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ACUPUNCTURE BOARD

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

10 In the Matter of the Accusation Against:

Case No. 1A-2014-190

11 **JEREMY FANE CAMPBELL**

12 **149 Seacliff Drive**
13 **Aptos, CA 95003**
14 **Acupuncture License No. Ac 14011**

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

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

21 2. On or about October 14, 2010, the Acupuncture Board issued Acupuncture License
22 No. Ac 14011 to Jeremy Fane Campbell (“Respondent”). The Acupuncture License No. Ac
23 14011 expired on April 30, 2014, and has not been renewed.

24 JURISDICTION

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

28 4. Section 4955 of the Code states:

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

3 “Unprofessional conduct shall include, but not be limited to, the following:

4 “(a) Using or possessing any controlled substance as defined in Division 10 (commencing
5 with Section 11000) of the Health and Safety Code, or dangerous drug or alcoholic beverage to an
6 extent or in a manner dangerous to himself or herself, or to any other person, or to the public, and
7 to an extent that the use impairs his or her ability to engage in the practice of acupuncture with
8 safety to the public.

9 “(b) Conviction of a crime substantially related to the qualifications, functions, or duties of
10 an acupuncturist, the record of conviction being conclusive evidence thereof.

11 “(c) False or misleading advertising.

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

14 “(e) Except for good cause, the knowing failure to protect patients by failing to follow
15 infection control guidelines of the board, thereby risking transmission of blood-borne infectious
16 diseases from licensee to patient, from patient to patient, and from patient to licensee. In
17 administering this subdivision, the board shall consider referencing the standards, regulations, and
18 guidelines of the State Department of Health Services developed pursuant to Section 1250.11 of
19 the Health and Safety Code and the standards, regulations, and guidelines pursuant to the
20 California Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section 6300)
21 of Division 5 of the Labor Code) for preventing the transmission of HIV, hepatitis B, and other
22 blood-borne pathogens in health care settings. As necessary, the board shall consult with the
23 Medical Board of California, the California Board of Podiatric Medicine, the Dental Board of
24 California, the Board of Registered Nursing, and the Board of Vocational Nursing and Psychiatric
25 Technicians, to encourage appropriate consistency in the implementation of this subdivision.

26 “The board shall seek to ensure that licensees are informed of the responsibility of licensees
27 and others to follow infection control guidelines, and of the most recent scientifically recognized
28 safeguards for minimizing the risk of transmission of blood-borne infectious diseases.

1 “(f) The use of threats or harassment against any patient or licensee for providing evidence
2 in a disciplinary action, other legal action, or in an investigation contemplating a disciplinary
3 action or other legal action.

4 “(g) Discharging an employee primarily for attempting to comply with the terms of this
5 chapter.

6 “(h) Disciplinary action taken by any public agency for any act substantially related to the
7 qualifications, functions, or duties of an acupuncturist or any professional health care licensee.

8 “(i) Any action or conduct that would have warranted the denial of the acupuncture license.

9 “(j) The violation of any law or local ordinance on an acupuncturist's business premises by
10 an acupuncturist's employee or a person who is working under the acupuncturist's professional
11 license or business permit, that is substantially related to the qualifications, functions, or duties of
12 an acupuncturist. These violations shall subject the acupuncturist who employed the individuals,
13 or under whose acupuncturist license the employee is working, to disciplinary action.

14 “(k) The abandonment of a patient by the licentiate without written notice to the patient that
15 treatment is to be discontinued and before the patient has had a reasonable opportunity to secure
16 the services of another practitioner.

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

19 5. Section 4956 of the Code states:

20 AA plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
21 charge which is substantially related to the qualifications, functions, or duties of an acupuncturist
22 is deemed to be a conviction within the meaning of this chapter.

23 AThe board may order a license suspended or revoked, or may deny a license, or may
24 impose probationary conditions upon a license, when the time for appeal has elapsed, or the
25 judgment of conviction has been affirmed on appeal, or when an order granting probation is made
26 suspending the imposition of sentence irrespective of a subsequent order under the provisions of
27 Section 1203.4 of the Penal Code allowing the person to withdraw his or her pleas of guilty and to
28

1 enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,
2 complaint, information, or indictment.@

3 COST RECOVERY

4 6. Section 4959 of the Code states:

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

9 “(b) The costs to be assessed shall be fixed by the administrative law judge and shall not in
10 any event be increased by the board. When the board does not adopt a proposed decision and
11 remands the case to an administrative law judge, the administrative law judge shall not increase
12 the amount of any costs assessed in the proposed decision.

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

17 “(d) In any judicial action for the recovery of costs, proof of the board's decision shall be
18 conclusive proof of the validity of the order of payment and the terms for payment.

19 “(e) All costs recovered under this section shall be considered a reimbursement for costs
20 incurred and shall be deposited in the Acupuncture Fund.”

21 CAUSE FOR DISCIPLINE

22 (Unprofessional Conduct - Substantially Related Conviction Involving the
23 Use of Alcohol Dangerous to the Public)

24 7. Respondent is subject to disciplinary action under sections 4955 (a), 4955(b) and
25 4965 in that Respondent has a substantially related conviction stemming from the plea of “no lo
26 contendere” on or about March 12, 2015, to the charge of violating Vehicle Code section
27 23152(b), and admitting two prior convictions of driving under the influence, in the criminal
28 proceeding entitled *People of the State of California v. Jeremy Fane Campbell*, in Santa Cruz
Superior Court, Case Number M82112. The circumstances are as follows:

1 8. On or about October 18, 2014, Respondent was arrested for driving in violation
2 Vehicle Code sections 23152(a) and (b), with an allegation of Respondent's blood alcohol content
3 ("BAC") in excess of .14 percent while driving.

4 DISCIPLINE CONSIDERATIONS

5 9. To determine the degree of discipline, if any, to be imposed on Respondent,
6 Complainant alleges that on or about October 14, 2010, in a prior disciplinary action entitled *In*
7 *the Matter of the Statement of Issues Against Jeremy Fane Campbell* before the Acupuncture
8 Board, in Case Number 1A-2010-46, Respondent's license was placed on three (3) years probation
9 for three substantially related convictions of driving under the influence in violation of Vehicle
10 Code section 23152(a) (June 6, 2007, conviction; and 1996 conviction) and driving with a blood
11 alcohol level of 0.08% or higher in violation of Vehicle Code section 23152(b) (November 21,
12 2008, conviction).

13 PRAAYER

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

- 16 1. Revoking or suspending Acupuncture License No. Ac 14011, issued to Jeremy Fane
17 Campbell;
- 18 2. Ordering Jeremy Fane Campbell to pay the Acupuncture Board the reasonable costs
19 of the investigation and enforcement of this case, pursuant to Business and Professions Code
20 section 4959;
- 21 3. Taking such other and further action as deemed necessary and proper.

22
23 DATED: OCT 19 2015



24 TERRI THORFINNSON
25 Executive Officer
26 Acupuncture Board
27 Department of Consumer Affairs
28 State of California
Complainant

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