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FILED

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ACUPUNCTURE BOARD

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

11
12 In the Matter of the Accusation Against:

Case No. 1A-2010-112

13 **YUE LING EILEEN HAN, L.AC.**
236 Red Oak Drive, East #J
14 Sunnyvale, CA 94086

A C C U S A T I O N

15 Acupuncture License No. AC 10825

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about December 13, 2005, the Acupuncture Board issued Acupuncture License
24 Number AC 10825 to Yue Ling Eileen Han, L.AC. (Respondent). The Acupuncture License was
25 in full force and effect at all relevant times and will expire on July 31, 2013, unless renewed.

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JURISDICTION

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

5 4. Section 4955 of the Code states:

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 "(d) ... [V]iolating ... the terms of this chapter or any regulation adopted by the
11 board ..."

12 5. Section 4955.1 of the Code states:

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

16 "...

17 "(e) Failing to maintain adequate and accurate records relating to the provision
18 of services to their patients."

19 6. California Code of Regulations, title 19, section 1399.453, states:

20 "An acupuncturist shall keep complete and accurate records on each patient who is
21 given acupuncture treatment, including but not limited to, treatments given and progress
22 made as a result of the acupuncture treatments"

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

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

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1 8. Section 125.3, subdivision (i), of the Code provides that the board is not precluded
2 from “including the recovery of the costs of investigation and enforcement of a case in any
3 stipulated settlement.”

4 **FIRST CAUSE FOR DISCIPLINE**

5 (Failure to Maintain Adequate and Accurate Records)

6 9. Respondent is subject to disciplinary action under section 4955, as defined by section
7 4955.1, subdivision (e), in that she failed to maintain adequate and accurate records relating to the
8 services she provided to patient SF. The circumstances are as follows:

9 10. On or about April 1, 2010, patient SF, a 52 year old woman, saw Respondent for the
10 first time. Patient SF began but did not complete a patient history form on which she indicated
11 she had a liver digestive disorder, neuropathy, hormones, headaches, temporomandibular (TMJ)
12 pain, and head and neck pain. Respondent recorded in the progress notes that patient SF
13 complained of a stabbing pain in the bottom of her feet, hot flashes, night sweats, and being tired.
14 Respondent treated the foot pain with acupuncture. Respondent did not record an initial history
15 and physical exam.

16 11. From about April 3, 2010 to or about April 29, 2010, Respondent saw patient SF
17 seven times and continued to treat patient SF with acupuncture for the same general problems.
18 During this time, Respondent did not record any problem-focused physical findings.

19 12. On or about May 19, 2010, Respondent saw patient SF for “Liver disorder, yellow
20 eyes, Digestion problem, feet tingling.” Other than yellow eyes, Respondent did not record any
21 problem-focused physical findings. Respondent treated the patient with acupuncture and herbs,
22 but did not record the herbal remedy she provided to the patient.

23 13. On or about May 24, 2010, Respondent saw patient SF again. Respondent recorded
24 “Herb” followed by what appear to be Chinese characters. Respondent did not record any
25 problem-focused physical findings or the herbal remedy she provided.

26 14. On or about May 26, 2010, Respondent saw patient SF again, and recorded that the
27 patient was “very much tired & pain Send her to Hospital w/ her mother.” Respondent treated
28 the patient with acupuncture. Respondent did not record any problem-focused physical findings.

1 15. Respondent committed unprofessional conduct by failing to maintain adequate and
2 accurate records relating to the services she provided to patient SF, as follows:

3 A. Respondent failed to record an initial history and physical exam when she first
4 saw patient SF.

5 B. Respondent failed to any record problem-focused physical findings for the
6 follow-up visits between April 3, 2010 and May 26, 2010.

7 C. Respondent failed to record the herbal remedies she provided for patient SF on
8 May 19 and 24, 2010.

9 **SECOND CAUSE FOR DISCIPLINE**

10 (Unprofessional Conduct)

11 16. Respondent is further subject to disciplinary action under section 4955, as defined by
12 section 4955, subdivision (d), and California Code of Regulations, title 16, section 1399.453, in
13 that she committed unprofessional conduct by failing to keep complete and accurate records in
14 her care and treatment of patient S.F., as set forth in paragraphs 9 through 15 above.

15 **PRAYER**

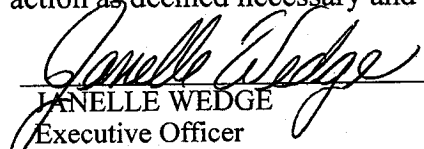
16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
17 and that following the hearing, the Acupuncture Board issue a decision:

18 1. Revoking, suspending, imposing probationary conditions or other discipline on
19 Acupuncture License Number AC 10825, issued to Respondent Yue Ling Eileen Han, L.Ac.;

20 2. Ordering Respondent Yue Ling Eileen Han, L.Ac., to pay the Acupuncture Board the
21 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
22 Professions Code sections 4959 and 125.3, subdivision (i); and,

23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: **JUL 28 2011**


JANELLE WEDGE
Executive Officer
Acupuncture Board
Department of Consumer Affairs
State of California
Complainant