

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

In the Matter of the Accusation Against: )  
)  
TONI NARINS, L.AC. )  
3456 Camino Del Rio, #100 )  
San Diego, CA 92108 )  
)  
Acupuncturist License No. AC 4157 )  
)  
Respondent. )  

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Case No. 1A-2013-173

**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 November 21, 2016.

It is so ORDERED October 21, 2016.

Hildegard Agumaldo, Board President  
Acupuncture Board  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 MATTHEW M. DAVIS  
Supervising Deputy Attorney General  
3 JASON J. AHN  
Deputy Attorney General  
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8 *Attorneys for Complainant*

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

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13 In the Matter of the Accusation Against:

Case No. 1A-2013-173

14  
15 **TONI NARINS, L.Ac.**  
**3456 Camino Del Rio, #100**  
16 **San Diego, CA 92108**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

17 **Acupuncturist License No. AC4157,**

18 Respondent.

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

22 **PARTIES**

23 1. Complainant Ben Bodea is the Interim Executive Officer of the Acupuncture Board  
24 of California. He brought this action solely in his official capacity as such and is represented in  
25 this matter by Kamala D. Harris, Attorney General of the State of California, by Jason J. Ahn,  
26 Deputy Attorney General.

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1           8. Having the benefit of counsel, Respondent hereby voluntarily, knowingly, and  
2 intelligently waives and gives up each and every right set forth above.

3    **CULPABILITY**

4           9. Respondent does not contest that, at an administrative hearing, complainant could  
5 establish a *prima facie* case with respect to the charges and allegations contained in in Accusation  
6 No. 1A-2013-173 and that her license is thereby subject to disciplinary action.

7           10. Respondent agrees that her Acupuncturist's License No. AC 4157 is subject to  
8 discipline and she is to be bound by the Board's terms and conditions as set forth in the  
9 Disciplinary Order below.

10    **CONTINGENCY**

11          11. This Stipulated Settlement and Disciplinary Order shall be subject to approval of the  
12 Board. The parties agree that this Stipulated Settlement and Disciplinary Order shall be  
13 submitted to the Board for its consideration in the above-entitled matter and, further, that the  
14 Board shall have a reasonable period of time in which to consider and act on this Stipulated  
15 Settlement and Disciplinary Order after receiving it. By signing this stipulation, respondent fully  
16 understands and agrees that she may not withdraw her agreement or seek to rescind this  
17 stipulation prior to the time the Board considers and acts upon it.

18          12. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null  
19 and void and not binding upon the parties unless approved and adopted by the Board, except for  
20 this paragraph, which shall remain in full force and effect. Respondent fully understands and  
21 agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and  
22 Disciplinary Order, the Board may receive oral and written communications from its staff and/or  
23 the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify  
24 the Board, any member thereof, and/or any other person from future participation in this or any  
25 other matter affecting or involving Respondent. In the event that the Board does not, in its  
26 discretion, approve and adopt this Stipulated Settlement and Disciplinary Order, with the  
27 exception of this paragraph, it shall not become effective, shall be of no evidentiary value  
28 whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party

1 hereto. Respondent further agrees that should this Stipulated Settlement and Disciplinary Order  
2 be rejected for any reason by the Board, Respondent will assert no claim that the Board, or any  
3 member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this  
4 Stipulated Settlement and Disciplinary Order or of any matter or matters related hereto.

5 13. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to  
6 be an integrated writing representing the complete, final, and exclusive embodiment of the  
7 agreements of the parties in the above-entitled matter.

8 14. The parties agree that copies of this Stipulated Settlement and Disciplinary Order,  
9 including copies of the signatures of the parties, may be used in lieu of original documents and  
10 signatures and, further, that such copies shall have the same force and effect as originals.

11 15. In consideration of the foregoing admissions and stipulations, the parties agree the  
12 Board may, without further notice to or opportunity to be heard by Respondent, issue and enter  
13 the following Disciplinary Order:

14 **DISCIPLINARY ORDER**

15 A. **PUBLIC REPROVAL**

16 IT IS HEREBY ORDERED that respondent Toni Narins, L.Ac., Acupuncturist's License  
17 No. AC 4157, shall be and is hereby publicly reprovved pursuant to California Business and  
18 Professions Code section 495. This public reprovval, which is issued in connection with  
19 respondent's care and treatment of patient K.K. as set forth in Accusation No. 1A-2013-173, is as  
20 follows:

21 The Board finds that in your care and treatment of patient K.K. on or about  
22 September 16, 2013, you failed to clean one or more areas of patient K.K.'s body  
23 with an antiseptic, before insertion of needles, as more fully described in  
24 Accusation No. 1A-2013-173.

