. Respondent did not contact Investigator Campos until the next morning, March 26,  
30 2009, at which time Investigator Campos requested that respondent submit to a random drug  
31 screen that morning. Respondent refused to submit to a drug screen, indicating that he was  
32 scheduled to work that day and would not appear for a drug screen.

33 25. Respondent has violated probationary conditions No. 1. (Abstain from Drugs and  
34 Alcohol and Submit to Tests) and No. 5. (Surveillance Program) and therefore cause exist for  
35 revocation of probation pursuant to probationary condition No. 11 (Violation of Probation).

SECOND CAUSES FOR REVOCATION OF PROBATION

1  
2       26. The allegations set forth in the First Causes for Revocation of Probation are referred  
3 to and incorporated herein by reference as though fully set forth.

4       27. On or about July 31, 2009, Annette Rodriguez, a Senior Investigator for the  
5 Department of Consumer Affairs, Division of Investigation, who was now assigned to monitor  
6 respondent's probation (subsequent to Investigator Campos' retirement), met with respondent to  
7 verify that respondent understood each and every term of probation, which respondent verbally  
8 indicated and then initialed and dated on a copy of the Stipulated Settlement and Decision that he  
9 did so understand.

10       28. On or about July 31, 2009, respondent filled out and signed a "Last Use  
11 Questionnaire" indicating that he had not taken any prescription and/or illegal drugs, and  
12 indicating that he was only taking "Advil", an over the counter pain medication, for occasional

13 pain. Respondent also advised Investigator verbally that the Advil was taken after exercise.

14       29. In truth and in fact, on or about 3/15/08, 3/18/08, and 4/9/08, respondent had obtained  
15 from local dentists and had filled at local pharmacies, prescriptions for Vicodin.

16       30. Vicodin is a Schedule III controlled substance pursuant to Health and Safety Code  
17 section 11506(e)(4), and a dangerous drug pursuant to Business and Professions Code section  
18 4022.

19       31. On or about November 25, 2009, Investigator Rodriguez met with respondent and  
20 questioned him regarding the three Vicodin prescriptions. Respondent admitted to obtaining the  
21 prescriptions and indicated that he had simply forgotten to report the prescriptions to the Division  
22 of Investigation or the Acupuncture Board.

23       32. Respondent has violated probationary conditions No. 1. (Abstain From Drugs And  
24 Alcohol And Submit to Tests), 3. (Obey All Laws (by violation of Business and Professions Code  
25 sections as set forth further herein below under Causes For Disciplinary Action)) and No. 5.  
26 (Surveillance Program) and therefore cause exist for revocation of probation pursuant to  
27 probationary condition No. 11 (Violation of Probation).

28       ...

1 THIRD CAUSES FOR REVOCATION OF PROBATION

2 33. The allegations set forth in the First And Second Causes For Revocation of Probation  
3 are referred to and incorporated herein by reference as though fully set forth.

4 34. On or about July 31, 2009, Investigator Rodriguez requested that respondent submit  
5 to a urine drug screen, which respondent provided.

6 35. The urine drug screen was analyzed and came back from the testing laboratory as  
7 positive for the drug "Tramadol."

8 36. Tramadol hydrochloride, also known by its trade name "Ultram", is a dangerous drug  
9 pursuant to Business and Professions Code section 4022. According to the Drug Enforcement  
10 Administration, Tramadol was approved for marketing as a noncontrolled analgesic in 1995 under  
11 the trade name of Ultram. Although the company initially claimed that this substance produced  
12 only very weak narcotic effects, recent data demonstrate that opioid activity is the overriding

13 contributor to the drug's pharmacological activity. Because of inadequate product labeling and  
14 lack of established abuse potential, many physicians felt this drug was safe to prescribe to  
15 recovering narcotic addicts and to known narcotic abusers. As a consequence, numerous reports  
16 of abuse and dependence have been received. Tramadol is approved for the treatment of  
17 moderate to moderately severe pain in adults. Although the Department of Health and Human  
18 Services has not recommended the scheduling of this substance in the Controlled Substances Act  
19 (CSA), a requirement necessary for DEA to place a substance under control, the Food and Drug  
20 Administration (FDA) has required the manufacturer of Ultram to inform physicians about recent  
21 abuse data. The approved labeling has been modified on three separate occasions to include new  
22 information under the "Drug Abuse and Dependence" section. The labeling currently contains  
23 the following language:

24 "ULTRAM may induce psychic and physical dependence of the morphine type ( $\mu$   
25 opioid). Dependence and abuse, including drug seeking behavior and taking illicit  
26 actions to obtain the drug are not limited to those patients with prior history of opioid  
27 dependence. The risk in patients with substance abuse has been observed to be  
28 higher. ULTRAM is associated with craving and tolerance development.  
Withdrawal symptoms may occur if ULTRAM is discontinued abruptly."

