

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

In the Matter of the Statement of Issues
Against:

SAMANTHA HODGES

1456 Grove Street
San Francisco, CA 94117

Applicant.

Case No. 1A-2014-173

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 **MAR 26 2015** .

It is so ORDERED **FEB 24 2015** .



FOR THE ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 CONNIE A. BROUSSARD
Supervising Deputy Attorney General
3 JOHN S. GATSCHET
Deputy Attorney General
4 State Bar No. 244388
California Department of Justice
5 1300 I Street, Suite 125
P.O. Box 944255
6 Sacramento, CA 94244-2550
Telephone: (916) 445-5230
7 Facsimile: (916) 327-2247
Attorneys for Complainant

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

11 In the Matter of the Statement of Issues
12 Against:
13 SAMANTHA HODGES
14 1456 Grove Street
San Francisco, CA 94117
15
16 Applicant.
17

Case No. 1A-2014-173
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

20 **PARTIES**

21 1. Terri Thorfinnson (“Complainant”) is the Executive Officer of the Acupuncture
22 Board, Department of Consumer Affairs (“Board”). She brought this action solely in her official
23 capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of
24 California, by John S. Gatschet, Deputy Attorney General.

25 2. Applicant Samantha Hodges (“Applicant”) is representing herself in this proceeding
26 and has chosen not to exercise her right to be represented by counsel.

27 ///
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

CONTINGENCY

11 11. This stipulation shall be subject to approval by the Acupuncture Board. Applicant
12 understands and agrees that counsel for Complainant and the staff of the Acupuncture Board may
13 communicate directly with the Board regarding this stipulation and settlement, without notice to
14 or participation by Applicant. By signing the stipulation, Applicant understands and agrees that
15 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board
16 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
17 the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this
18 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
19 be disqualified from further action by having considered this matter.
20

21 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
22 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
23 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.
24

25 13. In consideration of the foregoing admissions and stipulations, the parties agree that
26 the Board may, without further notice or formal proceeding, issue and enter the following
27 Disciplinary Order:
28

DISCIPLINARY ORDER

18 **IT IS HEREBY ORDERED** that Applicant Samantha Hodges' Acupuncture License will
19 be issued and immediately revoked. The revocation will be stayed and the Applicant placed on
20 five (5) years probation on the following terms and conditions.

21 1. ALCOHOL AND DRUG ABUSE TREATMENT Effective 30 days from the date of
22 this decision, Applicant shall enter an inpatient or outpatient alcohol or other drug abuse recovery
23 program (a minimum of six (6) months duration) or an equivalent program as approved by the
24 Board.

25 Quitting the program without permission or being expelled for cause shall constitute a
26 violation of probation by Applicant. Subsequent to the program, Applicant shall participate in
27 on-going treatment such as receiving individual and/or group therapy from a psychologist trained
28 in alcohol and drug abuse treatment; and/or attend Twelve Step meetings or the equivalent as

1 approved by the Board at least three times a week during the first year of probation; and/or other
2 substance abuse recovery programs approved by the Board. Applicant shall pay all costs of
3 treatment and therapy, and provide documentation of attendance at Twelve Step meetings or the
4 equivalent as approved by the Board. The psychologist shall confirm that Applicant has complied
5 with the requirements of this decision and shall notify the Board immediately if he or she believes
6 the Applicant cannot safely render acupuncture services. Applicant shall execute a release
7 authorizing the psychologist to divulge the aforementioned information to the Board.

8 2. ABSTAIN FROM DRUGS AND ALCOHOL AND SUBMIT TO TESTS AND
9 SAMPLES Applicant shall abstain completely from the personal use or possession of controlled
10 substances as defined in the California Uniform Controlled Substances Act (Division 10,
11 commencing with section 11000, Health and Safety Code) and dangerous drugs as defined by
12 Section 4211 of the Business and Professions Code, or any drugs requiring a prescription.
13 Applicant shall abstain completely from the use of alcoholic beverages. Applicant shall undergo
14 random, biological fluid testing as determined by the Board. Applicant shall bear all costs of
15 such testing. The length of time and frequency will be determined by the Board. Any confirmed
16 positive finding will be considered a violation of probation.

17 3. COMMUNITY SERVICE Applicant shall perform one hundred (100) hours of
18 community service. Applicant shall select a designated community service provider. Applicant
19 will then request and receive approval from the Board to perform community service for the
20 designated community service provider. Upon approval of the Board, Applicant will perform
21 community service. Applicant must complete all one hundred (100) hours of community service
22 within three (3) years of the effective date of this decision. Applicant shall provide the Board
23 with written proof from the community service provider upon completion of community service.

24 4. OBEY ALL LAWS Applicant shall obey all federal, state and local laws and all
25 regulations governing the practice of acupuncture in California. A full and detailed account of
26 any and all violations of law shall be reported by the Applicant to the Board in writing within
27 seventy-two (72) hours of occurrence.

28 5. QUARTERLY REPORTS Applicant shall submit quarterly declarations under

1 penalty of perjury on forms provided by the Board, stating whether there has been compliance
2 with all the conditions of probation.

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

9 7. REIMBURSEMENT FOR PROBATION SURVEILLANCE MONITORING
10 Applicant shall reimburse the Board for the hourly costs it incurs in monitoring the probation to
11 ensure compliance for the duration of the probation period.

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

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

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

22 11. EMPLOYMENT AND SUPERVISION OF TRAINEES Applicant shall not employ
23 or supervise or apply to employ or supervise acupuncture trainees during the course of this
24 probation. Applicant shall terminate any such supervisorial relationship in existence on the
25 effective date of this probation.

26 12. VIOLATION OF PROBATION If Applicant violates probation in any respect, the
27 Board may, after giving Applicant notice and the opportunity to be heard, revoke probation and
28 carry out the disciplinary order that was stated. If an accusation or petition to revoke probation is

1 filed against Applicant during probation, the Board shall have continuing jurisdiction until the
2 matter is final, and the period of probation shall be extended until the matter is final. No petition
3 for modification or termination of probation shall be considered while there is an accusation or
4 petition to revoke probation pending against Applicant.

5 13. COMPLETION OF PROBATION Upon successful completion of probation,
6 Applicant's license will be fully restored.

7 ACCEPTANCE

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

12
13 DATED: 1/23/15 
14 SAMANTHA HODGES
Applicant

15 ///
16 ///
17 ///
18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ENDORSEMENT

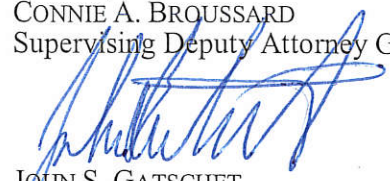
The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Acupuncture Board.

Dated:

1/30/15

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
CONNIE A. BROUSSARD
Supervising Deputy Attorney General



JOHN S. GATSCHET
Deputy Attorney General
Attorneys for Complainant

SA2014410632
11646500.doc

Exhibit A

Statement of Issues No. 1A-2014-173