25 B. **COURSEWORK.** No later than December 11, 2016, Respondent shall take and  
26 successfully complete not less than 8 hours of coursework in the area of Clean Needle Technique  
27 7<sup>th</sup> Edition, offered by the National Certification Commission for Acupuncture and Oriental  
28 Medicine (NCCAOM). The coursework must be approved by the Board prior to enrollment.

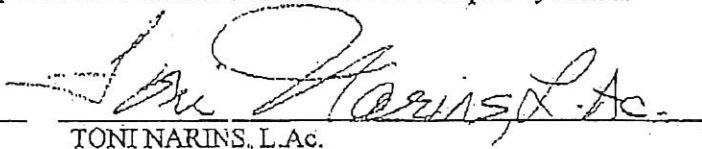
1 Classroom attendance must be required. Course content shall be pertinent to the violation(s).  
 2 The required coursework must be in addition to any continuing education courses that may be  
 3 required for license renewal. All costs of the coursework shall be borne by Respondent.

4 C. COST RECOVERY. Respondent shall pay to the Board its costs of investigation  
 5 and enforcement, in the amount of \$4,000.00, lump sum, no later than the effective decision date.  
 6 Failure to pay full costs by above due date shall constitute general unprofessional conduct and be  
 7 grounds for further disciplinary action. The filing of bankruptcy by Respondent shall not relieve  
 8 Respondent of the responsibility to repay the Board its investigation and enforcement costs.

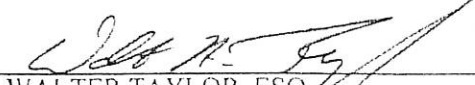
9 ACCEPTANCE

10 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
 11 discussed it with my attorney, Walter Taylor, Esq. I fully understand the stipulation and the  
 12 effect it will have on my Acupuncturist's License No. AC 4157. I enter into this Stipulated  
 13 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
 14 bound by the Decision and Order of the Acupuncture Board of California. I fully understand  
 15 that, after signing this stipulation, I may not withdraw from it, that it shall be submitted to the  
 16 Acupuncture Board of California for its consideration, and that the Board shall have a reasonable  
 17 period of time to consider and act on this stipulation after receiving it. By entering into this  
 18 stipulation, I fully understand that, upon formal acceptance by the Board, I shall be publically  
 19 reprimanded by the Board and shall be required to comply with all of the terms and conditions of  
 20 the Disciplinary Order set forth above. I also fully understand that any failure to comply with the  
 21 terms and conditions of the Disciplinary Order set forth above shall constitute unprofessional  
 22 conduct and will subject my Acupuncturist's License No. AC 4157 to disciplinary action.

23  
 24 DATED: 9/23/16

25   
 TONI NARINS, L.Ac.  
 Respondent

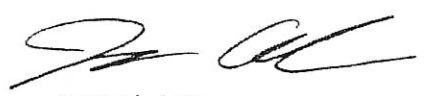
1 I have read and fully discussed with Respondent Toni Narins, L.Ac. the terms and  
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
3 I approve its form and content.

4 DATED: Sept 23, 2016   
5 WALTER TAYLOR, ESQ.  
6 *Attorney for Respondent*

7 ENDORSEMENT

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

10 Dated: September 23, 2016 Respectfully submitted,  
11 KAMALA D. HARRIS  
12 Attorney General of California  
13 MATTHEW M. DAVIS  
14 Supervising Deputy Attorney General

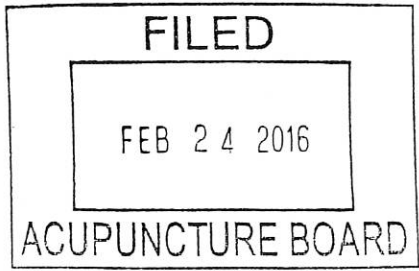
  
15 JASON J. AHN  
16 Deputy Attorney General  
17 *Attorneys for Complainant*

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**Exhibit A**  
**Accusation No. 1A-2013-173**



1 KAMALA D. HARRIS  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 JASON J. AHN  
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8 *Attorneys for Complainant*

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**BEFORE THE  
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STATE OF CALIFORNIA**

In the Matter of the Accusation Against:  
**TONI NARINS, L.Ac.**  
**3456 Camino Del Rio, #100**  
**San Diego, CA 92108**  
**Acupuncturist License No. AC4157,**  
Respondent.