37. On or about November 25, 2009, Investigator Rodriguez met with respondent and

1 questioned him regarding the positive test for Ultram. Respondent admitted to taking Ultram and  
2 indicated that in 2003 or 2004, he received a pharmaceutical sample of 100 Ultram/Tramadol  
3 tablets from a former colleague, a medical doctor living in Wisconsin. Respondent stated that  
4 since 2003-2004 and to date, he has taken (ingested) the leftover Ultram/Tramadol tablets as  
5 necessary to treat and alleviate his lower back pain.

6 38. When Investigator Rodriguez asked respondent the identity of the medical doctor  
7 "colleague" who provided the sample bottle to respondent, respondent refused to identify the  
8 individual.

9 39. When Investigator Rodriguez asked respondent why he didn't obtain a prescription  
10 for the Ultram/Tramadol, respondent advised that he cannot afford the medical insurance to see a  
11 physician.

12 40. When Investigator Rodriguez asked respondent why he didn't disclose the self  
13 administration of the Ultram/Tramadol on his "Last Use Questionnaire" which he signed on about  
14 July 31, 2009, respondent indicated "I forgot, I just didn't think about it, it wasn't purposeful."

15 41. Respondent has violated probationary conditions No. 1. (Abstain from Drugs and  
16 Alcohol and Submit to Tests), 3.(Obey All Laws (by violation of Business and Professions Code  
17 sections as set forth further herein below under Causes For Disciplinary Action)) and No. 5.  
18 (Surveillance Program) and therefore cause exist for revocation of probation pursuant to  
19 probationary condition No. 11 (Violation of Probation).

#### 20 CAUSES FOR DISCIPLINARY ACTION

21 42. The allegations set forth in the First, Second and Third Causes for Revocation of  
22 Probation are referred to and incorporated herein by reference as though fully set forth.

23 43. Respondent is subject to disciplinary action pursuant to Business and Professions  
24 Code sections: 4955 (general unprofessional conduct); and/or 4955(d) (violation of chapter);  
25 and/or 4955(i) in conjunction with section 480(a)(2) and/or 480(a)(3) (dishonesty; deceit); and/or  
26 4955.1(b) and/or 4955.1(c) (fraud, dishonesty, corruption).

27 ...

28 ...

PRAYER

1  
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Acupuncture Board issue a decision:

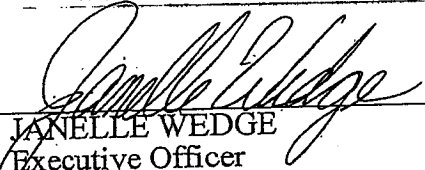
4 1. Revoking or suspending Acupuncture No. AC 10334 previously issued to Christopher  
5 James Rasmussen;

6 2. Ordering revocation of the probationary order previously imposed in Acupuncture  
7 Board Case No. 1A-2003-72, and imposing the disciplinary order of revocation of License  
8 Number AC 10334 that was stayed;

9 3. Ordering respondent to pay the actual and reasonable costs of the investigation and  
10 prosecution of the case, and, if placed on probation, to pay the costs of probation monitoring; and

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

12  
13 DATED:     JAN 25 2010    

  
14 JANELLE WEDGE  
15 Executive Officer  
16 Acupuncture Board  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant

20 SF2009405577

**DECLARATION OF SERVICE BY MAIL**

In the Matter of the Accusation and Petition to Revoke Probation Against:

**CHRISTOPHER RASMUSSEN**

**Case No. D2-2003-72**

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 444 N. 3rd Street, Suite 260, Sacramento, CA 95811-0228. I served a true copy of the attached:

**STIPULATED SURRENDER OF LICENSE AND ORDER**

by certified/regular mail on each of the following, by placing same in an envelope(s) addressed (respectively) as follows:

**NAME and ADDRESS**

**CERTIFIED MAIL NO.**

Christopher Rasmussen, L.Ac.  
2251 Kinsely St.  
Santa Cruz, CA 95062

7009 1410 0002 2164 0443

Russell Lee, Deputy Attorney General  
California Department of Justice  
Office of the Attorney General/HQE  
1515 Clay Street, 20<sup>th</sup> Floor  
Oakland, CA 94612-0550

regular mail

Jose Guerrero, Supervising Deputy Attorney General  
California Department of Justice  
Office of the Attorney General/HQE  
1515 Clay Street, 20<sup>th</sup> Floor  
Oakland, CA 94612-0550

regular mail

Division of Investigation  
Case Intake  
444 N. 3<sup>rd</sup> St., Ste. 110  
Sacramento, CA 95811

regular mail

Each said envelope was, on July 12, 2010, sealed and deposited in the U.S. mail at Sacramento, California, the county in which I am employed, with the postage thereon fully prepaid for an attempt at service.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 12, 2010 at Sacramento, California.

  
\_\_\_\_\_  
DECLARANT