Case No. 1A-2013-173

**A C C U S A T I O N**

Complainant alleges:

**PARTIES**

1. Terri Thorfinnson (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Acupuncture Board (Board).
2. On or about July 11, 1991, the Board issued Acupuncturist License No. AC4157 to Toni Narins, L.Ac. (respondent). The Acupuncturist License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2018, unless renewed.

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JURISDICTION

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

4. Section 4955 of the Code states:

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

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

“... ”

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

“... ”

5. Section 4955.2 of the Code states:

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

“(a) Gross negligence.

“(b) Repeated negligent acts.

“(c) Incompetence.”

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6. California Code of Regulations, title 16, section 1399.451, states:

“In treating a patient, an acupuncturist shall adhere to the following procedures:

“... ”

“(c) Acupuncture points, where needles are to be inserted, shall be cleaned with an appropriate antiseptic before insertion of the needle.

“... ”

7. Section 4959 of the Code states:

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

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

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

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

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

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1 COST RECOVERY

2 8. Section 125.3 of the Code provides, in pertinent part, that the Board may  
3 request the administrative law judge to direct a licentiate found to have committed a  
4 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of  
5 the investigation and enforcement of the case.

6 FIRST CAUSE FOR DISCIPLINE

7 (Gross Negligence)

8 9. Respondent has subjected her Acupuncture License No. AC4157 to disciplinary  
9 action under section 4955(d), as defined by section 4955.2, subdivision (a), of the Code, in that  
10 she committed gross negligence in her care and treatment of patient K.K. The circumstances are  
11 as follows:

12 10. On or about September 16, 2013, patient K.K. went to M. V. Acupuncture facility, in  
13 order to receive acupuncture treatment from respondent.

14 11. During the above visit, patient K.K. requested respondent to clean the areas of his  
15 body [with an antiseptic] where needles were going to be inserted. Respondent told patient K.K.  
16 that he was being "silly." Patient K.K. made a second request. Respondent cleaned a few of the  
17 areas, but not all of them.

18 12. On or about October 6, 2014, Investigator Timothy Tottress from Department of  
19 Consumer Affairs, Division of Investigation (Investigator Tottres) interviewed respondent at M.  
20 V. Acupuncture. When Investigator Tottres asked respondent whether she uses alcohol on the  
21 skin to disinfect before insertion of an acupuncture needle, respondent stated that she does not and  
22 she is not required to do so by law. Respondent further stated that this is a "controversial" issue  
23 and according to her research, cleaning with alcohol merely moves bacteria to another area.  
24 Respondent also stated that if a patient requests alcohol, then she complies.

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1 13. Respondent committed gross negligence in her care and treatment of patient K.K.  
2 which included, but was not limited, to the following:

3 (a) Paragraphs 9 through 12, above, are hereby incorporated by reference and  
4 realleged as if fully set forth herein;

5 (b) Respondent, failed to clean all of the acupuncture points, where needles are to  
6 be inserted, with an appropriate antiseptic before insertion of the needle.

7 PRAYER

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

- 10 1. Revoking or suspending Acupuncturist License No. AC4157, issued to respondent  
11 Toni Narins, L.Ac.;
- 12 2. Ordering respondent Toni Narins, L.Ac. to pay the Acupuncture Board the reasonable  
13 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code  
14 section 4959;
- 15 3. If placed on probation, ordering respondent Toni Narins, L.Ac. to pay the  
16 Acupuncture Board the costs of probation monitoring; and,
- 17 4. Taking such other and further action as deemed necessary and proper.
- 18  
19  
20

21 DATED: FEB 24 2016



22 TERRI THORFINNSON  
23 Executive Officer  
24 Acupuncture Board  
25 State of California  
26 Complainant  
27  
28